

FORMS FOR GUARDIANSHIP OF A DEVELOPMENTALLY DISABLED INDIVIDUAL

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

Forms must be filled out completely and uploaded to MiFile (mifile.court.michigan.gov/login). Keep copies for your own record.

Step One: Initial Filing-*No filing fee is due*

Documents Included:

- Petition for Appointment of Guardianship of a Developmentally Disabled Individual (PC 658) - In order to begin the guardianship process you will need to upload the completed petition on MiFile.
- Report to Accompany Petition to Appoint Guardian of Developmentally Disabled Individual (PC 659) - This form should be completed by the person(s) who completes the psychological testing.

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

The Michigan Mental Health Code requires that testing be done of the developmentally disabled individual before a Court may appoint a guardian. The testing shall determine the individual's intellectual and adaptive abilities and conclude that they suffer either from mental retardation or autism. The **tester should also write a report** which discusses guardianship and recommends that the person either have a full or a partial guardian. The **testing must be done by a partial or fully licensed psychologist**, not more than one year prior to the filing of the petition. The testing may not be done by the school psychologist unless this person is also licensed by the State of Michigan as a psychologist. The **psychologist who performs the testing will be required to attend and testify** at the Court hearing. If you would like more information, you can find it in Chapter 6 of the Mental Health Code which is available online or contact the court.

Step Two: Once you have received confirmation from MiFile that the Court has accepted your petition please complete the following forms.

Documents Included:

- Notice of Hearing (PC 562) -please call the Court to schedule a hearing date and time.

****The subject of the Petition (the Developmentally Disabled Individual) is required to attend the hearing****

- Proof of Service (PC 564) -this form tells the Judge that you sent copies of the Petition for Appointment of Guardianship of a Developmentally Disabled Individual Guardian and Notice of Hearing to all interested parties. Please make all necessary copies of your petition and

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WEST OLIVE, MI 49460

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notice of hearing (including one for yourself and one for each interested party). Interested parties include but may not be limited to the following:

- Alleged Developmentally Disabled Individual, Ward
- Spouse and children of the ward (if not spouse or children, then heirs at law)
- If no known heirs you must notify the Attorney General's office
- Preparer of the report or another appropriate person who performed an evaluation
- To director of any facility in which the respondent may be residing
- The current guardian, proposed and or nominated guardian
- Respondent's Guardian Ad Litem if one has been appointed
- Respondent's legal counsel

Complete the proof of service by filling in the names and last known addresses of each person served under the appropriate heading; by regular mail or electronic service through MiFile 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).** Do not forget to sign and date the bottom of the form.

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

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

- Complete an internet search, if possible
- Send to last known address
- Contact any known family members of the person in order to obtain a last known address

Once you have completed these steps please fill in Number 4 on Proof of Service.

- Acceptance of Appointment (PC 571)-This is signed by the proposed guardian(s); this lets the Court know that the person accepts the guardianship and its responsibilities.

Forms Needed for Future Filings:

Documents Included:

- Report of Guardian on Condition of Individual with Developmental Disability (PC 663) - This report is due to the Court annually.

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