

APPLICATION AND ORDER FOR APPOINTMENT OF OUT-OF-STATE GUARDIANSHIP OF LEGALLY INCAPACITATED 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.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:

- Application and Order for Appointment of Out-of-State Guardian of Legally Incapacitated Individual (PC 685) - In order to begin the conservatorship process you will need to upload the completed petition on MiFILE along with your payment of \$175.00.
- <https://www.courts.michigan.gov/496d34/siteassets/forms/scao-approved/pc685m.pdf>

Step Two: Once your application has been accepted by the Court, the Court will issue **Temporary Letters of Guardianship which will expire 28 days after the date of appointment.**

Step Three: Once you have received confirmation from MiFILE that the Court has accepted your petition and you have received the Temporary Letters of Guardianship please complete the following forms.

Documents Included:

- Notice of Temporary Appointment and Right to Object (PC 672) – this form must be served upon interested parties within 14 days after appointment as temporary conservator.
- Proof of Service (PC 564) -this form tells the Judge that you sent copies of the Application and Order for Appointment of Out-of-State Guardianship of Legally Incapacitated Individual and Notice of Temporary Appointment and Right to Object to all interested parties. Please make all necessary copies of your petition and Notice of Temporary Appointment and Right to Object (including one for yourself and one for each interested party). Interested parties include but may not be limited to the following:
 - Alleged incapacitated individual or the incapacitated individual
 - If known, a person named as attorney in fact under a durable power of attorney
 - 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
 - The person who has the care and custody of the alleged incapacitated individual or of the incapacitated individual
 - The current, proposed and or nominated guardian
 - If known by the petitioner or applicant, a guardian or conservator appointed by a court in another state to have care and control of the incapacitated individual
 - If the adult is a veteran, the Veteran Administration needs to be notified

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

Completed 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 within 14 days after appointment of Temporary Guardian.** 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 out-of-state guardian and or proposed guardian (s); this lets the Court know that the person accepts the guardianship and its responsibilities.

Step Four: If an interested party is going to file an Objection, it must be filed before the expiration of the 28 days along with \$20.00 filing fee. The court will then set the Objection for hearing.

If no Objection is filed, at the end of 28 days the Court will issue Full Letters of Guardianship

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