

# **GUARDIANSHIPS FOR THE DEVELOPMENTALLY DISABLED**

PLEASE READ BEFORE PROCEEDING

This information is the only information court personnel can give you about this procedure. This information is not intended to be legal advice, but a brief explanation of the basic procedure that is required.

Probate court personnel cannot give legal advice about your particular situation or complete your forms for you. You are not required to have an attorney; however, the court cannot act as your attorney. If you do not understand these instructions or the process, you will need to obtain other assistance.

## **PROBATE COURT INVOLVEMENT**

The Probate Court will appoint an attorney for the respondent, and Community Services for the Developmentally Disabled (CSDD) to prepare an evaluation and attend the hearing. However, Probate Court employees are not caseworkers. If assistance, family counseling or a caseworker is necessary you will need to contact other agencies.

## **HOW TO BECOME A GUARDIAN**

To become a guardian you must:

- File a completed Petition for Appointment of Guardian, Individual with alleged Developmental Disability. ([PC 658](#)) (There is no fee to file the petition) The person who needs a guardian **MUST** reside in Eaton County and be at least 18 years old.
- File the Declaration of Intent to Give Notice by Publication ([PC 617](#)) for any presumptive heirs **WHOSE WHEREABOUTS ARE UNKNOWN**. (see PUBLICATION section on next page).
- Attach the death certificate of either parent (if applicable).
- Personally serve the respondent. (see SERVICE section on next page)
- Appear at the hearing.
- Ensure that the respondent is present at the hearing **UNLESS** you've obtained and filed with the court a Waiver of Attendance signed by a physician.

After the properly completed Petition is filed with the Probate Court a hearing will be scheduled. The hearing will take place approximately 3-4 weeks after the petition is filed. The petitioner will need to be at the hearing to give testimony why the guardianship is necessary. The proposed guardian, the proposed standby guardian and the alleged ward will also need to attend the hearing.

## **PUBLICATION**

If the address of a presumptive heir is unknown, you must file a Declaration of Intent to Give Notice by Publication ([PC 617](#)). The Court will publish a Publication of Notice of Hearing ([PC 563](#)) at least 14 days before the hearing.

## **SERVICE**

You must serve the respondent personally at least 7 days prior to the hearing. The court will provide you the Proof of Service form along with instructions on serving the respondent.

If the Proof of Service is not filed prior to the hearing or if the respondent did not receive proper service, the court will adjourn the hearing to a later date. The court will serve the presumptive heirs at least 14 days prior to the hearing.

**FAILURE TO SERVE THE RESPONDENT OR TO PROVIDE ACCURATE ADDRESSES FOR THE COURT TO SERVE THE PRESUMPTIVE HEIRS WILL RESULT IN CANCELLATION OF YOUR HEARING. A NEW HEARING WILL BE SET.**

## **THE HEARING**

The proposed guardian and proposed standby guardian must sign an Acceptance of Appointment form ([PC 571](#)) at the time of the hearing.

At the hearing the judge will either grant or deny the petition. If the petition is granted, the order is signed and the court will then issue the Letters of Guardianship of Individual with Developmental Disability.

## **CERTIFIED COPIES**

Certified copies of the Letters of Guardianship of Individual with Development Disability may be obtained after the hearing at \$1.00 per page plus a \$10.00 certification fee.

## RESPONSIBILITIES OF THE GUARDIAN

If you are appointed as guardian of the person you must file a report of guardian every year.

- Report of Guardian on Condition of Individual with Developmental Disability ([PC663](#))

FAILURE TO FILE THE ANNUAL REPORT OF GUARDIAN can result in the SUSPENSION OF THE GUARDIAN'S AUTHORITY.

If you are appointed as guardian of the estate and the court requires you to file accounts, you must file:

- An Inventory ([PC674](#)) within 56 days after being appointed
- An Account of Fiduciary ([PC584](#)) with a financial statement, and Petition to Allow ([PC 585a](#)) each year.  
There is a \$20.00 filing fee due when file the account

The court cannot advise the guardian about exercising his/her authority or about whether or not to take any specific action after appointment.

The court cannot assist with filling out the INVENTORY or ACCOUNTINGS.

FAILURE TO FILE THE INVENTORY or ANNUAL ACCOUNTS can result in the SUSPENSION OF THE GUARDIAN'S AUTHORITY.

You are required to inform the court of any change in the ward's address within 14 days of the change. You are also required to keep the court and interested persons informed in writing within 7 days of any change in your address.

File/Mail to: EATON COUNTY PROBATE COURT  
1045 INDEPENDENCE BLVD  
CHARLOTTE, MI 48813