

Question: What's the difference between PC 650 and PC 651 forms?

Rubric:

1. **Form Identification – Limited vs. Full Guardianship:** Clearly identify Form PC 650 as the **Petition for Appointment of Limited Guardian of a Minor** (used when a parent consents to a **limited guardianship**) and Form PC 651 as the **Petition for Appointment of Guardian of a Minor** (used for a **full guardianship** without parental consent).
2. **Usage Context:** Explain that **PC 650 is filed by the minor's custodial parent(s)** to voluntarily set up a limited guardianship (it requires an attached Limited Guardianship Placement Plan, PC 652), whereas **PC 651 is filed (often by a relative or other interested person)** to request a full guardianship when statutory grounds are met (e.g. parents are unavailable or unfit).
3. **Key Distinctions:** Emphasize that a **limited guardianship (PC 650)** is a voluntary arrangement under MCL 700.5205 (parents retain rights and plan to reunite with the child), while a **full guardianship (PC 651)** proceeds under MCL 700.5204 when parents are not able or willing to care for the child. The answer should note that each form initiates a different legal process with different requirements (for example, **PC 650 + PC 652** for limited guardianship vs. **PC 651 + PC 670** for full guardianship).
4. **No Confidentiality Difference:** State that **neither form is confidential** – both are standard public court petitions – but they serve different purposes. PC 650 petitions must include the parents' consent and plan, whereas PC 651 petitions must demonstrate one of the statutory grounds for guardianship. This highlights why the forms are not interchangeable.

Question: Do I need a lawyer to file for guardianship or can I do it myself?

Rubric:

1. **No Attorney Required:** Affirm that **Michigan law does not require a lawyer** to file a minor guardianship petition – individuals **can file pro se (on their own)**. Emphasize that the process is designed to be accessible to self-represented people (for example, Genesee County provides step-by-step instructions and standard forms for the public).
2. **Self-Help Resources:** Mention that **the Probate Court and Michigan's SCAO forms make it feasible to "do it yourself."** The ideal answer notes resources like Document 8 (a filing guide) and court clerks who provide necessary forms (PC 650/651, etc.), empowering the user that they *can* handle the filing by carefully following the provided instructions.
3. **Process Overview for Pro Se:** Outline that as a self-represented petitioner, they will need to **complete the proper forms, pay the filing fee (or request a fee waiver), serve notice to interested persons, and attend the hearing** – steps which do not legally require an attorney. This point ensures the answer covers the main tasks a pro se filer must manage.
4. **Optional Nature of Legal Advice:** Clarify that while **hiring a lawyer is optional**, it may be helpful in complex or contested cases. However, many guardianships in Genesee County are successfully obtained without an attorney. The answer should encourage the user that they can proceed on their own and

suggest consulting an attorney **only if they feel uncomfortable or if special issues arise**, rather than as a requirement. (This point provides a balanced perspective without undermining the user's confidence to file pro se.)

Question: What is the Minor Guardianship Social History form and is it confidential?

Rubric:

1. **Form PC 670 Description:** Identify the **Minor Guardianship Social History (Form PC 670)** as a required form that provides detailed background information to the court. Explain that it includes information about the **child's age, health, education, living situation, the parents' circumstances, and the proposed guardian's home** – all to give the judge a full picture of the child's needs.
2. **Confidential Nature:** State that **Form PC 670 is confidential**. Emphasize that unlike the petition, the social history is **not part of the public record**; it will be kept private for the court's use because it contains sensitive personal details (e.g. minor's birthdate, family history, etc.).
3. **Mandatory Filing:** Note that the social history form is **mandatory and must be filed at the same time as the petition**. Michigan Court Rule 5.404(A)(4) requires this, and in Genesee County the court will not proceed without it. An ideal answer mentions that the petitioner should complete PC 670 and submit it with the initial filing so the court can review the family background before the hearing.
4. **Purpose for Court's Decision:** Explain why the court needs this form: it **helps the judge (or investigators like DHHS or a Guardian ad Litem) evaluate the child's situation and the suitability of the proposed guardian**. The answer might add that the information on PC 670 aids any required home investigation and is used to ensure the guardianship is in the child's best interests.

Question: How do I prove I notified everyone about the guardianship hearing?

Rubric:

1. **Notice Requirement:** State that after filing the petition, the petitioner **must give notice of the hearing to all "interested persons"** (e.g. both parents, the minor if 14 or older, current caretaker, close relatives as required). An ideal answer lists who must be notified per Michigan Court Rule 5.125(C)(20) so the reader knows "everyone" who needs notice.
2. **Methods and Timing of Service:** Explain the approved methods to notify: **personal delivery (at least 7 days before the hearing), first-class mail (14 days before), or publication (14 days before)** if someone cannot be found. Include that these are minimum timeframes and that timing is crucial to valid service.
3. **Proof of Service Form (PC 564):** Emphasize that to "prove" notice was given, the filer must **complete and file a Proof of Service (Form PC 564)** with the court **before the hearing**. The Proof of Service should list each person served, the date and method of service (mail, personal, etc.), and it must be filed in the court file as evidence that notice obligations were met.
4. **Supporting Documents:** Note that if any interested person was served by alternate means, **additional documents are required**: e.g., if notice was by publication due to an unlocatable parent, the **publisher's affidavit** of publication must be filed along with the Proof of Service. This ensures the answer covers how to prove notice even in special cases (like absent parents).

5. **Consequence of Non-Compliance:** (Optional content) Mention that if proper notice is not given or the proof isn't filed, **the hearing will be delayed or the petition dismissed**, underscoring the importance of this step. This serves to inform the user why proving service is critical.

Question: What are Letters of Guardianship and why do I need certified copies?

Rubric:

1. **Definition of Letters of Guardianship:** Explain that “**Letters of Guardianship**” (Form PC 633) are the official court document issued after you are appointed guardian. They serve as **proof of your legal authority** over the child. An ideal answer will clarify that “Letters” in this context means a certified order/certificate, not a correspondence.
2. **Purpose of Letters:** State that the Letters of Guardianship contain details of the appointment (guardian's name, ward's name, date of appointment, any limitations on authority) and function as **your credentials to act on the child's behalf**. For example, you will show the Letters when enrolling the child in school or obtaining medical care to demonstrate you are the legal guardian.
3. **Why Certified Copies are Needed:** Clarify that a **certified copy** is a copy of the Letters that bears the court's seal or certification stamp, making it an official document. Many institutions (schools, doctors, insurance companies, etc.) will **require a certified copy** rather than a plain photocopy to prove the guardianship is valid.
4. **Practical Guidance (Genesee County example):** Mention that guardians should obtain several certified copies from the court (for a fee per copy – e.g., Genesee County charges about \$11 each) so they can provide them to various entities. Emphasize that having certified copies on hand will save time when enrolling the child in school, adding them to health insurance, or any scenario where proof of guardianship is needed.

Question: When must I file annual reports?

Rubric:

1. **Annual Reporting Duty:** State that **a guardian of a minor must file an Annual Report on the Condition of the Minor (Form PC 654) with the probate court every year** for as long as the guardianship remains in place. This report updates the court on the child's status and welfare.
2. **Deadline – 56 Days Rule:** Specify the timing: **the annual report is due within 56 days of the anniversary of the guardian's appointment each year**. For example, if you were appointed on June 1, your report must be filed by July 27 of the following year (56 days after June 1). The answer should stress this exact timeline to meet the legal requirement.
3. **Content and Purpose:** Mention that the report includes information on the child's living arrangements, health, education, and general well-being over the past year. This lets the court ensure the child is doing okay and that the guardianship is still serving the child's best interests.
4. **Serving Interested Persons:** Note that the guardian **must send a copy of the annual report to the child's parents (and the child if 14 or older)** and file a Proof of Service (PC 564) to show that these interested persons were given the report. This point highlights that the parents remain informed.
5. **Compliance Importance:** (Optional) Emphasize that **failing to file the annual report on time is serious**

– it can lead to the court issuing orders to compel compliance or even removing the guardian. This underscores why meeting the annual deadline is crucial.

Question: Am I financially responsible for my ward?

Rubric:

1. **No Personal Financial Obligation:** Make clear that **as a guardian, you are *not* required to use your own personal money to support the child (ward).** By law, a guardian's duty is to manage the child's funds and assets for the child's benefit, but the guardian is not obliged to pay for the child's expenses out-of-pocket (the legal obligation to support the child remains with the parents).
2. **Managing the Child's Funds:** Explain that the guardian **must manage any money or property belonging to the child responsibly.** If the child has income, benefits, or an inheritance, the guardian should use those resources for the child's care (food, clothing, shelter, etc.) and conserve any excess prudently for the child's future needs.
3. **Conservatorship Threshold:** Note that if the **child has significant assets (over \$5,000 in a year or owns real estate),** the guardian is required to **petition the court for a conservator** to handle the child's estate. This means the guardian should alert the court and have a separate fiduciary appointed to manage large sums, since a guardian alone handles only routine finances.
4. **Parents' Support Duty:** The answer should mention that **the parents are still legally responsible for supporting their child.** The court can order the parents to pay child support to the guardian for the child's care, or the guardian can seek public benefits for the child. This reinforces that the guardian's role is oversight and care, not financial liability.
5. **Example/Clarification:** (Optional) Provide an example such as: "If the child needs a coat or school supplies and has no money of their own, the guardian can ask the parents for money or apply for benefits; the guardian isn't forced by law to pay for these out of personal funds, though many guardians do help out of love. But legally, you won't be billed for the child's support simply because you're the guardian."

Question: Can I consent to medical treatment for my ward?

Rubric:

1. **General Authority to Consent:** Confirm that **yes, a guardian has the authority to consent to routine and necessary medical, dental, and mental health treatment for the child.** As part of the guardian's "powers of a parent," you can take the child to the doctor, approve surgeries or medications, and generally make healthcare decisions in the child's best interest.
2. **Extent of Medical Powers:** Mention that this authority is quite broad – for instance, a guardian can consent to immunizations, emergency medical care, dental work, and counseling on behalf of the minor. Cite that under Michigan law (MCL 700.5215) guardians essentially step into the parental role for such decisions.
3. **Special Medical Situations:** Note that certain extraordinary decisions may have specific rules. For example, a guardian can even consent to a Do-Not-Resuscitate (DNR) order for the child **after careful consultation** (and if it's in the child's best interest). This illustrates the range of medical authority.

Additionally, if the child has unique medical needs, the guardian should coordinate with healthcare providers just as a parent would.

4. **Limits (if any):** Clarify that **one thing a guardian cannot do without court approval is consent to the child's marriage or adoption** (those are not "medical," but it's a legal limitation often mentioned in context of guardian powers). Also, if a medical decision is especially consequential or controversial, the guardian should inform the court. However, day-to-day and emergency medical consents are squarely within the guardian's powers.

Question: What are my responsibilities regarding my ward's personal property?

Rubric:

1. **Safeguard the Child's Property:** Explain that the guardian **must secure and protect the minor's personal property and assets**. This means taking possession of the child's belongings (e.g. clothes, toys, personal effects) and any financial assets (small bank accounts, etc.) so they are used for the child's benefit and not lost or wasted.

2. **Fiduciary Management:** State that the guardian **acts as a fiduciary with respect to the child's property** – you should manage the child's money prudently, keep records of any funds received or spent for the child, and not commingle the child's money with your own. All expenditures from the child's funds should be for the child's needs (support, education, healthcare) and not for the guardian's personal use.

3. **Conservatorship Requirement:** Reiterate the rule that if the child **receives significant assets (more than \$5,000/year or real estate)**, the guardian must **petition for a conservator (Form PC 639) to be appointed**. The rubric should mention this threshold to highlight that managing ordinary personal property (clothing, personal items, maybe minor cash) is the guardian's job, but big assets trigger a separate legal process.

4. **Court Permission for Certain Actions:** Note that certain actions involving the child's property require **prior court approval**. For example, **selling the child's valuable property or using the child's funds for something unusual (or to reimburse the guardian)** needs a judge's order. This ensures the guardian doesn't inadvertently exceed their authority. (An exemplary answer might mention Form PC 673, Petition to Use Funds, if the guardian needs to spend or distribute a child's funds in a way not covered by routine care.)

5. **Practical example:** (Optional) The answer might illustrate: "If your ward owns a tablet or bicycle, you should keep those safe and use them for the child. If your ward inherits \$10,000, you must inform the court and likely get a conservator appointed – you shouldn't just spend or invest that money on your own."

Question: Is it true that guardianship automatically ends when the child turns 18?

Rubric:

1. **Age of Majority Termination:** Confirm that **yes, a minor guardianship ends automatically when the child turns 18 years old**. At 18, the child is legally an adult (age of majority in Michigan), so they no longer need a guardian by operation of law. No court petition or hearing is required to terminate the guardianship at that point – it ends "by operation of law."

2. **Other Automatic Termination Events:** Mention that besides turning 18, there are a few other events

that also **automatically terminate a guardianship**: if the minor **marries** or is **legally emancipated** before 18, or if the minor is **adopted**, those events likewise end the guardianship without further court action. (Also, the death of the minor would terminate it, though that is less commonly asked.)

3. **No Need for Petition in These Cases**: Clarify that because these are automatic, neither the guardian nor anyone else needs to file a petition to terminate when such events occur. However, it's good practice for the guardian to notify the court if, for example, the child marries or is adopted, so the court can close its file.

4. **Continuation in Other Cases**: Emphasize that aside from those automatic triggers, a guardianship will continue indefinitely **until a judge issues an order ending it**. The user should understand that **simply handing the child back to the parent or informal agreements won't end the court's guardianship** (only relevant because it contrasts with the automatic nature at age 18). This sets the general rule with the exception of turning 18 (and similar events) clearly delineated.

Question: I'm the parent and I've completed my treatment. How do I get my child back?

Rubric:

1. **Petition to Terminate Guardianship**: Explain that the parent must **file a Petition to Terminate Guardianship (Form PC 675)** with the same probate court that appointed the guardian. This formal request starts the process to end the guardianship and is necessary even if the parent is now ready to resume care – the court won't return the child without this step.

2. **Show Changed Circumstances or Compliance**: In the petition (and at the hearing), the parent should **demonstrate that the conditions which led to the guardianship have been resolved**. Since the question mentions completing treatment (e.g. for substance abuse or another issue), the answer should say: the parent needs to **provide proof of completing the court-structured plan or the Limited Guardianship Placement Plan (if it was a limited guardianship)**. Under MCL 700.5209(1), if it's a limited guardianship and the parent has substantially complied with the plan, **the court must terminate the guardianship** and return the child.

3. **Hearing and Best Interests**: Outline that the court will schedule a **hearing on the petition**, and the parent (and any other interested persons, including the current guardian) can present evidence. The judge will decide if ending the guardianship is in the child's **best interests**. In a **full guardianship**, the parent must convince the judge that their situation has improved enough that the child will be safe and cared for – the judge has discretion, and may even require a transition plan or investigation (like a home visit or input from a Guardian ad Litem) before fully restoring custody.

4. **Court Order Required**: Emphasize that the **guardianship isn't terminated until the judge signs an order doing so**. The answer should caution that a parent cannot simply take the child back on their own, even if treatment is done; they must wait for the court's decision. Once the order is entered, the parent regains legal custody. (If it's a limited guardianship, note that the court might implement a short transition period of up to 6 months to reintegrate the child back into the parent's home, per MCL 700.5209(1).)

5. **Reassurance**: (Optional) End by reassuring that Michigan law supports reunification – **if the parent has truly rehabilitated (completed treatment and any other requirements), the law favors returning the child**. The answer can reference that in a limited guardianship, compliance means the judge “has to give your child back”, which underscores that the parent has a strong right to restoration once they are fit.

Question: The guardian isn't taking proper care of my grandchild. How do I have them removed?

Rubric:

1. **Standing to Petition for Removal:** State that as a grandparent concerned about the child, you qualify as an “interested person” who **can petition the court to remove the current guardian** if the guardian is not fulfilling their duties or the child’s welfare is in danger. Michigan law (MCL 700.5219) explicitly allows “any person interested in the minor’s welfare” to seek removal of a guardian for good cause.
2. **File Petition to Modify/Remove (PC 675):** Explain that you would need to **file a Petition to Terminate or Modify Guardianship (Form PC 675)**, indicating that you are requesting the guardian be removed (often termed a petition for removal). In that petition, detail **why** the current guardian isn’t suitable – e.g. neglect, not following court orders, or any behavior harming the child. The petition can also nominate a successor guardian (perhaps yourself or another qualified relative) to take over.
3. **Court Hearing & Best Interests Standard:** Advise that the court will schedule a **hearing** on the petition. At the hearing, you (and any other witnesses) would present evidence of the guardian’s poor care, and the guardian will have a chance to respond. The judge will decide based on the **child’s best interests and welfare** whether to remove the guardian. The answer should mention that not taking proper care (e.g. failing to provide for the child or mistreating the child) is valid grounds for removal in the eyes of the court.
4. **Appointment of Successor:** Note that if the guardian is removed, the court will typically **appoint a new guardian in the same proceeding** so the child is not left without a legal caregiver. If you (the grandparent) are willing and suitable, the court can appoint you as the successor guardian. The answer should encourage including that request in the petition so the judge knows who is ready to step in.
5. **Urgent Situations:** (Optional) If the situation is an emergency (the child is in immediate danger), mention that you could ask the court for a **temporary guardianship or an ex parte order** pending the removal hearing. While the question doesn’t explicitly say emergency, providing this info shows a comprehensive understanding of protecting the child quickly if needed.

Question: What happens at a hearing to terminate guardianship?

Rubric:

1. **Purpose of Hearing:** Explain that the termination hearing is a formal court session where the judge **reviews evidence and hears from all parties to decide whether ending the guardianship is in the child’s best interests**. It’s essentially the final step in the process after a Petition to Terminate Guardianship has been filed and notice given.
2. **Who Participates:** State that at the hearing, the **petitioner (e.g. a parent seeking to regain custody) will speak and possibly present evidence**, the **guardian can respond or contest termination**, and other interested persons or a Guardian ad Litem (if one is appointed for the child) may also provide input. The child, if old enough (14+), might address the court or have their wishes relayed through a GAL.
3. **Best Interest Standard & Evidence:** Emphasize that the **judge will weigh all information with the child’s best interests as the guiding standard**. The answer should note that evidence could include the parent’s improved circumstances (for example, completion of treatment, stable housing), the guardian’s perspective on the child’s needs, and possibly reports from any court-ordered investigation. If the guardianship was limited, proof of compliance with the placement plan is key; if full, proof of change in

parental fitness is key.

4. **Outcome – Court's Decision:** Describe the possible outcomes. If the judge is convinced that the guardianship is no longer necessary (the parent is fit or circumstances changed), the judge will **grant the petition** and issue an order terminating the guardianship. The guardian's authority ends and the child returns to the parent (or whatever outcome was sought). If the judge is **not** convinced (for example, the parent hasn't fully remedied the issues), the judge may **deny the petition**, meaning the guardianship stays in place. Mention that if denied, the parent can try again later or consider an appeal, but immediate return won't happen.

5. **Procedure Notes:** (Optional) Add that these hearings tend to be somewhat informal but still a court proceeding – there may be sworn testimony and the rules of evidence are relaxed in probate. The answer could reassure a self-represented person to bring any supportive documents (e.g., completion certificates, letters from counselors, etc.) to show the judge at the hearing.

Question: What's the difference between a guardian and a conservator?

Rubric:

1. **Role Distinction:** Clearly distinguish that a **guardian** is responsible for the **personal care and custody of a minor**, whereas a **conservator** is responsible for managing the **financial affairs and property of a minor**. In other words, guardianship addresses the child's living situation, education, medical decisions, etc., and conservatorship handles the child's money, investments, and assets.

2. **When Each is Needed:** Explain that **every minor in a guardianship has a guardian, but not every minor needs a conservator**. A conservator is only required if the child has significant assets (generally more than \$5,000 in money or property) that need oversight. For example, if a child inherits money or receives a lawsuit settlement, a conservator would likely be appointed to protect those funds, while the guardian continues to handle day-to-day care.

3. **Court Proceedings:** Note that **guardianship and conservatorship are separate legal proceedings** (though one person can be both). Guardianships are handled in probate court under guardianship statutes, and conservatorships are under financial protective statutes. They involve different forms (PC 650/651 for guardians vs. PC 639 for conservatorship) and possibly different standards (e.g., conservator may need to post a bond).

4. **Authority Limitations:** Emphasize that a guardian **does not automatically have the right to spend or manage the child's large assets**. If the child only has minor funds (like a small bank account or monthly benefits), the guardian can use those for the child's needs. But for substantial assets, a conservator (who has fiduciary duties like filing inventories and annual accountings) must be appointed. Conversely, a conservator has no authority to decide personal matters – they can't decide where the child lives or goes to school; that's the guardian's domain.

5. **Common Example:** (Optional) Provide a concrete example: "For instance, if a child only needs someone to care for them because the parents are unable, a guardian is appointed. If that same child then inherits \$10,000 from a relative, the court will appoint a conservator to handle that money. The guardian and conservator might be the same person, but they receive two different appointments and sets of responsibilities." This reinforces understanding of the difference.

Question: Does guardianship terminate parental rights?

Rubric:

1. **No, Parental Rights Remain Intact:** State unequivocally that **no, establishing a guardianship does *not* permanently terminate the parental rights of the child's parents**. The parents are still the legal parents of the child, even though the guardian has custody and authority to make decisions during the guardianship.
2. **Suspension vs. Termination:** Explain that a guardianship **"suspends" parental rights while it's in effect rather than terminating them**. For example, when a court appoints a full guardian, the parents' right to make day-to-day decisions is paused and given to the guardian, but the parents can petition to regain their rights through termination of the guardianship (MCL 700.5208) once they are able to care for the child again. In a limited guardianship, the law explicitly says the parent's rights are **temporarily suspended** by the court order, not ended.
3. **Retained Rights:** Emphasize any rights parents keep: **parents retain the right to have contact/visitation as appropriate and the right to ask the court to end the guardianship** when conditions improve. Mention that in a Limited Guardianship Placement Plan, parents typically outline visitation (parenting time), underscoring that their role is diminished but not eliminated.
4. **Termination of Parental Rights is Separate:** Clarify that **termination of parental rights (TPR)** is a completely separate process handled by the family court (juvenile division) usually in abuse/neglect or adoption cases. Guardianship is not a TPR; it does not wipe out the legal parent-child relationship. An ideal answer might say: "Unlike adoption or a CPS termination, guardianship is *reversible* – the goal can be to reunite the child with a rehabilitated parent" to highlight the difference.
5. **Cite Statutory Reference:** Optionally, cite MCL 700.5205(1)(b) for limited guardianships which explicitly notes that the parent's rights are suspended, not terminated, by the order. This provides legal grounding for the statement.

Question: Are there alternatives to guardianship for temporary situations?

Rubric:

1. **Delegation of Parental Authority (Power of Attorney):** Identify the primary alternative: a **parent can delegate their parental authority to another adult via a power of attorney for up to 180 days** under Michigan law. This is often referred to as a **Delegation of Powers** (MCL 700.5103). It allows the chosen adult to make decisions for the child (e.g., medical or school decisions) without a court guardianship, suitable for short-term situations (like a parent's temporary military deployment, short-term illness, etc.). Emphasize the 180-day limit – after that, either the POA must be renewed or a guardianship would be needed for longer care.
2. **Temporary Authorization Examples:** Explain that with such a **power of attorney**, the parent retains all legal rights and can revoke the authority at any time. It's simpler and faster than a court process because no judge is involved. The answer should make clear this is a **voluntary, private arrangement** that can cover the child's needs during a brief period.
3. **When Guardianship is Preferable:** Note that this alternative only works if a parent is available to sign the document and plan for the child's care. If the parent is incapacitated or absent, then a court **temporary**

guardianship may be the only option. (But since the question is about alternatives, focus on voluntary delegation.) Possibly mention that **temporary foster care or informal family arrangements** might occur, but without either a POA or guardianship, the caregiver might have trouble doing things like enrolling the child in school or consenting to medical treatment. That's why the POA is a recommended legal tool for truly short-term needs.

4. **Emergency Guardianship (if context allows):** If the question expects mention of another legal mechanism: describe **temporary (emergency) guardianships** as a court-authorized short-term guardianship, which is a form of guardianship but for emergencies only and lasts no more than 6 months. However, since the question asks for alternatives to *guardianship*, emphasize the POA solution primarily.

5. **Plain Language Note:** The answer should clarify in plain terms that "if you just need someone to care for your child for a couple of months, you **don't necessarily have to go to court**. You can sign a form giving them permission – like a power of attorney – that covers medical and school decisions while you're away." This helps the user understand the practical use of the alternative.

Question: What's the difference between guardianship and adoption?

Rubric:

1. **Temporary vs. Permanent & Legal Parentage:** Explain that **guardianship is a temporary legal arrangement** where someone is given custody of a child without ending the parental rights of the biological parents, whereas **adoption is a permanent, irrevocable legal transfer of parenthood**. In an adoption, the adoptive parents become the child's **legal parents** and the biological parents' rights are terminated. In a guardianship, the biological parents remain the legal parents (with rights merely suspended) and can seek to regain custody in the future.

2. **Court and Procedural Differences:** Note that guardianships are handled by the probate court and can be established relatively quickly when needed, whereas adoptions (handled by family court or adoption agencies) require a much more involved process including terminating parental rights (voluntarily or involuntarily) and often a six-month supervision period before finalization. Adoption results in a new birth certificate for the child and is intended to last forever, unlike guardianship which ends when the child turns 18 (or earlier if the court decides).

3. **Parental Contact and Reversibility:** Emphasize that under guardianship, **parents typically have the right to ongoing contact (visitation) and the possibility of reunification**. For example, in a limited guardianship, the court-approved plan includes parenting time for the parent and steps for the parent to resume custody. By contrast, after an adoption, the biological parents have **no right to contact** (unless an open adoption agreement exists) and cannot reclaim their child, because their legal ties are cut. Guardianship can be terminated by court order to return the child to parents; adoption cannot be undone by the original parents if they change their mind.

4. **Consent to Major Decisions:** Mention that a guardian cannot do certain things that would sever or alter the parent-child relationship without court permission – for example, **a guardian (even a full guardian) cannot consent to the child's adoption or marriage without a judge's approval**. This highlights that guardianship preserves the child's basic legal relationship to the parents. In adoption, the adoptive parents step fully into the role – they can consent to marriage, etc., because they are the legal parents.

5. **Use Case:** Possibly mention when each is used: Guardianship is often used when parents need someone to care for the child temporarily (due to issues like illness, military service, substance treatment) or when a relative steps in due to parental problems but the goal might be that the parent recovers. Adoption is

chosen when a child needs a **permanent new family**, such as when parents pass away or cannot ever resume care and a decision is made that the child will be raised permanently by someone else. This practical context helps the user understand why they might pursue one vs the other.

Question: I heard Genesee County only has guardianship hearings on Thursdays. Is this true?

Rubric:

1. **Local Court Practice:** Confirm that **yes, in Genesee County Probate Court, guardianship hearings are generally scheduled on Thursdays**. This is a local scheduling rule – the court has designated one day a week (Thursday) for hearing minor guardianship matters.
2. **Implication for Petitioners:** Explain what that means for someone filing a petition: when you file your guardianship petition in Genesee County, the **court clerk will assign a hearing date that falls on a Thursday**. The answer should advise the user to be prepared for a Thursday court date and to mark it on their calendar accordingly.
3. **Consequence of Missing Hearing:** Mention that if a petitioner or interested party misses the scheduled Thursday hearing, the petition could be dismissed or delayed. This underscores the importance of attending on that specific day.
4. **Check Current Schedules:** (Optional) It might be prudent to say that while Thursday is the standard as of the latest info, the user should double-check with the court or their notice of hearing for the exact date and time, as scheduling policies can change or occasionally a different date might be set due to holidays or court congestion. But in general, Thursday is the dedicated day.
5. **Not a Statewide Rule:** Clarify that this Thursday schedule is a **Genesee County practice** – other counties might have different days or no set day for guardianship hearings. This helps the user understand it's a local peculiarity and they were correct in hearing about it for Genesee.

Question: What's the difference between guardianship and custody?

Rubric:

1. **Court and Context:** Explain that **“custody” usually refers to orders from a family court (often in a divorce or paternity case) determining a child’s placement between parents**, whereas **“guardianship” refers to an order from probate court giving someone (often a third-party non-parent) legal authority over a child** when the parents are unable to care for them. In short, custody is a parent-vs-parent concept, and guardianship involves taking over care from the parents due to incapacity or consent.
2. **Parties Involved:** Emphasize that **custody is typically between parents (or occasionally close relatives in circuit court under limited circumstances)**, while **guardianship is commonly used for relatives or others who step in when parents can’t parent**. For instance, a grandparent who needs legal rights to a grandchild would seek guardianship, not custody, because custody rights usually presume a parental role or prior court order involving the parents.
3. **Legal Standards:** Note that the standards and procedures differ. **Custody decisions** (under the Child Custody Act) revolve around the **“best interest of the child” factors and often presume parents have priority rights**. **Guardianship appointments** require showing the statutory grounds (like parental

unfitness or consent) for removing the child from parental care (for full guardianship) or the parent voluntarily agreeing (for limited guardianship). Also, custody orders in family court do not terminate parental rights, and similarly, guardianship doesn't either – but custody keeps the child with a parent, whereas guardianship places the child with someone who isn't the legal parent.

4. Duration and Modification: Explain that **custody orders can be modified through family court by showing proper cause or changed circumstances, and they last until the child is 18 (unless changed). Guardianships last until terminated by the probate court or the child turns 18.** A unique point: if a limited guardian is in place, Michigan law (MCL 722.26b) actually **prevents that guardian from seeking custody in family court as long as the parent is following the guardianship plan**, underscoring that the two systems (probate guardianship vs. custody) are distinct and one cannot be used to circumvent the other in that scenario.

5. Practical Impact for Self-Represented Person: Summarize that if a child is living with a non-parent (like an aunt, grandparent, etc.) and needs legal authority for care, **guardianship is the appropriate route**, not custody, because custody battles are generally for parents. On the other hand, if the question is in context of a parent asking “Do I file for guardianship or custody to get my child back from someone?”, the answer should clarify that a **parent would seek to modify a custody order** if the dispute is between parents, but if a guardian was appointed, the parent needs to terminate the guardianship – highlighting which term applies in each situation.

Question: What is a Guardian ad Litem and when is one appointed?

Rubric:

1. Definition of GAL: Define a **Guardian ad Litem (GAL)** as a person (usually an attorney or trained advocate) appointed by the court to **represent the best interests of the child** in a legal proceeding. Make it clear this person is not a guardian who takes custody of the child, but rather an investigator/advocate in the court process.

2. Role and Duties: Explain that the GAL's job is to **investigate the circumstances** of the case and provide recommendations to the judge about what is best for the child. They often will interview the child (if old enough), the parents, the proposed guardian, and perhaps teachers or caseworkers. They may write a report or speak in court about their findings. Emphasize that the GAL gives the child a voice in the court proceedings and helps the court make an informed decision.

3. When Appointed: State that a GAL is appointed **at the court's discretion or when required by law** in certain guardianship cases. For example, **if the case is contested, complicated, or the judge feels they need an independent assessment**, they will appoint a GAL. In Genesee County, it's common to appoint a GAL to investigate a proposed guardianship, especially if no parent is actively participating or there are concerns about the child's situation. Also mention that under court rules, for minor guardianships a GAL *may* be appointed but is not mandatory in every case – it depends on the situation.

4. Before the Hearing: Note that if a GAL is appointed, **the guardian or petitioner should expect to cooperate with the GAL prior to the hearing**. The GAL might visit the home or ask questions. The answer can reassure that the GAL is there to help ensure the child's welfare is fully considered.

5. Outcome of GAL Involvement: Mention that the **GAL will report to the court** – possibly giving an opinion on whether the guardianship should be granted or if any conditions should be placed (or, in a termination, whether it should end). The judge values this input but is not bound by it. By including when

and why a GAL is appointed, the answer informs the user that if a GAL contacts them, it's a normal part of the process designed to protect the child.

Question: The father's whereabouts are unknown. How do I serve him notice?

Rubric:

1. **Diligent Search:** Explain that first, the court expects you to **make diligent efforts to locate the missing father**. This includes attempts like checking last known address, contacting relatives or friends, using social media or directories, etc. You may need to sign an affidavit later describing these efforts. The answer should emphasize you can't skip straight to publication without trying to find him.
2. **Alternate Service by Publication:** If, after diligent search, the father truly cannot be found, you can **petition the court for permission to serve him by publication** ¹. Serving by publication means placing a legal notice in a newspaper (one that is likely to be seen in the area of his last known address or as specified by the court).
3. **Publication Procedure:** State that the notice must be published in the designated newspaper for **at least one publication, at least 14 days before the hearing** ¹. Some courts require publishing the notice once a week for three consecutive weeks – the answer should reflect Genesee's specific instruction if known (Genesee local instruction likely mirrors the general rule: one publication 14 days prior, per MCR 5.106(A) ¹). Include that this notice will contain the hearing information and a statement that a petition for guardianship has been filed.
4. **Court Forms and Costs:** Mention that you will likely need to fill out a **Motion and Order for Alternate Service** (or the court may have its own form) to get the judge's OK to publish. Also note the **cost**: in Genesee County the publication fee is approximately **\$96**, paid to the newspaper. If you absolutely cannot afford that, you might ask the court if any waiver is possible, but typically publication cost is borne by the petitioner.
5. **Proof of Service via Publication:** Instruct that after the notice runs in the newspaper, the newspaper will provide an **affidavit of publication**. **You must file that affidavit with the court, along with a Proof of Service (PC 564) listing publication as the method of service**. This filing lets the judge know the father was notified by publication as allowed. The answer should reassure that serving by publication is legally sufficient when someone's address is unknown, so the case can still proceed.
6. **Potential Additional Step:** (Optional) Add that concurrently, the court might require mailing notice to the father's last known address (even if he's not there) as a precaution, and posting a notice in the courthouse. However, the primary method for "unknown address" is publication in an approved newspaper.

Question: I live in Ohio but my nephew in Michigan needs a guardian. Can I petition?

Rubric:

1. **Out-of-State Petitioner Eligibility:** Yes – **Michigan law allows an out-of-state person to petition to become guardian of a Michigan child**. There is no residency requirement for the guardian in the statutes. Emphasize that "any person interested in the welfare of the minor" (which includes relatives living out of state) may file a guardianship petition in Michigan.

2. **Venue is in Michigan:** Clarify that you must file the guardianship case **in Michigan, in the county where the child lives (or is found)**. Even though you reside in Ohio, the Michigan court (Genesee County Probate Court, for example) has jurisdiction over the minor who resides there. So you would likely need to travel or at least appear for the court hearing in Michigan (some courts allow remote appearance, but plan for Michigan jurisdiction).

3. **Court Considerations:** Note that the court will consider the best interests of the child and the suitability of the guardian, regardless of state of residence. Being out-of-state might raise practical questions (e.g., will the child be moved to Ohio or stay in Michigan? How will visits with parents occur?). The answer should reassure that **being from Ohio does not disqualify you**, but you should present a clear plan to the judge for the child's care (where the child will live, school, etc.).

4. **Interstate Coordination (if applicable):** If the child will move to Ohio under your care, mention you might need to **transfer the guardianship to Ohio eventually** or at least coordinate schooling and healthcare across state lines. Michigan will initially appoint you, and because you'll have Michigan Letters of Guardianship, you can make decisions for the child even in Ohio. (Michigan has a process for transferring guardianships to another state if needed, but that's beyond scope – just hint that it's manageable.)

5. **ICPC (advanced, optional):** Optionally, note that if the plan is to take the child to live in Ohio, the **Interstate Compact on the Placement of Children (ICPC)** might apply for court-placed children. However, since guardianship with a relative is not an adoption or foster placement, ICPC might not strictly apply – but the judge may still want assurance that this interstate placement is suitable. The main point is to confirm you absolutely can petition, and encourage being prepared to show the court that distance won't impede your ability to care for the child.

Question: Will the parents still have to pay child support during guardianship?

Rubric:

1. **Parental Duty of Support Continues:** Explain that **yes, parents are still responsible for supporting their child financially even if a guardian is appointed**. A guardianship does not eliminate the parents' obligation to provide support. In fact, Michigan law allows (and in many cases expects) the court to **order the parents to pay reasonable child support** to help with the child's expenses during the guardianship.

2. **Court-Ordered Support or Plan Requirement:** Note that at the time of the guardianship's establishment, the judge may include a support provision in the order. For **limited guardianships**, the **Limited Guardianship Placement Plan must specify who will provide financial support for the child**, which usually means the parents agree to continue providing for the child (food, clothing, maybe a monthly amount). If the plan says the parents will pay a certain amount or cover certain expenses, that plan is court-approved and enforceable.

3. **Guardian's Right to Seek Support:** Clarify that a **guardian has the authority to seek child support** on behalf of the child if it's not already ordered. For example, a guardian can apply to the local Friend of the Court for a support order against the parents, or file a motion in the guardianship case for the judge to order support. The Estates and Protected Individuals Code explicitly empowers guardians to "institute proceedings to compel a person to support the ward".

4. **Public Benefits Offset:** Mention that if the guardian is receiving or the child is receiving public assistance (like cash assistance or SSI), any child support might be coordinated with that (for instance, support payments could be required and channeled through the state if the child is on public assistance). But fundamentally, parents don't get off the hook for support just because a guardian is caring for the child.

5. **Enforcement:** (Optional) The answer can include that if parents do not voluntarily pay, the guardian or the state can take action to enforce support – for instance, income withholding or contempt proceedings in family court. This underlines that the legal duty remains with the parents. Also, if the parent later petitions to end the guardianship, the court might look at whether they have fulfilled support obligations as part of their responsible parenting efforts (though lack of payment alone might not stop termination if the parent is otherwise fit).

Question: Can I apply for public benefits for my ward?

Rubric:

1. **Yes – Authority to Apply:** Make clear that **as a guardian, you have the authority to apply for any public benefits on behalf of the child (your ward)**. This includes health insurance (Medicaid or MICHild), food assistance (SNAP), cash assistance, or any other benefits the child might be eligible for due to low income or the parents' situation. You would use your Letters of Guardianship as proof that you are authorized to act for the child in these applications.
2. **Common Benefits:** List examples: **Medical coverage** (a guardian can apply for Medicaid for the child if the child doesn't already have insurance), **financial assistance** (a guardian can apply for Family Independence Program benefits or child-only grants), **food support** (guardian can include the child in their household for food stamps), and **education-related aid** (like free school lunch, etc.). The answer should reassure that guardianship is recognized by agencies as a valid caregiving relationship for benefit eligibility.
3. **Social Security Benefits:** If the child is entitled to benefits like **Social Security (e.g., survivor or disability benefits)** or **Veterans benefits** because a parent is deceased or disabled, the guardian can apply to become the **representative payee** to receive those funds on the child's behalf. Mention that this is often necessary – a guardian should ensure any such benefits are being received and used for the child. (Document 9 even notes that a conservatorship might not be needed if a rep payee manages Social Security for the child.)
4. **Use of Benefits:** Emphasize that any benefits received **must be used for the child's needs**. For instance, if you get food assistance including the child, it should go toward feeding the child. If Social Security pays \$500 a month for the child, the guardian as payee must spend it on the child's care (and possibly account for it to the agency). This highlights the guardian's fiduciary role in managing benefits.
5. **No Impact on Guardian's Income:** Clarify that applying for benefits for the child is based on the **child's income/assets (and sometimes guardian's household income if relevant, like for SNAP)**, not the parents'. The guardian shouldn't hesitate to seek available aid because it's for the child's welfare. If the parents are low-income, the child may qualify for things like Medicaid regardless of the guardianship. The guardian can contact the Michigan Department of Health and Human Services (DHHS) for help with applications.

Question: Can I be reimbursed for expenses I pay for my ward?

Rubric:

1. **No Automatic Reimbursement:** Explain that a guardian **cannot just take reimbursement from the**

child's money without court approval. If the guardian spends their own funds on the child (for food, clothing, etc.), there's **no automatic right to pay themselves back** from the child's assets or income. Guardians are expected to use the child's resources for the child first, rather than their own, whenever possible.

2. **Court Permission for Reimbursement:** State that if the child *does* have funds, the guardian would need to **petition the court for permission to reimburse themselves** for significant expenses. Michigan law (MCL 700.5215) specifically requires a **court order before a guardian can use the child's funds to reimburse themselves for things like the child's room and board**. The answer should stress this safeguard exists to prevent misuse of the child's money. Typically, the guardian would file Form PC 673 (Petition to Use Funds) detailing the expenses and why reimbursement is appropriate, and the judge would have to approve it.

3. **When Reimbursement is Feasible:** If the child has a source of money (social security benefits, a trust, etc.), ideally the guardian should use those funds directly for the child's needs rather than pay out-of-pocket. But if the guardian did pay, say, \$200 for school supplies, the court *may* allow reimbursement from the child's money if it's in the child's best interest and properly documented. The answer should indicate that **with documentation and a judge's okay, reasonable expenses can be repaid** from the child's estate.

4. **No Child Funds – No Reimbursement:** If the child has no assets or income, then unfortunately **there's no fund to reimburse from**. The guardian may have to bear that cost or seek support from the parents or public assistance. Emphasize again that guardians aren't required to use personal money, so if a guardian cannot afford something, they should seek other resources (like asking the court to order parental support or apply for benefits, as discussed).

5. **Keep Records:** Advise that the guardian should **keep detailed records and receipts** of any expenses paid for the child. That way, if an opportunity for reimbursement arises (for example, the child later receives a lump sum of money or back benefits, or at the end of the guardianship the court allows some reimbursement), the guardian can make a case for it. This also protects the guardian in court oversight – showing they spent money appropriately. The key is that any reimbursement must be transparent and approved by the court, not unilaterally taken by the guardian.

Question: Can a guardianship be transferred to a different guardian?

Rubric:

1. **Guardianship Not “Handed Off” Informally:** Clarify that a guardian cannot simply choose to hand over their role to someone else without court involvement. **However, the court can replace a guardian with a new guardian through a legal process.** In effect, yes, the guardianship can be transferred, but it's done by the court **appointing a successor guardian** rather than an automatic transfer.

2. **Resignation or Removal Process:** Explain two scenarios: **(a) Resignation** – if the current guardian is willing to step down, they must petition the court to accept their resignation (using Petition to Terminate/Modify Guardianship, PC 675) and often nominate a willing successor. **(b) Removal** – if the current guardian is not performing well, an interested person can petition for their removal (as discussed in a prior Q&A) and request a new guardian be appointed. In either case, a petition is filed and a court hearing is held to evaluate and confirm the change.

3. **Appointment of Successor Guardian:** State that the **petition to terminate or modify should include the nomination of the new guardian (successor)** who is prepared to take over. The court will consider that person's fitness just as it did for the original guardian. If approved, the court will issue new Letters of

Guardianship to the successor. Emphasize that there should be no gap – the judge will typically appoint the new guardian effective the same time the old guardian is discharged so the child always has a legal guardian in place.

4. **Court Approval Required:** Reiterate that **only the judge can officially change the guardian**. Until the court signs an order, the original guardian remains legally responsible. So the ideal answer warns guardians not to simply “quit” or relatives not to assume they can take over care without the formal court order. They must go through the probate court.

5. **Example:** (Optional) Provide an example: “If the current guardian can no longer care for the child (say due to illness or moving away), they or another family member should file a petition with the probate court asking to appoint a new guardian. The judge will review it, and if all goes well, the judge will sign an order and issue Letters of Guardianship to the new guardian. Then the guardianship is effectively transferred.” This helps the user visualize the process.

Question: Can the court expand a limited guardian's powers?

Rubric:

1. **Possibility of Modification:** Yes, the court has the ability to **modify a guardianship order to expand or restrict a guardian's powers without ending the guardianship entirely**. This is done through a **petition to modify** the guardianship under MCL 700.5219(3). So if there's a need for a limited guardian to have additional authority (or fewer limitations), one can ask the court to adjust the order.

2. **Examples of Expanded Powers:** Explain what “expanding powers” might mean. For instance, perhaps the limited guardian needs to make decisions typically reserved for a full guardian. The court could authorize specific powers by an order – e.g., allowing the limited guardian to consent to a particular medical procedure or handle a specific financial matter. Another common modification might be to appoint the guardian as a **“limited full guardian” for certain purposes or to add a co-guardian**. The answer may note the court cannot waive statutory prohibitions (a limited guardian still cannot consent to adoption or marriage), but it can grant additional day-to-day powers if needed.

3. **Procedure to Expand Powers:** State that an **interested person (including the guardian)** can file a **Petition to Modify Guardianship (PC 675)** requesting that the limited guardian be given additional powers. A hearing will be held where the judge will consider if the change benefits the child. For example, maybe the limited guardian needs authority to travel out of state with the child or make educational decisions that weren't spelled out – the court can add that authority.

4. **Best Interests Standard:** Emphasize that the judge will approve modifications only if they are in the **child's best interests**. The answer should convey that the court's flexibility exists to adapt the guardianship to the child's needs. If, for instance, the situation has evolved such that the guardian effectively needs to act with more authority, the judge can broaden the guardian's role. Conversely, if a limited guardian's powers need to be curtailed or conditions added, the court can do that too – but here we focus on expansion.

5. **Alternate Route – Convert to Full Guardianship:** Optionally mention that if truly broad powers are needed, another route is to convert the limited guardianship into a full guardianship (if statutory grounds can be met or parents consent to upgrading it). However, that is essentially terminating the limited and starting a full – the question asks about expanding powers *within* a limited guardianship, which the modification process covers. So the answer should stick to the concept of modifying the order while keeping it a “limited guardianship” technically, just with extra authority granted by the court.

Question: The guardianship order doesn't include parenting time. Can this be added?

Rubric:

1. **Ability to Add Parenting Time:** Yes, **parenting time (visitation) provisions can be added to an existing guardianship order by asking the court to modify the order.** If the original guardianship order (especially in a full guardianship case) was silent on parental visitation, a parent or interested person can petition for a **modification to establish a set parenting time schedule.**
2. **Expectation in Limited Guardianship:** Note that in a **limited guardianship**, a parenting time schedule is usually part of the Limited Guardianship Placement Plan from the start. If it wasn't clearly spelled out, the parent can certainly request the court to clarify or enforce a schedule. If the guardianship is full (non-voluntary), the court may not have ordered visitation initially, but the parent can request it now.
3. **Procedure:** Explain the parent (or interested person) should **file a Petition to Modify Guardianship (PC 675)** asking the court to include specific parenting time terms. They should propose a reasonable schedule (e.g., "the mother to have visitation with the child every other weekend" or specific days/times) that the court can consider. A hearing will be held to evaluate if the proposed parenting time is in the child's best interest.
4. **Court's Decision Factors:** Emphasize that the **judge will consider the child's welfare and the circumstances of the case** in deciding on parenting time. If the parent has been consistent and it would benefit the child to have structured time with them, the court often favors allowing it (since reunification is usually a goal). If there are concerns (e.g., the parent's situation is still unstable), the court might order supervised parenting time or a gradual schedule. The answer should reflect that adding parenting time is common and the court has authority to do so.
5. **Current Guardian's Role:** Mention that **until an order says otherwise, a full guardian has discretion over allowing visitation.** That means if no schedule exists, the guardian can decide if and when visits happen, which can lead to conflict. Therefore, getting a court-ordered schedule can help by creating a clear plan everyone must follow. The modified order would bind the guardian to facilitate those visits. This underscores the importance for the parent of petitioning the court if informal arrangements aren't working.
6. **Link to Best Interests:** Finally, link back that structured parenting time can maintain the parent-child relationship and is often considered in the child's best interests, so long as the parent is safe and appropriate. The user should be encouraged that the court can formalize visitation – it's not "all or nothing" (guardianship doesn't have to mean zero contact).

Question: How long does a limited guardianship last?

Rubric:

1. **No Fixed Expiration:** Clarify that a **limited guardianship does not have a set end date** by default. Unlike a temporary guardianship (which expires after 6 months), a limited guardianship continues indefinitely until something occurs to terminate it. It's intended to be a temporary arrangement, but "temporary" is defined by when the parents are ready to resume custody, not by a specific timeframe.
2. **Termination Conditions:** Explain that a limited guardianship will last **until one of the following happens: (a)** the parent(s) fulfill the Limited Guardianship Placement Plan and successfully **petition the court to terminate the guardianship; (b)** someone petitions to terminate or modify and the court finds it's

in the child's best interest to end it (for example, maybe it converts to a full guardianship or ends due to changed circumstances); or **(c)** the child turns 18 (or is adopted, though adoption would usually involve ending the guardianship beforehand). Emphasize that the parent cannot just declare it over – a court order is needed to formally end even a limited guardianship.

3. **Parental Compliance is Key:** Highlight that the duration heavily depends on **the parents' actions**. If the parent is actively working the plan, the court expects the guardianship to last only as long as necessary for the parent to become fit again. Michigan law (MCL 700.5209) says that once the parent has substantially complied with the plan, the court *must* terminate the limited guardianship. This means the guardianship could be relatively short (months) if the parent quickly fixes the issues, or it could last years if the parent does not follow through.

4. **Court Oversight:** Note that the court doesn't just forget about a limited guardianship. The **court will review the case periodically** (at least annually if the child is under 6, per MCL 700.5207). During these reviews, the court checks if the guardianship is still needed or if the parent is ready to resume care. But absent a triggering event, the limited guardianship remains in place.

5. **Plain Language Summary:** The answer should convey: "A limited guardianship will last until you take action to end it (by meeting the plan conditions and asking the court to terminate it) or until the child becomes an adult. It doesn't just expire on its own after a certain number of months or years."

Question: What happens if parents don't pay the support required in the placement plan?

Rubric:

1. **Non-Compliance with LGPP:** Explain that if the guardianship is a **limited guardianship**, the Limited Guardianship Placement Plan (LGPP) likely included a provision for parental support (e.g., parents agree to pay a certain amount or cover certain expenses). **If the parents fail to provide the agreed support, they are in non-compliance with the court-approved plan.** This does not automatically end the guardianship; in fact, it can prolong it.

2. **Consequences in Court:** State that the issue can be brought to the court's attention. The guardian or another interested person (even the parent who *is* paying, if one parent isn't) can **petition the court for a review or modification due to the violation**. Under MCL 700.5209(2), if, at a termination hearing, the court finds the parents have **not substantially complied with the LGPP (for example, not paying support)** and that returning the child would harm the child, the court has options: it can **continue the guardianship for up to an additional year and order the parents to comply with the plan (or a new plan)** rather than terminate it. Essentially, lack of support payment could prevent the parents from regaining custody.

3. **Enforcement of Support:** Emphasize that the **guardian has the power to seek enforcement of the support obligation**. The guardian can, for instance, ask the Friend of the Court to establish a formal child support order if one isn't in place. If a support order exists and parents aren't paying, it can be enforced through income withholding or contempt of court. The answer should note that **the court can compel the parents to fulfill their support duty** (and the guardianship statute even empowers the guardian to initiate such proceedings).

4. **Child's Best Interests:** Make it clear that the court's primary concern remains the child's welfare. If the parents not paying support means the guardian is struggling to provide for the child, the court might look for solutions such as ordering support, referring the case to DHHS, or even considering whether a more permanent arrangement (like a full guardianship or involvement of child protective services) is needed. The

judge will not punish the child for the parent's failure; instead, they will try to ensure the child's needs are met, possibly by extending the guardianship and forcing compliance or by bringing in additional services.

5. No Immediate Termination of Guardianship: Importantly, **the parents' failure to pay does *not* end the guardianship in their favor**. In fact, they cannot use non-payment as grounds to dissolve the arrangement; it works against them. The guardianship stays in place, and the parents' non-compliance can delay reunification. The answer might also reassure the guardian (if the user is a guardian) that they should inform the court of the issue – the court can modify the plan or take steps to enforce the support portion.

6. Possible Court Actions Under 5209(2): Optionally detail the menu of actions the court can take per MCL 700.5209(2) when parents don't comply: e.g., **continue guardianship for up to a year and order compliance**, or if the child's best interests would be served by returning to parent despite non-compliance, maybe place child with parent on a temporary basis with DHHS supervision, or in extreme cases even initiate a **child protection case** if the parents' failure is part of broader neglect. The nuance is that the law gives the judge flexibility to not immediately terminate a limited guardianship if the parent hasn't held up their end of the bargain (like paying support). This ensures the answer covers the likely scenario: the guardianship will continue and the court will push the parents to comply.

¹ 8. Filing for Guardianship – Court Procedures and Forms (Draft 3)-2.docx

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