

Jackson County Probate Court

312 S. Jackson St.
Jackson, MI 49201
Phone: 517-788-4290
Fax: 517-788-4291

Instructions for Petition to Terminate or Modify a Guardianship for Developmentally Disabled Individual

Completed paperwork must be legible and typed or written in ink. The Court is required by law to refuse any paperwork that is not legible.

Please read all instructions before attempting to complete any paperwork contained in this packet, as you may not need to complete all of these forms in your particular case.

Fees

- Filing Fee – There is no filing fee
- Certified Copies of Letters of Authority (optional) - \$10.00 per certification and \$1.00 per page (usually totals \$11.00 per certified copy)
 - New letters will only be issued if you are seeking a modification and it is granted.
- Attorney Fee - \$175
 - The judge will determine who is responsible for this fee at the hearing.

Fees cannot be returned if your petition is denied.

Temporary Guardianship

It typically takes 3-5 weeks to get a hearing on a petition regarding guardianship. If there is an emergency, and you need guardianship authority immediately, you may request a temporary guardianship. This is done by filling out number 9 on the Petition to Modify Guardianship for Developmentally Disabled Individual and checking the box next to “temporary guardian.” Temporary guardianship means authority given to act as the guardian from the time the petition is filed until the hearing date.

Attorney

An attorney is appointed to represent the individual you are seeking guardianship over. The attorney will meet with the individual before the hearing, and represent the individual at the hearing. There is a \$175 fee (plus mileage if appropriate) for the attorney. At the hearing, the judge will determine who is responsible for paying this fee (this may include the County if no one involved can afford the fee).

Forms

Below, you will find specific instructions for each form contained in the packet.

1. Petition to Terminate/Modify Guardian for Developmentally Disabled Individual (PC 677): Complete the entire form.

2. Fiduciary Proof of Identity (optional): This form is only used if you are seeking to change from one guardian to another.

Complete this form with all requested information. The information required is the proposed guardian's information. You must attach to the form a clear photo copy of the proposed guardian/conservator's driver's license. This document is only used by the Court. It is not made available to the public.

3. Report to Accompany Petition to Appoint, Modify or Discharge Guardian of Individual with Developmental Disability (PC 659): This form is only needed if you are seeking to terminate or change the scope of the guardianship (to add or remove authority). It is not needed if you are only seeking to change from one guardian to another. The form must be completed by a physician or psychologist. Do NOT fill out this form yourself. This form must be filed with your petition. Please note that if you already have a medical report, this form must be used in addition to that report.

Please note that the term "psychologist" is limited to a psychologist licensed pursuant to the public health code. School psychologists are licensed by the Department of Education and most likely do not meet this requirement.

Also note, the psychological report cannot be more than one year old at the time of filing.

4. Notice of Hearing (PC 562): Complete as much of this form as possible. Do not write in the date or time of the hearing, or the identity of the judge. This information will be provided when you file your documents with the Court.
5. Proof of Service (PC 564): After all paperwork has been filed with the Court you are responsible for making copies of all documents filed with the Court (not including the Fiduciary Proof of Identity) and serving them on all of the interested parties. Service must be completed at least 14 days before the scheduled hearing if served by mail, or at least 7 days before the hearing if personally served.

After serving all of the interested parties, you must indicate on this form who was served, how they were served, and when they were served. The form is then filed with the Court. Failure to file the Proof of Service may result in dismissal or adjournment of your case.

| | | |
|--|--|--------------------|
| STATE OF MICHIGAN PROBATE COURT JACKSON COUNTY | PETITION TO <input type="checkbox"/> TERMINATE <input type="checkbox"/> MODIFY GUARDIAN FOR DEVELOPMENTALLY DISABLED INDIVIDUAL | CASE NO. and JUDGE |
|--|--|--------------------|

Court address _____ Court telephone no. _____

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

Petitioner's name, address, and telephone no.

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

1. I, _____, am interested in this matter and make this petition as
Name (type or print)

State interest/relationship _____

2. The developmentally disabled individual's address and telephone number are _____
Address

City _____ State _____ Zip _____ Telephone no. _____

3. The guardian's address is _____

City _____ State _____ Zip _____

4. The developmentally disabled individual's presumptive heirs are: (Attach a separate sheet if more space is needed.)

| NAME | ADDRESS AND TELEPHONE NUMBER | RELATIONSHIP | AGE (if minor) | |
|------|--|--------------|-------------------|------|
| | Street address | | | |
| | <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;">City</td> <td style="width:10%;">State</td> <td style="width:10%;">Zip</td> <td style="width:50%;">Telephone no.</td> </tr> </table> | | | City |
| City | State | Zip | Telephone no. | |
| | Street address | | | |
| | <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;">City</td> <td style="width:10%;">State</td> <td style="width:10%;">Zip</td> <td style="width:50%;">Telephone no.</td> </tr> </table> | | | City |
| City | State | Zip | Telephone no. | |
| | Street address | | | |
| | <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;">City</td> <td style="width:10%;">State</td> <td style="width:10%;">Zip</td> <td style="width:50%;">Telephone no.</td> </tr> </table> | | | City |
| City | State | Zip | Telephone no. | |
| | Street address | | | |
| | <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;">City</td> <td style="width:10%;">State</td> <td style="width:10%;">Zip</td> <td style="width:50%;">Telephone no.</td> </tr> </table> | | | City |
| City | State | Zip | Telephone no. | |

5. The reasons why the court should take action are _____

I REQUEST that the court:

6. Terminate
 a. all part of the plenary guardian of the individual. estate.
 b. all part of the partial guardian of the individual. estate.

7. Accept the resignation of the
 a. plenary guardian of the individual estate.
 b. partial guardian of the individual estate.
 c. standby guardian.

8. Remove the
 a. plenary guardian of the individual estate,
 b. partial guardian of the individual estate,
 c. standby guardian,
who has has not been suspended.

9. Appoint _____
Name Address
City State Zip Telephone no.
as temporary guardian successor partial guardian successor plenary guardian
of the individual estate.

10. Appoint _____
Name Address
City State Zip Telephone no.
as standby guardian of the individual. estate.

11. Modify the powers of the plenary guardian partial guardian of the individual estate
as follows: _____

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.

Date

Attorney signature

Date

Petitioner signature

FIDUCIARY PROOF OF IDENTITY

(To be completed by all fiduciaries)

PLEASE TYPE OR PRINT LEGIBLY

File Name: _____

File No. _____

Full Name of Fiduciary

DOB

DL#

Home Address

Own
 Rent

Home Phone (including area code)

City/State/ZIP

Work Phone (including area code)

YOU MUST ATTACH A LEGIBLE COPY OF YOUR DRIVER'S LICENSE

Occupation

Work Address

Employer Name

City/State/ZIP

Banking Institution

Address of Bank Branch

Banking Institution

Address of Bank Branch

Personal Reference:

Name

Address

Phone (including area code)

City/State/ZIP

This document is for Court use only and will NOT be part of the public record.

JCPC Fiduciary Proof of Identity (1/14)

Approved, SCAO

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF JACKSON

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 _____

Location

Bar no.

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

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 | Date |
| _____ | _____ | _____ | _____ |
| 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 CIRCUIT COURT - FAMILY DIVISION | REPORT TO ACCOMPANY PETITION TO APPOINT, MODIFY OR DISCHARGE GUARDIAN OF INDIVIDUAL WITH DEVELOPMENTAL DISABILITY | FILE NO. |
|---|--|----------|

In the matter of _____, an individual with an alleged developmental disability

1. I, _____, report to the court that:
Name (type or print)

2. The individual's developmental disability may be described as follows:

Nature: _____

Type: _____

3. The appended evaluations are current, take into account the individual's abilities, and were performed and signed by the following individuals:

| Evaluation | Name | Title | Date Performed |
|-------------------|------|-------|----------------|
| Mental | | | |
| Physical | | | |
| Social | | | |
| Educational | | | |
| Adaptive Behavior | | | |
| Social Skills | | | |

4. Appended to the report is a listing of all psychotropic medication, plus all other medication that the individual is receiving on a continuous basis, the dosage of the medication, and a description of the impact upon his or her mental, physical and educational condition, adaptive behavior, and social skills.

should be modified

5. Guardianship is needed for the following reason(s): _____

is not needed.

PLEASE SEE OTHER SIDE

Do not write below this line - For court use only

6. The type and scope of guardianship services needed are as follows:

7. The recommendations and reasons for the most appropriate rehabilitation plan are as follows:

8. The recommendations and reasons for the most appropriate living arrangements are as follows:

The guardian should be authorized to make application to place the individual in _____
Name or type of facility
_____ .

Date

Signature of person preparing report

Name of center or agency

Address

City, state, zip

Telephone no.

Approved, SCAO

STATE OF MICHIGAN
 PROBATE COURT
 COUNTY OF JACKSON

PROOF OF SERVICE

FILE NO.

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 | TOTAL FEE |
| \$ | | \$ | |
| Incorrect address fee | Miles traveled | 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 JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE | ADDENDUM TO PROTECTED PERSONAL IDENTIFYING INFORMATION | CASE NO. and JUDGE |
|--|--|--------------------|

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 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 JUDICIAL DISTRICT JACKSON JUDICIAL CIRCUIT COUNTY PROBATE | PROTECTED PERSONAL IDENTIFYING INFORMATION | CASE NO. and JUDGE |
|--|---|--------------------|

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. |