

GUIDELINES FOR MINOR CONSERVATORSHIPS

The information in this packet is not intended to be legal advice. It is a brief explanation of the basic procedure that is required to obtain a conservatorship on behalf of a minor child. This packet is provided for you because the Probate Court cannot always discuss these issues fully with each person interested in minor conservatorships. Also, Probate Court personnel cannot give legal advice about your particular situation. The information contained here is the only information court personnel can give you about this procedure.

In addition to the written information on minor conservatorships, this packet includes:

1. Guidelines for Minor Conservatorship
2. Instructions
3. Petition for Appointment of Conservator and/or Protective Order (PC639)
4. Protected Personal Identifying Information (MC97)

There are other forms which you may or may not need to file in a conservatorship proceeding. These forms are available if you need them. If you need any additional copies of the enclosed forms, you may either copy the forms yourself or you may obtain copies from the Probate Court for a fee.

Petition

A Petition for Appointment of Conservator and/or Protective Order is filed. Be sure that all sections of the form are filled out. Use black or blue ink only. If you need assistance in filling out this form, consult with an attorney.

Who may petition

The following persons may petition for the appointment of a conservator or other appropriate protective order:

1. A minor 14 years of age or older;
2. A person interested in the minor's estate, affairs, or welfare; including the minor's parent(s), guardian(s), custodian(s) and the Family Independence Agency, or;
3. A person who would be adversely affected by lack of effective management of the minor's property and affairs.

Who may be appointed

The following are entitled to consideration for appointment in the order listed:

Fee \$1.00

- a. A conservator, guardian of property, or other like fiduciary appointed or recognized by the appropriate court of another jurisdiction in which the minor resides;
- b. An individual or corporation nominated by a minor 14 years of age or older, who in the court's opinion, has sufficient mental capacity to make an intelligent choice;
- c. A parent of the minor, or a person nominated by the will of a deceased parent;
- d. A relative of the minor with whom the minor has resided for more than 6 months before the filing of the petition;
- e. A person nominated by the minor who is caring for the minor or paying benefits to the minor;
- f. Any other person determined by the court to be suitable and qualified.

Notice of Hearing

At the time the petition is filed, a hearing will be scheduled with the probate judge to appoint the conservator and/or issue a protective order. A copy of the notice of hearing is to be served on all interested parties along with a copy of the petition.

Guardian Ad Litem

The court will appoint a Guardian Ad Litem to conduct an investigation and represent the best interests of the minor child.

Waiver/Consent

If the interested parties wish, they may sign a "Waiver/Consent" form and file it with the court. By signing this form, they agree to the appointment of the conservator and/or the issuance of a protective order and waive their right to notice of the hearing.

Appointment of Conservator

At the hearing, the judge takes testimony and evidence to appoint the conservator and/or issue a protective order. If the judge is satisfied that there is a need for a conservator and/or a protective order, he/she will sign an order to that effect. If all interested parties have filed waivers, the judge may sign an order without holding a hearing.

Acceptance of Appointment

The conservator shall sign an Acceptance of Appointment, unless the court determines that a bond is necessary. Once the court receives the Acceptance of Appointment or the bond, the judge will sign the Letters of Conservatorship.

Policy Regarding Expenditures

It is the court's policy that the funds of the child are to be preserved until the child attains the age of 18. No funds may be used for expenses which are the responsibility of the parent(s). Exceptions may be allowed, only through court order, for expenses such as unusual medical expenses, educational expenses, and other unusual circumstances which may create an exceptional burden for the family.

Inventory

Within 56 days after the appointment, the conservator shall prepare and file an Inventory of the estate and send copies to all of the interested parties. The Inventory shall list the estate assets with reasonable detail and set forth each item's fair market value as of the date of appointment.

Account of Fiduciary

Once each year, the conservator is required to file an annual account detailing all income and court approved disbursements during the previous year. The first accounting is filed one year after the initial appointment and begins with the total value of the estate taken from the Inventory. Each additional year that the estate remains open, the conservator is required to file annual accountings.

Closing of Conservatorship

When the minor child reaches the age of 18 years, the conservator files a form called "Minor Conservatorship – Final Account, Waiver and Consent, and Order". The conservator details all receipts and disbursements (if any) since the last account. The ward also signs the form indicating that he/she has received a copy of the account and consents to the allowance as a final account. The judge will then order that the funds be turned over to the ward. Once the ward receives the funds, he/she will sign a form called "Receipt of Ward and Discharge". The form is then filed with the court. The judge will sign the order discharging the conservator and the file will be closed.

Fees

Filing Fee	\$175.00
Any additional petition(s), no matter how titled:	\$20.00 each
Account of Fiduciary	\$20.00 (each reporting year)

PLEASE NOTE: If you need assistance in filling out forms, consult an attorney. Court staff may give general information as to the minor conservatorship process, but are prohibited by law from preparing forms for you.

INSTRUCTIONS FOR COMPLETING "PETITION FOR APPOINTMENT OF CONSERVATOR"

Please type or print neatly in black or blue ink. Items A through S must be read and filled in (when required) before your petition can be filed with the court. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- A** Enter the name of the individual who you believe needs a conservator.
- B** Enter your name in the first line. Enter your relationship to the individual (or your interest) in the second line.
- C** Enter the date the individual was born, what county the individual is a resident of, the address of the place where the individual normally lives, and the county the individual's property is in.
- D** Check this box if there is or has been a case in the family division of the circuit court involving the individual in **A**. Examples of a family division case are personal protection, abuse or neglect, or a name change. If you have checked this box, enter the name of the court, the case number of the action, the name of the judge assigned to that case. Then place a check in the box indicating whether that case is still pending or not.
- E** Check the boxes that apply and provide the name(s) and address(es). If the individual has a power of attorney and you have a copy of the document, make a copy for the court.
- F** Check the boxes that you believe apply to the individual.
- G** Explain in as much detail as possible the specific facts about the individual's conduct or condition that lead you to believe he or she needs a conservator. Give specific examples of his or her conduct that supports what you checked in **F** and that demonstrate the need for a conservator. This information is extremely important for the court in making a decision about the need to appoint a conservator. If you are the guardian asking for authority to sell or otherwise dispose of your ward's real property, state the reasons why it is in the ward's best interest to do so.
- H** Specify the approximate value of any real property, personal property, insurance, and monthly income of the individual. An example of real property is a house. Examples of personal property are home furnishings, bank accounts, and checking accounts.
- I** Check whether the individual is currently receiving benefits from governmental agencies and the amount(s).
- J - K** Check all the boxes that apply and enter the names, relationships, addresses and telephone numbers of each relative of the individual. If any of the adults named in **J** are under legal incapacity, enter the names in **K**. If you check the last box in **J** (item 9), you must notify the Attorney General by sending a copy of this form to: Attorney General, Public Administration, PO Box 30755, Lansing, Michigan 48909.
- L** Enter the address and telephone number where the individual is currently located. This address and telephone number may or may not be the home of the individual. For example, if the individual is currently in the hospital, enter the name, address, and telephone number of the hospital.
- M** If there is an emergency that requires that a preliminary protective order be entered before the hearing, check the box and state the reason(s).
- N** Enter the name, address, and telephone number of the person you want to be appointed as conservator of the individual. Enter the relationship, if any, that this person has to the individual. If you are the guardian asking for authority to sell or otherwise dispose of your ward's real property, leave this blank and complete **Q**.
- O** Check this box only if you checked **M**.
- P** Check this box if you want the individual's property protected but you do not want a conservator appointed.
- Q** Check this box if you want the guardian appointed special conservator to dispose of real property.
- R** Enter today's date, sign your name, and enter your address and telephone number.
- S** If the individual wants to nominate someone to be the conservator, check the box and enter the name, address, and telephone number of the person the individual is nominating. The individual must sign and date the form.

STATE OF MICHIGAN PROBATE COURT COUNTY	PETITION FOR <input type="checkbox"/> APPOINTMENT OF CONSERVATOR <input type="checkbox"/> PROTECTIVE ORDER	CASE NO. and JUDGE
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Court address _____ Court telephone no. _____

A In the matter of _____ Put last 4 digits of SSN in
XXX-XX-Ref. No. row 2 on MC 97.
Last four digits of SSN
First, middle, and last name

Petitioner's name, address, and telephone no.

Petitioner's attorney, bar no., address, and telephone no.

B 1. I, _____, am interested in this matter
Name
 and make this petition as _____.

C 2. The individual was born _____, resides in _____ County
State interest/relationship Put DOB in Ref. No. row 1 on MC 97. Date
 at _____
Address

_____ and has property in _____ County.
City, state, zip

D 3. An action within the jurisdiction of the family division of circuit court involving the family or family members of the above individual has been previously filed in _____ Court, Case Number _____, was assigned to Judge _____; and remains is no longer pending.

E 4. The individual has a power of attorney. (Specify name and address below.)
 a guardian. (Specify name and address below.)
 a representative payee for social security. (Specify name and address below.)

Name and address

F 5. a. The individual is an adult unable to manage his/her property and business affairs effectively because of
 mental illness chronic use of drugs confinement
 mental deficiency chronic intoxication disappearance
 physical illness or disability detention by a foreign power _____
 and either
 the adult has property that will be wasted or dissipated unless proper management is provided, or
 the adult or his/her dependents are in need of money for support, care, and welfare, and protection is necessary to obtain or provide money.
 b. The adult petitioner is mentally competent but because of age or physical infirmity is unable to manage his/her property and affairs effectively, and recognizing the disability, requests appointment of a conservator.



5. (continued)

- c. The individual is a minor who
 - owns money or property that requires management or protection that cannot otherwise be provided.
 - has or may have business affairs that may be jeopardized or prevented by minority.
 - needs money for support and education, and protection is necessary or desirable to obtain or provide money.
- d. I am the guardian of the ward and it is in the ward's best interests to sell or otherwise dispose of the ward's real property or interest in real property.

G 6. The statements in item 5 are supported by the following facts: _____
 (Attach a separate sheet if necessary.)

H 7. The individual to be protected has an estate approximately valued at:

\$ _____ \$ _____ \$ _____ \$ _____
 Real property Personal property Insurance Monthly income

I 8. The individual to be protected is receiving the following benefits from governmental agencies:

- Social Security \$ _____ SSI \$ _____ MDHHS \$ _____
- Veterans Administration \$ _____, claimant number _____
- Other: _____ \$ _____

J 9. The individual to be protected has

- a spouse whose name and address are listed below.
- child(ren) whose name(s) and address(es) are listed below.
- descendants of deceased child(ren) whose name(s) and address(es) are listed below.
- if no child(ren) or descendants of deceased child(ren), parents whose name(s) and address(es) are listed below.
- if none of the above, presumptive heirs whose name(s) and address(es) are listed below.
- none of the above (must notify the Attorney General - see instructions for the address of the Attorney General).

NAME	ADDRESS AND TELEPHONE NUMBER				RELATIONSHIP	AGE (if minor)*
	Street address	City	State	Zip		
	Street address					
	City	State	Zip	Telephone no.		
	Street address					
	City	State	Zip	Telephone no.		
	Street address					
	City	State	Zip	Telephone no.		
	Street address					
	City	State	Zip	Telephone no.		

*If person is a minor, provide the date of birth on form MC 97a and put the Ref. No. from that form in the box above with the age.

10. None of the persons named above are under any legal incapacity except

Name, incapacity, and representative of the person, if any

11. The individual is currently found at _____
Address or location Telephone no.

12. It is necessary that a preliminary protective order be entered pending the regular hearing because

I REQUEST that the court:

13. Appoint _____
Name, address, and telephone no.

who has priority as _____, as conservator of the estate to be protected.
Priority relationship

14. Preserve and apply the individual's property pending the appointment of a conservator as follows:

15. Enter a protective order that provides _____.

16. Appoint the guardian as special conservator with authority to sell or otherwise dispose of the ward's real property or interest in real property.

I declare under the penalties of perjury that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date

Petitioner signature

Date

Attorney signature

17. **NOMINATION BY PERSON TO BE PROTECTED:** I am 14 years of age or older. I nominate as my conservator

Name, address, and telephone no.

Date

Signature of person to be protected

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY	PROTECTED PERSONAL IDENTIFYING INFORMATION	CASE NO. and JUDGE
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Court address

Court telephone no.

Plaintiff's/Petitioner's name	v	Defendant's/Respondent's name
In the matter of _____		

This form is nonpublic because it contains personal identifying information (PII) that is protected from public inspection under MCR 1.109(D)(9)(a). Use this form to provide PII only for a person who is a defendant, respondent, or decedent. If the person is a plaintiff, petitioner, or other individual, use form MC 97a.

Instructions:

- When PII (such as date of birth) must be filed with the court on a public document, DO NOT include it on that public document. Instead, you must provide it on this form.
- **Provide only** the protected PII required for your particular case. For example, if you are filing a public document that requires you to provide a date of birth to the court, complete only that field on this form.

Name of form/document that this MC 97 is being filed with: _____

Printed name of individual completing form and date _____

Instructions: Provide the name of the person that the PII applies to, followed by the specific PII that is required to be provided. For Other, specify the type of PII in addition to the PII itself. Use the below reference number (Ref. No.) in the public document in place of the protected PII. For example, insert "Ref. No. 1" in place of the DOB in the public document.

Ref. No.	Name (required)
1	Date of birth
2	National ID no. / Last 4 digits of SSN XXX-XX-_____
3	Driver's License / State-issued ID no.
4	Passport no.
5	Other

Ref. No.	Instructions: List the name of the financial institution and the account number. List the paragraph that references the account, if needed for clarity. Use reference number (Ref. No.) when necessary to refer to account in public documents.		
6	Financial institution	Account no.	Paragraph no.
7	Financial institution	Account no.	Paragraph no.
8	Financial institution	Account no.	Paragraph no.
9	Financial institution	Account no.	Paragraph no.