

OAKLAND COUNTY PROBATE COURT

GENERAL INFORMATION SHEET for Attorneys for Individuals with Alleged Developmental Disabilities

Faxed to Attorney: _____ Date: _____
Name

For hearing date _____ Time: _____

You have _____ cases. Attached are the Petitions, Notices of Hearing and Orders Appointing Attorney.

PLEASE BE ADVISED OF YOUR DUTIES AND COURT REQUIREMENTS

Service

You must personally serve your client(s) with the *Petition* and *Notice of Hearing* at least 7 days prior to the hearing. Verbally inform them of their rights under MCL 330.1617. **Complete and file a *Proof of Service* at least 3 days prior to the hearing (it may be faxed).** Make a reasonable effort to question your client(s) concerning their preferences regarding the proposed guardian(s). Report their preferences to the court at the hearing. MCL 330.1628(2).

If your client is in a facility, contact the director or other representative to make an appointment. Be sure to take your copy of your *Order Appointing Attorney* with you. Personally serve a copy of the *Petition* and *Notice of Hearing* on the director or representative. If your client resides in a state institution, the director or the director's representative must perform the actual service on the individual and sign the *Proof of Service*.

Attendance

You are not personally responsible to transport the individual to the hearing. If the individual's attendance "would subject him/her to serious risk of physical or emotion harm," then file an *Affidavit and Order Excusing Respondent's Presence* prior to the hearing. It must be signed by a physician or psychologist who has recently examined the individual and notarized. MCL 330.1617(4).

You must make sure that the person who prepared the report, or at least one of the persons who performed an evaluation, is present and gives testimony at the hearing. MCL 330.1617(5) **If the parents prepared the report, an evaluator must testify.** The court does not require, but does prefer, that the proposed guardian attend the hearing. **SUBSTITUTION OF COUNSEL IS NOT ALLOWED WITHOUT PRIOR COURT APPROVAL. You are expected to appear promptly at the scheduled hearing time.**

After the Hearing

You must return to the counter to assist the newly-appointed Guardian(s) in filing the *Acceptance of Appointment* and/or *Bond of Fiduciary*. **You must** serve your client with the *Notice of Right to Request Dismissal of Guardian or Modification of Guardianship Order* PC 661 and file an original with the court with the proof of service completed on the bottom of the form. **You must** serve the *Order Appointing Guardian* on all interested parties. The Court will release you as attorney only once a *Proof of Service* on the *Order Appointing Guardian* is filed.

Copies/Forms/Billing

IT IS YOUR RESPONSIBILITY to make the copies of the *Petition*, *Notice of Hearing* and the *Order Appointing Guardian* for service and to obtain any necessary forms from our website at www.oakgov.com/probate. For billing instructions, go to "Attorney Resources."

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