

FORMS FOR CONSERVATOR OF AN ADULT

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.courts.michigan.gov/login). Keep copies for your own record.

Step One: Initial Filing-*Payment of \$175.00 is due at the time of filing online*

Documents Included:

- Petition for Appointment of Conservator, or Protective Order (PC 639) - In order to begin the conservatorship process you will need to upload the completed petition on MiFILE along with your payment of \$175.00
- Protected Personal Identifying Information (MC 97) – Enter personal identifying information on this form.
- Notice on Petition for Conservator or Protective Order (PC 668) - this form must be served upon the individual who is the subject of the petition along with a copy of the Petition to Appoint Conservator. This form explains to them the process of conservatorship and outlines their rights.

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.
- Proof of Service (PC 564) - this form tells the Judge that you sent copies of the Petition to Appoint Conservator (and/or Protective Order) and Notice of Hearing to all interested parties. Please make all necessary copies of your petition and notice of hearing (including one for yourself and one for each interested party). Interested parties include but may not be limited to the following:
 - The individual to be protected if 14 years of age or older
 - Spouse and children of the ward (if no spouse or children, then the heirs at law)
 - If no known heirs you must notify the Attorney General's office
 - If known, any person names power of attorney or attorney in fact.
 - The current conservator, proposed and or nominated conservator
 - Any government agency paying benefits in care of the individual for which an application may be pending.
 - If known by the petitioner or applicant, a guardian or conservator appointed by a court in another state to manage the protected individual's finances.
 - If the adult is a veteran, the Veteran Administration needs to be notified

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

OTTAWA COUNTY PROBATE COURT
12120 FILLMORE STREET
WEST OLIVE, MI 49460

Hours: Mon-Fri 8:00 AM-5:00 PM
Phone: 616-786-4110
Website: www.miottawa.org

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 conservator(s); this lets the Court know that the person accepts the conservatorship and its responsibilities.
- Addendum to Protected Personal Identifying Information (MC 97a) – Enter personal identifying information on this form.

Forms Needed for Future Filings:

Documents Included:

- Inventory (PC 674)-This form is to be completed by the conservator; this is a list of all assets the protected person owns on the date the conservator was appointed. This form is due no later than 56 days from the date the conservator was appointed.
- Proof of Service (PC 564) - A copy of the inventory should be served on all interested parties as listed above. You will complete this proof of service and upload on MiFILE along with your Inventory.
- Account of Fiduciary, Short Form (PC 583)-An accounting of income, expenditures and remaining assets by the conservator will be due to the Court annually. This form must balance accordingly. There is a \$20.00 filing fee due upon filing the account with the Court. There will be other forms required for filing with the annual accounting. Please reference to the account instructions on our website. If you are unable to complete the account accurately please consider consulting an attorney or an accountant.
- Instructions on filing your annual account- this form explains what is required on the annual accounting and is located on our website.

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WHAT YOU NEED TO KNOW BEFORE FILING A PETITION TO APPOINT A CONSERVATOR

»» What is a conservator?

A conservator is a person appointed by a probate court and given power and responsibility for the estate (financial assets and property) of an adult (called a *protected individual*).

»» What is a guardian?

A guardian is a person appointed by a probate court and given power and responsibility to make certain decisions about the care of another individual. These decisions might include treatment decisions or where the individual should live. If the individual has a reduced life expectancy due to advanced illness, the guardian may have the power to make an informed decision on behalf of the individual regarding receiving, continuing, discontinuing, or refusing medical treatment. A **full guardian** can make all decisions for the individual. A **limited guardian** can only make decisions for the individual that the court allows.

»» When would a conservator be needed?

A conservator may be needed when the individual is unable to manage his or her property and financial affairs effectively because of certain reasons and:

- 1) he or she has property that will be wasted or used up unless proper management is provided; or
- 2) funds are needed for the support, care, and welfare of the adult and any of his or her dependents.

A mentally competent adult who, because of age or physical limitation, may voluntarily petition the

court himself or herself for the appointment of a conservator to assist in managing his/her estate.

Some of the reasons that might prevent the individual from being able to manage his or her property and financial affairs are:

- 1) mental illness or deficiency;
- 2) physical illness or disability;
- 3) chronic use of alcohol /other intoxicants;
- 4) confinement;
- 5) detention by a foreign power; or
- 6) disappearance.

»» Is a conservator needed for an individual who cannot manage his or her property or financial affairs effectively?

A conservator might not be necessary if someone else already has legal authority (an individual with power of attorney, for example) to make decisions about the individual's estate and there are no problems with the decisions being made.

»» How is a proceeding for a conservator started?

Any person who is interested in the individual's welfare may complete a Petition for Appointment of Conservator (form PC 639) and file it, along with the filing fee, with the probate court.

»» Is a lawyer necessary?

No, but a lawyer can be helpful, especially if any interested person opposes the appointment of a conservator.

»» Can mediation be used for disagreements about a conservator?

Certain disagreements about a request for a guardian may be mediated outside the court if all parties agree to attend mediation or if a judge order parties to attend mediation. The court clerk can tell you if

mediation services are available in your court.

»» What happens when the court accepts the petition for filing?

After the petition is accepted for filing, the court will appoint a *guardian ad litem* to represent the individual in the court proceeding unless the individual has his or her own lawyer or unless a mentally competent adult voluntarily requests the appointment.

It is important for you to cooperate with the guardian ad litem. The guardian ad litem does not have the authority to make decisions for the individual. The individual may have to pay for the guardian ad litem.

If necessary, the court may also order the individual to be examined by a physician or a mental health professional. The court may also send someone (called a *visitor*) to interview the individual. The visitor may be the guardian ad litem or a court officer or court employee.

»» Can the individual get a conservator immediately in an emergency?

If the court believes an individual's estate requires immediate protection before appointing a conservator, the court may issue a preliminary protective order. This order may involve the appointment of a special conservator. The order will authorize specific acts that provide for immediate protection of the individual's assets.

STATE OF MICHIGAN PROBATE COURT COUNTY	PETITION FOR <input type="checkbox"/> APPOINTMENT OF CONSERVATOR <input type="checkbox"/> PROTECTIVE ORDER	CASE NO. and JUDGE
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Court address _____ Court telephone no. (616) 786-4110

A In the matter of _____ Put last 4 digits of SSN in **XXX-XX-Ref. No. row 2 on MC 97.**
First, middle, and last name Last four digits of SSN

Petitioner's name, address, and telephone no.

Petitioner's attorney, bar no., address, and telephone no.

B 1. I, _____, am interested in this matter
Name
and make this petition as _____.

C 2. The individual was born _____, resides in _____ County
State interest/relationship Put DOB in Ref. No. row 1 on MC 97. Date
at _____
Address
_____ and has property in _____ County.
City, state, zip

D 3. An action within the jurisdiction of the family division of circuit court involving the family or family members of the above individual has been previously filed in _____ Court, Case Number _____, was assigned to Judge _____, and remains is no longer pending.

E 4. The individual has a power of attorney. (Specify name and address below.)
 a guardian. (Specify name and address below.)
 a representative payee for social security. (Specify name and address below.)
Name and address _____

F 5. a. The individual is an adult unable to manage his/her property and business affairs effectively because of
 mental illness chronic use of drugs confinement
 mental deficiency chronic intoxication disappearance
 physical illness or disability detention by a foreign power _____
and either
 the adult has property that will be wasted or dissipated unless proper management is provided, or
 the adult or his/her dependents are in need of money for support, care, and welfare, and protection is necessary to obtain or provide money.
 b. The adult petitioner is mentally competent but because of age or physical infirmity is unable to manage his/her property and affairs effectively, and recognizing the disability, requests appointment of a conservator.

5. (continued)

- c. The individual is a minor who
 - owns money or property that requires management or protection that cannot otherwise be provided.
 - has or may have business affairs that may be jeopardized or prevented by minority.
 - needs money for support and education, and protection is necessary or desirable to obtain or provide money.
- d. I am the guardian of the ward and it is in the ward's best interests to sell or otherwise dispose of the ward's real property or interest in real property.

G 6. The statements in item 5 are supported by the following facts: _____
 (Attach a separate sheet if necessary.)

H 7. The individual to be protected has an estate approximately valued at:

\$ _____ \$ _____ \$ _____ \$ _____
 Real property Personal property Insurance Monthly income

I 8. The individual to be protected is receiving the following benefits from governmental agencies:

- Social Security \$ _____ SSI \$ _____ MDHHS \$ _____
- Veterans Administration \$ _____, claimant number _____
- Other: _____ \$ _____

J 9. The individual to be protected has

- a spouse whose name and address are listed below.
- child(ren) whose name(s) and address(es) are listed below.
- descendants of deceased child(ren) whose name(s) and address(es) are listed below.
- if no child(ren) or descendants of deceased child(ren), parents whose name(s) and address(es) are listed below.
- if none of the above, presumptive heirs whose name(s) and address(es) are listed below.
- none of the above (must notify the Attorney General - see instructions for the address of the Attorney General).

NAME	ADDRESS AND TELEPHONE NUMBER				RELATIONSHIP	AGE (if minor)*
	Street address					
	City	State	Zip	Telephone no.		
	Street address					
	City	State	Zip	Telephone no.		
	Street address					
	City	State	Zip	Telephone no.		
	Street address					
	City	State	Zip	Telephone no.		

*If person is a minor, provide the date of birth on form MC 97a and put the Ref. No. from that form in the box above with the age.

K 10. None of the persons named above are under any legal incapacity except

Name, incapacity, and representative of the person, if any

L 11. The individual is currently found at _____
Address or location Telephone no.

M 12. It is necessary that a preliminary protective order be entered pending the regular hearing because

I REQUEST that the court:

N 13. Appoint _____,
Name, address, and telephone no.

who has priority as _____, as conservator of the estate to be protected.
Priority relationship

O 14. Preserve and apply the individual's property pending the appointment of a conservator as follows:

P 15. Enter a protective order that provides _____.

Q 16. Appoint the guardian as special conservator with authority to sell or otherwise dispose of the ward's real property or interest in real property.

I declare under the penalties of perjury that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

R _____
Date

Petitioner signature

Date

Attorney signature

S 17. **NOMINATION BY PERSON TO BE PROTECTED:** I am 14 years of age or older. I nominate as my conservator

Name, address, and telephone no.

Date

Signature of person to be protected

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY	PROTECTED PERSONAL IDENTIFYING INFORMATION	CASE NO. and JUDGE
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Court address _____

Court telephone no. _____

Plaintiff's/Petitioner's name	v	Defendant's/Respondent's name
In the matter of _____		

This form is nonpublic because it contains personal identifying information (PII) that is protected from public inspection under MCR 1.109(D)(9)(a). Use this form to provide PII only for a person who is a defendant, respondent, or decedent. If the person is a plaintiff, petitioner, or other individual, use form MC 97a.

Instructions:

- When PII (such as date of birth) must be filed with the court on a public document, DO NOT include it on that public document. Instead, you must provide it on this form.
- **Provide only** the protected PII required for your particular case. For example, if you are filing a public document that requires you to provide a date of birth to the court, complete only that field on this form.

Name of form/document that this MC 97 is being filed with: _____

Printed name of individual completing form and date _____

Instructions: Provide the name of the person that the PII applies to, followed by the specific PII that is required to be provided. For Other, specify the type of PII in addition to the PII itself. Use the below reference number (Ref. No.) in the public document in place of the protected PII. For example, insert "Ref. No. 1" in place of the DOB in the public document.

Ref. No.	Name (required)
1	Date of birth
2	National ID no. / Last 4 digits of SSN XXX-XX-_____
3	Driver's License / State-issued ID no.
4	Passport no.
5	Other

Ref. No.	Instructions: List the name of the financial institution and the account number. List the paragraph that references the account, if needed for clarity. Use reference number (Ref. No.) when necessary to refer to account in public documents.		
6	Financial institution	Account no.	Paragraph no.
7	Financial institution	Account no.	Paragraph no.
8	Financial institution	Account no.	Paragraph no.
9	Financial institution	Account no.	Paragraph no.

<p style="text-align: center;">STATE OF MICHIGAN PROBATE COURT COUNTY</p> <p style="text-align: center;">CIRCUIT COURT - FAMILY DIVISION</p>	<p style="text-align: center;">NOTICE ON PETITION FOR CONSERVATOR OR PROTECTIVE ORDER</p>	<p>FILE NO.</p>
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In the matter of _____, person to be protected

NATURE, PURPOSE, AND LEGAL EFFECT OF APPOINTMENT OF CONSERVATOR

A conservator is a person appointed by a court to help an individual manage his or her property and financial affairs when the individual is unable to manage such affairs. If a conservator is appointed for you, the conservator would make decisions for you that you now may make for yourself.

If appointed, the conservator will have all the powers over the estate and business affairs that the individual could exercise if present and not under disability, except the power to make a will.

A person has been appointed by the court to more fully explain these matters to you. That person is called a guardian ad litem. He or she will contact you to answer your questions and more fully discuss the meaning of a conservatorship.

RIGHTS

1. You have the right to secure, at your own expense, an independent evaluation of your condition.
2. You have the right to be present in person at the hearing. If you wish to be present at the hearing, all practical steps will be taken to ensure your presence, including, if necessary, moving the site of the hearing.
3. You are entitled to be represented by an attorney. The court may appoint an attorney to represent a minor, if necessary.
4. You have the right to present evidence at the hearing.
5. You have the right to cross-examine witnesses at the hearing, including a court appointed physician or mental health professional and the visitor if the court has appointed a visitor.
6. You have the right to a trial by jury.
7. You have the right to request that the hearing be closed to the public.
8. If the court determines that conservatorship is necessary, you have the right to nominate a person or corporation to be your conservator.

Do not write below this line - For court use only

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF

NOTICE OF HEARING

FILE NO.

In the matter of _____
First, middle, and last name

TAKE NOTICE: A hearing will be held on _____ at _____,
Date Time

at _____ before Judge **MARK A. FEYEN** **P32369**
Location Meeting ID#: 279 029 1001 Bar no.

for the following purpose(s): (state the nature of the hearing)

PETITION FOR CONSERVATOR OR PROTECTIVE ORDER

If you require special accommodations to use the court because of a disability, or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

_____	_____	_____	_____
Attorney name	Bar no.	Petitioner name	
_____	_____	_____	_____
Address		Address	
_____	_____	_____	_____
City, state, zip	Telephone no.	City, state, zip	Telephone no.

USE NOTE TO COURT: If this hearing is for a guardianship matter involving an Indian child as defined in MCR 3.002(12), you must comply with MCR 5.109(2).

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.
Do not write below this line - For court use only

STATE OF MICHIGAN PROBATE COURT COUNTY OF	PROOF OF SERVICE	FILE NO.
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In the matter of _____

1. Titles of the papers served or mailed: PETITION FOR APPOINTMENT OF CONSERVATOR AND/OR PROTECTIVE

2. According to court rule, I served by first-class mail registered mail (copy of return receipt attached)
 certified mail (copy of return receipt attached) the papers described above on:

Name	Complete address of service	Date

3. According to court rule, I served by **personal service** the papers described above on:

Name	Complete address of service	Date and Time

4. After diligent search and inquiry, I have been unable to find and serve the following interested persons. I have served these persons by publication. Attached are copies of form PC 617.

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Date

Signature

Name (type or print)

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

Do not write below this line - For court use only

STATE OF MICHIGAN PROBATE COURT COUNTY	ACCEPTANCE OF APPOINTMENT	CASE NO. and JUDGE
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Court address _____ Court telephone no. _____

In the matter of _____
First, middle, and last name

1. I have been appointed _____ of the person/estate.
Type of fiduciary

2. I accept the appointment, submit to personal jurisdiction of the court, and agree to file reports and to perform all required duties.

3. For a period of _____ days from the date of my appointment, I exclude from the scope of my responsibility
not to exceed 91 days

the following real estate or ownership interest in a business entity: _____
Describe real property or business interest

because I reasonably believe the real estate or other property owned by the business entity is or may be contaminated by a hazardous substance, or is or has been used in an activity directly or indirectly involving a hazardous substance that could result in liability to the estate or otherwise impair the value of property held by the estate.

 Date

 Signature

 Attorney name (type or print) Bar no.

 Name (type or print)

 Attorney Address

 Address

 City, state, zip Telephone no.

 City, state, zip Telephone no.

 Put DOB in row 10 on MC 97a.
 Date of birth

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY	ADDENDUM TO PROTECTED PERSONAL IDENTIFYING INFORMATION	CASE NO. and JUDGE
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Court address 12120 FILLMORE STREET, WEST OLIVE, MICHIGAN, 49460	Court telephone no. 616-786-4110
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Plaintiff's/Petitioner's name	v	Defendant's/Respondent's name
In the matter of _____		

This form is nonpublic because it contains personal identifying information (PII) that is protected from public inspection under MCR 1.109(D)(9)(a). Use this form to provide PII only for a person who is a NOT a defendant, respondent, or decedent. If the person is a defendant, respondent, or decedent use form MC 97.

Instructions:

- When PII (such as date of birth) must be filed with the court on a public document, DO NOT include it on that public document. Instead, you must provide it on this form.
- **Provide only** the protected PII required for your particular case. For example, if you are filing a public document that requires you to provide a date of birth to the court, complete only that field on this form.

Name of form/document that this MC 97a is being filed with: _____

Printed name of individual completing form and date

Ref. No.	Instructions: Provide the name of the person that the PII applies to, followed by the specific PII that is required. For Other, specify the type of PII in addition to the PII itself - for example, Social Security No. XXXX. Use the below reference number (Ref. No.) in the public document in place of the protected PII. For example, insert "Ref. No. XX" in place of the DOB in the public document.		
10	Name	DOB	Other
11	Name	DOB	Other
12	Name	DOB	Other
13	Name	DOB	Other
14	Name	DOB	Other
15	Name	DOB	Other
16	Name	DOB	Other
17	Name	DOB	Other
18	Name	DOB	Other

STATE OF MICHIGAN PROBATE COURT COUNTY	INVENTORY (CONSERVATORSHIP) <input type="checkbox"/> AMENDED	CASE NO. and JUDGE
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Court address 12120 FILLMORE STREET, WEST OLIVE, MICHIGAN, 49460 **Court telephone no.**

USE NOTE: The conservator must serve this completed inventory on all interested persons as required by Michigan Court Rules 5.105 and 5.125. Then the conservator must complete a proof of service (form PC 564) and file it and this inventory with the court.

In the matter of _____
First, middle, and last name

I, _____, am the conservator and submit the following as a complete
Name (type or print)

and accurate inventory of all the assets of the estate, including the fair market valuations as of the date of qualification as conservator. I have listed on this inventory any property the protected individual owns jointly or in common with others, including the type of ownership.

PERSONAL PROPERTY AND REAL PROPERTY DESCRIPTION If the property is owned by both the protected individual and others, specify the type of ownership in the description and check the box in the column "Total Value of Property." If the property has been used to secure a loan, show the nature and amount of the lien. Definitions and instructions for completing the inventory are on the next page.	LIEN AMOUNT	TOTAL VALUE OF PROPERTY (without reduction for lien)
		<input type="checkbox"/>
TOTAL ASSETS		

I declare under the penalties of perjury that this inventory has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

	Date
Attorney signature	Signature
Attorney name (type or print)	Name (type or print)
	Bar no.
Address	Address
City, state, zip	City, state, zip
	Telephone no.

DEFINITIONS:

- **Real property** means land, including a building or house that is built on the land.
- **Personal property** means everything that a person owns except real property. Personal property includes bank accounts and checking accounts.

INSTRUCTIONS TO COMPLETE THE INVENTORY:

1. List all real and personal property in the column **“Personal Property and Real Property Description.”**
2. When listing real property, provide the legal description of the property and the name of any other owner.
 - a. If real property has been used to secure a loan (including an equity line of credit), show the nature and amount of the lien.
 - b. If the value of real property is determined by an appraisal, include the appraiser’s name and address and a description of the property appraised.
 - c. Property that the protected individual owns jointly or in common with others must be listed along with the type of ownership. The court may require additional information to support the value of property that is stated in the inventory.
3. When listing personal property, provide enough detail to adequately determine the value. Some items should be listed separately and some items should be combined under one category. Provide the name and address of each financial institution listed. The address of a financial institution shall be either that of the institution’s main headquarters or the branch used most frequently by the conservator.

Do not provide financial account numbers on this form. If an account number is necessary to distinguish between accounts, put it on form MC 97.

a. Examples of items that should be listed and valued separately are:

- Automobiles
- Jewelry
- Bank accounts
- Antiques
- Furniture
- Any other individual item of high value (such as a fur coat)
- Prepaid burial contracts
- Life insurance (cash value)
- Annuities
- Mutual funds
- Stocks and bonds

b. Examples of items that can be listed in categories are:

- Household items such as dishes, flatware, curtains, linens, utensils, clothing, furnishings, etc. can be grouped into several categories or combined into one category.
- Multiple copies or pieces of a specific item that have the same value such as stocks and bonds.

c. If personal property has been used to secure a loan, show the nature and amount of the lien.

d. If the value of personal property is determined by an appraisal, include the appraiser’s name and address and a description of the property appraised.

e. Property that the protected individual owns jointly or in common with others must be listed along with the type of ownership. The court may require additional information to support the value of property that is stated in the inventory.

STATE OF MICHIGAN PROBATE COURT COUNTY OF	PROOF OF SERVICE	FILE NO.
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In the matter of _____

1. Titles of the papers served or mailed: _____

2. According to court rule, I served by first-class mail registered mail (copy of return receipt attached)
 certified mail (copy of return receipt attached) the papers described above on:

Name	Complete address of service	Date

3. According to court rule, I served by **personal service** the papers described above on:

Name	Complete address of service	Date and Time

4. After diligent search and inquiry, I have been unable to find and serve the following interested persons. I have served these persons by publication. Attached are copies of form PC 617.

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Date

Signature

Name (type or print)

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

Do not write below this line - For court use only