

Guardians/Conservators

What is a Guardian?

A **Guardian** is a person who is given authority by the Probate Court to be responsible for the personal and physical well being of an adult who is called a **Legally Incapacitated Individual (LII)**. The Guardian has the same powers and duties over that LII as parents have over their children. A prospective Guardian may be nominated by petition (filed with the Probate Court) or may be named in a will.

When is a Guardian needed?

When the individual lacks sufficient understanding or capacity to make or communicate informed decisions about his or her personal well being because of impairment by reason of either:

- Mental illness
- Physical disability
- Mental deficiency
- Physical illness
- Chronic use of drugs
- Chronic intoxication

How do I become a Guardian?

To become a guardian, you must file a petition, pay the fee, serve interested persons, and appear at a hearing. Generally, anyone may petition to become guardian.

What is a Conservator?

A **Conservator** is a person who is given Probate Court authority to be responsible for the assets (called an “estate”) of an adult, who is called a **Protected Individual (PI)**. A Conservator may be nominated by a petition filed with the Probate Court

When is a Conservator needed?

When the individual is unable to manage his or her property or business affairs effectively because of either:

- Mental illness
- Chronic intoxication
- Mental deficiency
- Confinement
- Physical illness
- Detention by a foreign power
- Physical disability
- Disappearance
- Chronic use of drugs
- Age or physical infirmity



OAKLAND COUNTY SENIOR RESOURCE DIRECTORY

How do I become a conservator?

To become a conservator, you must file a petition, pay the fee, serve interested persons, and appear at a hearing. Generally anyone may petition to become conservator.

Since the above described legal procedures and duties can substantially affect the rights of Legally Incapacitated Individuals or Protected Individuals, as well as to subject the Guardian or Conservator to personal liability, it is recommended that a person who is seeking to be appointed (or who is actually appointed as a Guardian or Conservator) consult with an attorney.

For more information, contact the Probate Court.

Oakland County Probate Court Staff members are available to serve you by mail, telephone and fax. Their website has many fact sheets and brochures to help you.

Oakland County Probate Court Mailing Address:

248-858-0260

1200 North Telegraph Rd., Dept. 457 www.oakgov.com/probate
Pontiac, MI, 48341-0457

Other Information:

Advance Directives & Durable Power of Attorney for Healthcare www.americanbar.org/groups/law_aging.html