OAKLAND COUNTY PROBATE COURT

PROBATE JUDGES
Judge Jennifer Callaghan
Judge Nicole S. Huddleston
Judge Daniel A. O'Brien
Judge Traci Richards

1200 N. TELEGRAPH RD, DEPT 457
PONTIAC, MI 48341–0457

Telephone (248) 858–0260

Business hours: 8:00 a.m. to 4:30 p.m.
Monday – Friday
www.oakgov.com/probate

INFORMATION SHEET FOR PETITIONS OF GUARDIAN OF INDIVIDUAL WITH ALLEGED DEVELOPMENTAL DISABILITY

Once you file a Petition, many steps must be completed before the court hearing.
This will provide general information regarding a petition that is filed and set for hearing before the court.

The Probate Court staff will assist you if you have further questions about procedures; however, *staff is prohibited from offering legal advice.*

SERVICE

IT IS YOUR RESPONSIBILITY AS PETITIONER TO "SERVE" ALL INTERESTED PERSONS WITH A COPY OF THE *PETITION* AND *NOTICE OF HEARING* (STAPLED PACKETS). IF YOU DO NOT COMPLETE SERVICE, YOUR PETITION WILL BE DISMISSED, AND YOU WILL HAVE TO START THE PROCESS ALL OVER BY FILING A NEW PETITION.

THERE ARE 3 METHODS OF SERVICE:

Personal Service Means delivering copies to the individual in person.

Service by Mail Means mailing copies (only first-class mail is required).

Publication Means publishing notice in a legal newspaper because an interested individual's address or whereabouts are unknown.

INTERESTED PERSONS ARE THOSE LISTED ON THE "PETITION" IN #2, #12, & #15, WHO PREPARED THE "REPORT TO ACCOMPANY" (IF DIFFERENT FROM ANY PERSON ON THE PETITION); AND THE PHYSICIAN OR PSYCHOLOGIST (IF YOU SUBMITTED AN EVALUATION).

In general, interested persons must be served:

- At least 14 days prior to the hearing if served by mail or publication.
- At least 7 days prior to the hearing if served by personal service.

ATTORNEY GENERAL

If there are no presumptive heirs, the Attorney General should have been listed on the Petition in item #2 and must be emailed a copy of the Petition and Notice of Hearing or mailed a copy of the Petition and Notice of Hearing at:
ATTORNEY GENERAL
Michigan Department of Attorney General
Public Administration Division
P.O. BOX 30755
LANSING, MI 48909

- **PLEASE SEE OTHER SIDE FOR MORE IMPORTANT INFORMATION**

PROOF OF SERVICE	You, the Petitioner, must file a *Proof of Service* form with the court at least one week before the hearing. If you fail to provide the Proof of Service, your Petition will be dismissed or adjourned.
WAIVER & CONSENT	If a Proof of Service is not submitted, your Petition will be dismissed unless the interested persons have either been served or have signed a "Waiver and Consent", Form PC 561.
HEARING DATE	The Notice of Hearing form displays the date, time, and assigned Judge. **The hearings are being held by Zoom unless the Notice of Hearing states otherwise.** You, the Petitioner, must attend the hearing or your Petition will be dismissed. The alleged individual with a developmental disability must appear at the hearing unless an "Affidavit and Order Excusing Respondent's Presence" (form PEMH 1100) that is signed by a physician or psychologist, is notarized, and filed by the attorney with the court. **If you submitted a Psychological Evaluation, then that PHYSICIAN OR PSYCHOLOGIST MUST TESTIFY AT THE HEARING.**
AFTER THE HEARING	If you are granted guardianship, you and any other co-guardians must sign an Acceptance of Appointment (Form PC 571) and put each guardian's date of birth on Form MC 97a. Filings are required to be submitted using the MiFILE system.
LETTERS OF GUARDIANSHIP	The fee to obtain a certified copy of the Letters of Guardianship is $12.00 each. You may purchase the Letters of Guardianship by using the Court Explorer link on our website, through the mail, or purchased in person.

ADDITIONAL FEES THAT MAY APPLY

ACCOUNTS – (If you are appointed Guardian of the Estate) - **$20 per annual account**
PETITION FOR REINSTATEMENT - (If you fail to file required documents timely and are suspended) - **$20**
COPY FEES (if you request regular copies of documents) **$1 per page**
ADDITIONAL CERTIFIED COPIES OF LETTERS OF GUARDIANSHIP - $12
MISCELLANEOUS MOTIONS AND PETITIONS - $20

THERE ARE NO FEES FOR:

- **Annual Reports**

NOTE: These instructions are not meant to be all-inclusive, but rather to provide general information. For those petitions that are contested or complex, it is recommended that you consult with an attorney for guidance.