

OAKLAND COUNTY PROBATE COURT

1200 N. TELEGRAPH RD. , DEPT 457
PONTIAC, MI 48341-0457

FAX NUMBERS

Judge Jennifer Callaghan (248)858-1506
Judge Linda Hallmark (248)452-5194
Judge Daniel A. O'Brien (248)975-9780
Judge Kathleen A. Ryan (248)452-9398

Telephone (248) 858-0260
Fax (248) 452-2016

Business hours: 8:00 a.m. to 4:30 p.m.

Monday - Friday

www.oakgov.com/probate

INFORMATION SHEET FOR PETITIONS FOR APPOINTMENT OF GUARDIAN, INDIVIDUAL WITH ALLEGED DEVELOPMENTAL DISABILITY

Once you file a Petition, many steps must be completed before the court hearing. Please study this information sheet carefully for guidance on what needs to be done after you leave the Courthouse today. **The Probate Court staff will assist you if you have further questions about procedures, however, staff is prohibited from offering legal advice.**

SERVICE

THERE ARE 3 METHODS OF SERVICE. IT IS YOUR RESPONSIBILITY TO "SERVE" ALL INTERESTED PERSONS, (EXCEPT THE ALLEGED INDIVIDUAL WITH DEVELOPMENTAL DISABILITY), WITH A COPY OF THE PETITION AND NOTICE OF HEARING. IF YOU DO NOT COMPLETE SERVICE, YOUR HEARING WILL NOT PROCEED ON THE SCHEDULED DAY.

Personal Service means delivering copies to the individual in person.

Service by Mail means mailing copies (only first class mail is required).

Publication Means publishing notice in a legal newspaper because an interested person's address or whereabouts are unknown. The fee (\$90.50) is paid when the petition is filed.

In general, interested persons must be served:

- At least 14 days prior to the hearing if service is by mail or publication.
- At least 7 days prior to the hearing if served personally.

WHO DO YOU, AS PETITIONER, NEED TO SERVE?

- Persons listed in #4, #12, and #15 on the Petition for Appointment.
- The person who prepared and signed PC659 "Report to Accompany Petition".
- Depending on the facts of the case, there may be additional interested persons.

If there are no presumptive heirs, the Attorney General (AG) is listed in #4 as an interested person.

When the AG is a party of interest on your petition, they must be served, either personally or by mail at:

ATTORNEY GENERAL

ATTN: Michael E. Moody, State Public Administrator

Public Administration

P.O. Box 30755

Lansing, MI 48909

PROOF OF SERVICE

You, the Petitioner, must file a *Proof of Service* form with the court at least one week before the hearing or you may fax it to the Judge's chambers at least 3 days before the hearing. Without it, your Petition may be dismissed or adjourned. It must show when and how the interested persons were served. Note the separate sections for "Service by Mail" and "Personal Service" and use them accordingly.

THE COURT APPOINTED ATTORNEY WILL PERSONALLY SERVE THE WARD AND THE DIRECTOR OF FACILITY IF ANY. YOU DO NOT NEED TO DO THE SERVICE OR PROOF OF SERVICE ON THEM.

HEARING DATE

You, the Petitioner, must attend the hearing or your Petition will be dismissed. The alleged individual with a developmental disability must appear at the hearing unless an **AFFIDAVIT AND ORDER EXCUSING RESPONDENT'S PRESENCE** (PEMH 1100) form is signed by a physician or psychologist, notarized and filed by the attorney with the court.

AFTER THE HEARING

Please be sure to bring the file back to the Probate Counter, with the attorney, after the court hearing to complete any follow-up paperwork. You will need to pay \$14 for Certified Letters of Guardianship.

ADDITIONAL FEES THAT MAY APPLY:

ACCOUNTS (if you are appointed Guardian of the Estate) - **\$20 per annual account**

PETITION FOR REINSTATEMENT (if you fail to file required documents timely and are suspended) - **\$20**

COPY FEES (if you request regular copies of documents) - **\$1 per page**

ADDITIONAL CERTIFIED COPIES OF LETTERS OF GUARDIANSHIP - **\$14**

THERE ARE NO FEES FOR:

- **Misc. motions and petitions**
- **Annual Reports**

NOTE: These instructions are not meant to be all-inclusive, but rather to provide general information. For those situations that are complex, it is recommended that you consult with an attorney for guidance.