

VAN BUREN COUNTY – ALL COURTS POLICY

SUBJECT: REQUIREMENTS FOR GUARDIANSHIP REVIEWS	SECTION: PROBATE COURT	DATE: 05/11/2021
REVISIONS PREPARED BY: Veronica Stillson Brandy Antonowitsch	NUMBER: Policy 10.004	SUPERSEDES: N/A

REFERENCES:

- Legally incapacitated individual, adult
 1. MCL 700.5309
 2. MCR 5.408(A)
- Guardianship of minor
 1. MCL 700.5207
 2. MCR 5.404

BACKGROUND:

Guardianships of minors and legally incapacitated individuals are protective order proceedings. Court rule and statute require investigation of the individual.

POLICY STATEMENT:

- A. A guardian may be appointed for a legally incapacitated individual or minor child in need of proper care and custody.
- B. The Estates and Protected Individuals Code (EPIC) requires review of guardianship cases.
 1. Case type GA and GL, 1 year after appointment of guardian and every 3 years after each review.
 2. Case type GM, annually if the minor is under 6 years of age. Van Buren County Probate Court policy is to review minors up to the age of 13 years.
- C. An individual may complete a VBC-4251 *Guardianship Reviewer Requirements and Application*.
 1. Candidates need to understand the established community and court standards for what constitutes an appropriate guardianship family.
 2. An understanding of the Probate Code is necessary.
 3. Candidates must have experience working with incapacitated individuals, such as those with dementia, Alzheimer's, Huntington's, Parkinson's, closed head injuries, autism, etc.
 4. Candidates should anticipate attending court hearings to offer reviewer recommendations regarding the case under their investigation.
 5. Authorized reviewers are expected to meet with individuals in person, unless otherwise specifically ordered. If a review must be conducted by videoconference or other method, reviewer must be familiar with technology for this use.
 6. Van Buren County employees are not authorized to use county or court owned equipment or supplies to complete guardianship reviews unless this duty becomes part of the employee's job description. Guardianship reviewers employed by Van Buren County will not prepare guardianship investigation reports or conduct any guardianship review related business during working hours unless this duty becomes part of the employee's job description.
 7. Applications will be reviewed by the probate judge or his or her designee.

- D. VBC-4250 *Authorized Van Buren County Courts Guardianship Reviewer List* shall be maintained.
- E. Guardianship Reviewer will submit a VBC-4252 *Request for Payment of Guardianship Reviewer Statement of Service* on a timely basis. The current rate of guardianship reviewer reimbursement is stated on VBC-4252 *Request for Payment of Guardianship Reviewer Statement of Service*. If it is determined a ward has assets, the bill shall be submitted to the conservator. MCL 700.5413

PROCEDURES:

- A. GA and GL cases are assigned for review by use of Order Appointing Person to Review/Investigate Guardianship PC 635.
- B. Guardianship reviewer submits VBC-4607 *Report on Review of Guardian of Legally Incapacitated Individual* within 28 days of appointment for review.
- C. GM case types are reviewed by the DHHS Guardianship Worker until age 13. Report for Court Review of Minor Guardianships PC 655 is used for this purpose.
 - 1. Petitions to Modify or Terminate Guardianship also reviewed by DHHS Guardianship Worker upon order of the probate court.
- D. Complaints regarding a guardianship reviewer will be referred to the probate register.

FORMS USED:

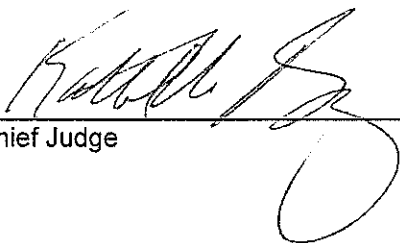
PC 635 Order Appointing Person to Review/Investigate Guardianship
PC 655 Report for Court Review of Minor Guardianships
VBC-4250 Authorized Van Buren County Courts Guardianship Reviewer List
VBC-4251 Guardianship Reviewer Requirements and Application
VBC-4252 Request for Payment of Guardianship Reviewer Statement of Service
VBC-4607 Report on Review of Guardian of Legally Incapacitated Individual

EFFECTIVE:

Date: 05/11/2021

APPROVAL:

Date: 05/11/2021



Chief Judge