

# GUARDIANSHIPS FOR THE DEVELOPMENTALLY DISABLED

The information and instructions in this packet are informational only providing a brief explanation of the basic procedures required to file a Petition with the Court. The information provided should not be construed as legal advice. If you are unable to complete the required forms you may wish to seek the advice of an attorney to assist you in filing your Petition. Probate Court staff cannot complete the 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.

## DOCUMENTS REQUIRED FOR FILING

- 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.
- Report of Physician ([PC630](#))pdf – If the individual has had a physical within 1 year, a printout of that information signed by the physician can also be used.
- Personal Identifying Information ([MC97](#))pdf
- Acceptance of Appointment ([PC571](#))pdf & ([MC97a](#))pdf 2 copies of each, 1 for Guardian 1 for Stand-by Guardian
- Contact Information Form (MC505) ([MC505](#))pdf

The Probate Court will appoint an attorney for the respondent (individual alleged to need a guardian), and enter an Order for an evaluation by Community Services for the Developmentally Disabled (CSDD). CSDD will prepare a report of the evaluation and attend the hearing.

## FILING THE PETITION

The completed Petition and all other required documents can be submitted to the Court in the following ways:

- By e-mail at: [probateoffice@eatoncounty.org](mailto:probateoffice@eatoncounty.org) (documents must be in PDF format)
- Delivered to the on-site drop box located inside the main entrance of the Courthouse
- Mailed to the Probate Court via U. S. Postal Service to:  
Eaton County Probate Court  
1045 Independence Blvd  
Charlotte, MI 48813
- In person Monday – Friday 8:00 am to 5:00 pm – The Court does not ensure same day filing if you file in person.

After the petition is filed, a hearing is scheduled before the Probate Judge. The hearing is normally set to be held 3-6 week after the Petition is filed. The Petitioner must arrange for the respondent to be present at the hearing. The Respondent's attorney may waive the respondent's appearance at the hearing providing that the respondent does not object to the Petition for Appointment of Guardian. At the hearing, the petitioner must be present and give testimony of the need for a guardian. The Court will also hear the recommendation of CSDD. The Court will appoint a guardian if it is satisfied by clear and convincing evidence that the respondent is Developmentally Disabled and that the appointment of a guardian is necessary.

## SERVICE

The following people must be served with a copy of the Petition and Notice of Hearing ([PC 562](#)). The notice of hearing informs interested persons of the date and time of the hearing. Attorneys, Public Guardians, and other Public Agencies are responsible for service of these documents. The Court will provide service of Petitions filed by individuals not represented by an attorney.

- **The respondent must be served personally at least seven days before the hearing, regardless of the respondent's physical or mental capacity.** He/she must be served a copy of the Petition and Notice of Hearing.

- In addition to the Respondent any person who has care and custody of the respondent, Durable Power of Attorney or Patient Advocate, if they exist, along with any interested parties named in your Petition. All must be served by mail at least 14 days before the hearing or personally 7 days prior to the hearing.
- The nominated Guardian, if he/she is not the Petitioner, and the proposed Stand-by Guardian must be served by mail at least 14 days before the hearing or personally 7 days prior to the hearing.
- If a Respondent has no interested parties you must give notice to the Attorney General. Notice should be sent to:  
Office of the Attorney General  
Public Administrator  
P.O. Box 30755  
Lansing, MI 48909

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.

If the address of an interested party is unknown, the petitioner must file a Declaration of Intent to Give Notice by Publication ([PC 617](#)) and publish (at your expense) a Publication of Notice of Hearing ([PC 563](#)) in an Eaton County approved newspaper.

## PUBLICATION

- The County Journal
- The Charlotte Shopping Guide
- The Delta Waverly Community News
- The Grand Ledge Independent
- The Eaton Rapids Community News
- The Flashes
- The Lansing State Journal

**NOTICE MUST BE PUBLISHED AT LEAST 14 DAYS BEFORE THE HEARING.** The Petitioner must pay the newspaper for this publication in order for the notice to be published in the paper. The newspaper will send the Court verification of publication; however, it is your responsibility to make sure we receive verification of publication.

## Proof of Service

Prior to the hearing the Petitioner or their attorney, must provide the Court with Proof of Service ([PC564](#))pdf that the required documents have been served. Failure to provide Proof of Service may result in the hearing being cancelled. To avoid any issue, we suggest that you file your Proof of Service no later than 7 days prior to the hearing.