

FORMS FOR CONSERVATOR OF AN MINOR

Forms must be filled out completely. All **ORIGINAL** forms get mailed to the Court; keep copies for your own record.

1. **What You Need to Know Before Filing a Petition** - this explains the duties and other requirements of a conservator.
2. **Petition for Appointment of Conservator, or Protective Order, with instructions for completing-** The filing fee is \$150. In order to begin the conservatorship process you will need to deliver (by mail or in person) the completed petition to the Court along with your filing fee. If you mail the paperwork, please give the Court two-three days to receive and process your petition.
3. **Notice on Petition for Conservator or Protective Order-** this form should be given to the individual who is the subject of the petition along with a copy of the Petition to Appoint Conservator. This form explains to them the process of conservatorship and outlines their rights.
4. **Notice of Hearing-** Call 616-786-4110 to obtain a date and time for your Court hearing. Complete as much of the form as you are able, the rest of the information will be given to you by the Court when you call (date/time/file number).
5. **Proof of Service-** This form tells the Judge that you sent copies of the Petition to Appoint Conservator (and/or Protective Order) and Notice of Hearing to all interested parties. Interested parties include but may not be limited to the following:
 - a. The individual to be protected.
 - b. Spouse and children of the ward (if no spouse or children, then the heirs at law).
 - c. If known, any person named power of attorney or attorney in fact.
 - d. The nominated guardian or current guardian if already appointed.
 - e. Any government agency paying benefits in care of the individual for which an application may be pending.

Complete the proof of service by filling in the names and addresses of each person served under the appropriate heading; by regular mail or in person and include the date the service was made. **The Court requires that all interested persons be served the required documents no less than 14 days prior to the scheduled hearing if serving by regular mail and no less than 7 days before the scheduled hearing if serving by hand (in person).** Don't forget to **sign and date** the bottom of the form.

*****STOP PLEASE READ*****

You must make every effort to obtain addresses for the people you are required to serve, if you do not know an address you must do the following:

- ✓ **Check the phone book**
- ✓ **Complete an internet search, if possible**
- ✓ **Contact the Friend of the Court office for a last known address they may have on file**
- ✓ **Contact any known family members of the person in order to obtain a last known address**

Please make all necessary copies of your petition and notice of hearing (including one for yourself and one for each interested party) *ALL ORIGINAL DOCUMENTS NEED TO BE MAILED OR PERSONALLY DELIVERED TO THE COURT

6. **Acceptance of Appointment-** This is signed by the proposed guardian(s); this lets the Court know that the person accepts the guardianship and its responsibilities.
7. **Inventory-** This form is to be completed by the conservator; this is a list of all assets the protected person owns on the date the conservator was appointed. This form is due no later than 56 days from the date that the conservator was appointed.
8. **Proof of Service-** A copy of the inventory should be served on all the interested parties as listed above. You will complete this proof of service and provide it to the Court with your Inventory.
9. **Account of Fiduciary, Short form-** An accounting of income, expenditures and remaining assets by the conservator will be due to the Court annually. This form should be used when reporting this information to the Court, this form must balance accordingly. There is a \$20.00 filing fee due upon filing the account with the Court. There will be other forms required for filing with the annual accounting; you will be sent all necessary forms before your account is due. If you are unable to complete the account accurately please consider consulting an attorney or an accountant.
10. **Instructions on filing your annual account-** this form explain what is required on the annual accounting.

COURT STAFF IS PROHIBITED BY LAW FROM GIVING LEGAL ADVICE, IF YOU HAVE ANY LEGAL QUESTIONS DURING THIS PROCESS PLEASE CONTACT AN ATTORNEY.

Ottawa County Probate Court
12120 Fillmore Street
West Olive MI 49460

Hours: Mon-Fri 8:00 AM- 5:00 PM
Phone: 616-786-4110
Website: www.miottawa.org

WHAT YOU NEED TO KNOW BEFORE FILING A PETITION TO APPOINT A CONSERVATOR

»» What is a conservator?

A conservator is a person appointed by a probate court and given power and responsibility for the estate (financial assets and property) of an adult (called a *protected individual*).

»» What is a guardian?

A guardian is a person appointed by a probate court and given power and responsibility to make certain decisions about the care of another individual. These decisions might include treatment decisions or where the individual should live. If the individual has a reduced life expectancy due to advanced illness, the guardian may have the power to make an informed decision on behalf of the individual regarding receiving, continuing, discontinuing, or refusing medical treatment. A **full guardian** can make all decisions for the individual. A **limited guardian** can only make decisions for the individual that the court allows.

»» When would a conservator be needed?

A conservator may be needed when the individual is unable to manage his or her property and financial affairs effectively because of certain reasons and:

- 1) he or she has property that will be wasted or used up unless proper management is provided; or
- 2) funds are needed for the support, care, and welfare of the adult and any of his or her dependents.

A mentally competent adult who, because of age or physical limitation, may voluntarily petition the

court himself or herself for the appointment of a conservator to assist in managing his/her estate.

Some of the reasons that might prevent the individual from being able to manage his or her property and financial affairs are:

- 1) mental illness or deficiency;
- 2) physical illness or disability;
- 3) chronic use of alcohol /other intoxicants;
- 4) confinement;
- 5) detention by a foreign power; or
- 6) disappearance.

»» Is a conservator needed for an individual who cannot manage his or her property or financial affairs effectively?

A conservator might not be necessary if someone else already has legal authority (an individual with power of attorney, for example) to make decisions about the individual's estate and there are no problems with the decisions being made.

»» How is a proceeding for a conservator started?

Any person who is interested in the individual's welfare may complete a Petition for Appointment of Conservator (form PC 639) and file it, along with the filing fee, with the probate court.

»» Is a lawyer necessary?

No, but a lawyer can be helpful, especially if any interested person opposes the appointment of a conservator.

»» Can mediation be used for disagreements about a conservator?

Certain disagreements about a request for a guardian may be mediated outside the court if all parties agree to attend mediation or if a judge order parties to attend mediation. The court clerk can tell you if

mediation services are available in your court.

»» What happens when the court accepts the petition for filing?

After the petition is accepted for filing, the court will appoint a *guardian ad litem* to represent the individual in the court proceeding unless the individual has his or her own lawyer or unless a mentally competent adult voluntarily requests the appointment.

It is important for you to cooperate with the guardian ad litem. The guardian ad litem does not have the authority to make decisions for the individual. The individual may have to pay for the guardian ad litem.

If necessary, the court may also order the individual to be examined by a physician or a mental health professional. The court may also send someone (called a *visitor*) to interview the individual. The visitor may be the guardian ad litem or a court officer or court employee.

»» Can the individual get a conservator immediately in an emergency?

If the court believes an individual's estate requires immediate protection before appointing a conservator, the court may issue a preliminary protective order. This order may involve the appointment of a special conservator. The order will authorize specific acts that provide for immediate protection of the individual's assets.

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF _____

PETITION FOR
 APPOINTMENT OF CONSERVATOR
 PROTECTIVE ORDER

FILE NO. _____

A Estate of _____ XXX-XX-
Individual alleged to need protection Last four digits of SSN

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

C 2. The individual was born _____, resides in _____ County
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 detention by a foreign power
 mental deficiency chronic intoxication disappearance
 physical illness or disability confinement _____
and either
 the adult has property that will be wasted or dissipated unless proper management is provided.
 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.
 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.)

(SEE SECOND PAGE)

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

Do not write below this line - For court use only

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 \$ _____ Veterans Administration \$ _____, claimant number _____
 MDHS \$ _____ 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/DOB (if minor)

K 10. None of the persons named above are under any legal incapacity except _____
Name, incapacity, and representative of the person, if any

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

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

I REQUEST that the court:

N 13. Appoint _____, Name, address, and telephone no. _____, who has priority as _____, as conservator of the estate to be protected.
Priority relationship

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

P 15. Enter a protective order that provides _____

Q 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.

R _____ Date _____
Attorney signature

Attorney name (type or print) Bar no. Petitioner signature

Attorney address Petitioner address

City, state, zip Telephone no. City, state, zip Telephone no.

S 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

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 30736, 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 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 OF	NOTICE OF HEARING	FILE NO.
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In the matter of _____

TAKE NOTICE: A hearing will be held on _____ at _____ ,
Date Time

at _____ before Judge _____
Location Bar no.

for the following purpose(s): (state the nature of the hearing)

If you require special accommodations to use the court because of a disability, or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

_____	_____	Date
Attorney name	Bar no.	Petitioner name
_____	_____	_____
Address		Address
_____	_____	_____
City, state, zip	Telephone no.	City, state, zip Telephone no.

USE NOTE TO COURT: If this hearing is for a guardianship matter involving an Indian child as defined in MCR 3.002(5), you must comply with MCR 5.109(2).

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

Do not write below this line - For court use only

STATE OF MICHIGAN PROBATE COURT COUNTY OF	PROOF OF SERVICE	FILE NO.
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In the matter of _____

1. Titles of the papers served or mailed: _____

2. According to court rule, I served by first-class mail registered mail (copy of return receipt attached)
 certified mail (copy of return receipt attached) the papers described above on:

Name	Complete address of service	Date

3. According to court rule, I served by **personal service** the papers described above on:

Name	Complete address of service	Date and Time

4. After diligent search and inquiry, I have been unable to find and serve the following interested persons. I have served these persons by publication. Attached are copies of form PC 617.

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

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Date

Signature

Name (type or print)

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STATE OF MICHIGAN
PROBATE COURT
COUNTY OF

ACCEPTANCE OF APPOINTMENT

FILE NO.

In the matter of _____

1. I have been appointed _____ of the person/estate.
Type of fiduciary

2. I accept the appointment, submit to personal jurisdiction of the court, and agree to file reports and to perform all required duties.

3. For a period of _____ days from the date of my appointment, I exclude from the scope of my responsibility the
not to exceed 91 days

following real estate or ownership interest in a business entity: _____
Describe real property or business interest

because I reasonably believe the real estate or other property owned by the business entity is or may be contaminated by a hazardous substance, or is or has been used in an activity directly or indirectly involving a hazardous substance that could result in liability to the estate or otherwise impair the value of property held by the estate.

Date

Signature

Attorney name (type or print) Bar no.

Name (type or print)

Attorney address

Address

City, state, zip Telephone no.

City, state, zip Telephone no.

Date of birth

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STATE OF MICHIGAN PROBATE COURT COUNTY CIRCUIT COURT - FAMILY DIVISION	PROOF OF RESTRICTED ACCOUNT AND ANNUAL VERIFICATION OF FUNDS ON DEPOSIT (CONSERVATORSHIP OF MINOR)	FILE NO.
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In the matter of _____, minor

USE NOTE: This form must be completed and filed with the court within 28 days of the conservator's qualification, or as otherwise ordered by the court, and annually thereafter.

Name of financial institution/insurance company/brokerage firm		
Address		Telephone no.
Name of authorized representative	Title	

I certify that the estate funds of the minor are currently on deposit with us under a restricted account as follows:

Type of account	Account number	Balance
Account caption (include name of conservator)		

Attached is a copy of the corresponding financial institution's statement.*

I further certify that

1. The funds, including accruals, shall not be released or withdrawn except by written order of this court.
2. Records have been marked to prohibit withdrawal except by written order of this court.
3. We are liable for funds released or withdrawn without written order of this court.

Date

Signature of authorized representative

* For annual verification, the corresponding financial institution's statement must be dated within 30 days after the end of the annual accounting period.

Do not write below this line - For court use only

STATE OF MICHIGAN PROBATE COURT COUNTY OF	INVENTORY (CONSERVATORSHIP) <input type="checkbox"/> AMENDED	FILE NO.
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USE NOTE: The conservator must serve this completed inventory on all interested persons as required by Michigan Court Rules 5.105 and 5.125. Then the conservator must complete a proof of service (form PC 564) and file it and this inventory with the court.

In the matter of _____

I, _____, am the conservator and submit the following as a complete and accurate inventory of all the assets of the estate, including the fair market valuations as of the date of qualification as conservator. I have listed on this inventory any property the protected individual owns jointly or in common with others, including the type of ownership.

PERSONAL PROPERTY AND REAL PROPERTY DESCRIPTION If the property listed below is owned by both the protected individual and others, specify the type of ownership in the description and check the box in the column "Total Value of Property." Definitions and instructions for completing the inventory are on the other side of this form.	TOTAL VALUE OF PROPERTY
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
TOTAL ASSETS	<input type="checkbox"/>

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

	Date
Attorney signature	Signature
Attorney name (type or print)	Name (type or print)
	Bar no.
Address	Address
City, state, zip	City, state, zip
	Telephone no.

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

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DEFINITIONS:

- **Real property** means land, including a building or house that is built on the land.
- **Personal property** means everything that a person owns except real property. Personal property includes bank accounts and checking accounts.

INSTRUCTIONS TO COMPLETE THE INVENTORY:

1. List all real and personal property in the column "**Personal Property and Real Property Description.**"
2. When listing real property, provide the legal description of the property and the name of any other owner.
 - a. If real property has been used to secure a loan (including an equity line of credit), show the nature and amount of the lien.
 - b. If the value of real property is determined by an appraisal, include the appraiser's name and address and a description of the property appraised.
 - c. Property that the protected individual owns jointly or in common with others must be listed along with the type of ownership. The court may require additional information to support the value of property that is stated in the inventory.
3. When listing personal property, provide enough detail to adequately determine the value. Some items should be listed separately and some items should be combined under one category. Provide the name and address of each financial institution listed. The address of a financial institution shall be either that of the institution's main headquarters or the branch used most frequently by the conservator.
 - a. Examples of items that should be listed and valued separately are:
 - Automobiles
 - Jewelry
 - Bank accounts
 - Antiques
 - Furniture
 - Any other individual item of high value (such as a fur coat)
 - Prepaid burial contracts
 - Life insurance (cash value)
 - Annuities
 - Mutual funds
 - Stocks and bonds
 - b. Examples of items that can be listed in categories are:
 - Household items such as dishes, flatware, curtains, linens, utensils, clothing, furnishings, etc. can be grouped into several categories or combined into one category.
 - Multiple copies or pieces of a specific item that have the same value such as stocks and bonds.
 - c. If personal property has been used to secure a loan, show the nature and amount of the lien.
 - d. If the value of personal property is determined by an appraisal, include the appraiser's name and address and a description of the property appraised.
 - e. Property that the protected individual owns jointly or in common with others must be listed along with the type of ownership. The court may require additional information to support the value of property that is stated in the inventory.

STATE OF MICHIGAN PROBATE COURT COUNTY OF	PROOF OF SERVICE	FILE NO.
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In the matter of _____

1. Titles of the papers served or mailed: _____

2. According to court rule, I served by first-class mail registered mail (copy of return receipt attached)
 certified mail (copy of return receipt attached) the papers described above on:

Name	Complete address of service	Date

3. According to court rule, I served by **personal service** the papers described above on:

Name	Complete address of service	Date and Time

4. After diligent search and inquiry, I have been unable to find and serve the following interested persons. I have served these persons by publication. Attached are copies of form PC 617.

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

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Date

Signature

Name (type or print)

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

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