

A New Service and A Guardianship Review

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I am very pleased to report that the Oakland County Probate Court will soon be offering a new online service called Probate Access.

Right now, we are working on finishing up some final details for the Web site. When it's rolled out, Probate Access will allow users to access an online version of the Register of Actions for cases filed with the Oakland County Probate Court. The service will provide case number and party information, as well as the history of documents filed and hearings set for each case. Non-public information and information regarding suppressed files will not be available. Probate Access will not include the ability to view or purchase copies of documents from a probate file.

We are very excited about being able to offer this service. It affords ease of access for parties and the ability to provide certain types of information without requiring someone to contact the court by phone.

You'll be seeing more information here when the site is officially up and running. We believe it will be a useful tool for court users.

Individuals with Developmental Disability

When considering whether a guardianship proceeding should be filed for an individual, it is important to remember that there are different types of guardianships. Under EPIC, both limited and full guardianships are available for minors and adults. However, if the person is someone with a developmental disability, the guardianship proceedings are governed by the Mental Health Code.

A developmental disability is defined under MCL 330.1100a(20) and depends on the age of the respondent. A petition for the appointment of a guardian for an individual with an alleged developmental disability may be filed by:

- the individual with a developmental disability
- an adult relative or friend of the individual
- an official or representative of a public or private agency, corporation or association concerned with the individual's welfare
- any other person found suitable by the court.

An integral part of the guardianship process for developmental disabled individuals is the report that must

be presented to the court pursuant to MCL 330.1612. The report must contain evaluations performed within the last year regarding the individual's mental, physical, social and educational condition, adaptive behavior and social skills. The required evaluations must be performed by a physician or psychologist who by training or experience is competent in evaluating individuals with developmental disabilities.

It is also worth noting that there are different types of guardianships that the court may order. A *plenary guardian* possesses full legal rights and powers. A *partial guardian* possesses fewer than all the legal rights and powers of a plenary guardian and the rights must be specifically enumerated by the court in an order of appointment. Partial guardianships may last no more than five years, at which time a new petition must be filed. In addition, the court may make a designation as to whether the appointment is as guardian of the person or of the estate. And, unlike EPIC guardianships, a *standby guardian* may be appointed to act upon the death, incapacity or resignation of the initially appointed guardian without any further court proceeding.

Further details regarding guardianships for individuals with a developmental disability and the appropriate forms are on the court's Web site at www.oakgov.com/probate.

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