ChatGPT

Question: What's the main difference between full and limited guardianship?
Rubric:
1. **Definition of Full Guardianship:** Clearly define a *full guardianship* as a court arrangement where the guardian has *all the powers of a parent* because the parents' rights are suspended or terminated (e.g. due to death, court order, etc.) [1] [2]. Mention that a full guardian can consent to major decisions like the child's marriage or adoption (but only with a judge's approval) [3].
2. **Definition of Limited Guardianship:** Clearly define a *limited guardianship* as a *voluntary* arrangement created *with the parents' consent*. Emphasize that it requires a Limited Guardianship Placement Plan outlining terms like parenting time and support [4] [5]. Note that in a limited guardianship, parents retain residual rights and the guardian's authority is more restricted (for example, a limited guardian **cannot** consent to the child's marriage or adoption) [3].
3. **Key Distinctions:** Highlight the **primary differences**: Full guardianship is typically used when parents are unavailable or unfit (the court fully substitutes parental authority), whereas limited guardianship is used when parents *proactively agree* to have someone care for the child temporarily [6] [5]. In full guardianship, parental rights are suspended by circumstances or court finding [7]; in limited, the parents remain involved per the placement plan.
4. **Legal/Procedural Details:** Note any specific legal points: for instance, cite that Michigan law (MCL 700.5206(4)) explicitly prohibits a limited guardian from consenting to adoption or marriage, whereas a full guardian may do so with court approval [3]. Reference that full guardianships are governed by MCL 700.5204 and limited by MCL 700.5205 [7] [5].
5. **Tone and Clarity:** The answer should be presented in **plain language** that someone without legal training can understand. It should politely contrast the two types without unnecessary jargon, possibly using an example (e.g. "In a *full* guardianship, the guardian steps into the parents' shoes entirely… whereas in a *limited* guardianship, the parents and guardian share responsibilities as agreed."). This ensures the explanation is not only accurate but also accessible and supportive in tone.

Question: Both parents of my nephew died in a car accident. What do I need to prove to get guardianship?
Rubric:
1. **Express Empathy and Urgency:** Begin with an acknowledgement of the tragic situation (e.g. *"I'm so sorry for your loss."*). Recognize the urgency in ensuring the child is cared for, setting a supportive tone while remaining professional.
2. **Legal Grounds – Parental Death:** State that under Michigan law, the death of both parents is a qualifying ground for a full guardianship [8] [9]. Cite MCL 700.5204(2)(a) which allows a court to appoint a guardian if "the parents are deceased" [8]. The answer should confirm that you need to *prove the parents are deceased* (e.g. by providing death certificates) [10].
3. **Best Interests of the Child:** Emphasize that, beyond the parents' status, the court must find guardianship is in the *child's welfare* or best interest [11]. The answer should mention you will need to show that appointing you (the aunt/uncle) will serve the child's best interests – for example, that you can provide a stable home.
4. **Necessary Proofs/Documentation:** List practical proofs needed: *Death certificates for each parent* (required to file) [10], the child's birth certificate [10], and possibly any will where a guardian was nominated (a *testamentary guardian* has priority if named in a will, and they must accept within 28 days) [12]. Also note you must file a Petition for Guardianship (Form PC 651) and a Minor Guardianship Social History (PC 670) with the court [13] [14].

5. **Court Procedure:** Explain that after filing, there will be a court hearing. If no one contests, the process is straightforward – the judge will review the evidence of the parents' death and your suitability (including background checks) [15]. Mention that because both parents are deceased, you won't need to prove parental unfitness, just the fact of their death and that you are a qualified, willing relative [8].
6. **Strict Accuracy – Statute and Forms:** Include a precise citation that a court *can* appoint a guardian when "the parental rights of both parents have been terminated or suspended by circumstances such as death" [2]. Reference any form numbers: e.g. "Petition for Appointment of Guardian of a Minor (PC 651)" and note that death certificates must be attached [10]. This assures legal accuracy.
7. **Compassionate Guidance:** Conclude by reassuring the asker that this is a recognized situation in which courts will act quickly. Use a supportive tone: e.g., *"In this difficult time, you can petition the probate court for guardianship. Provide your nephew's birth certificate and your siblings' death certificates to establish the need [10]. The court will want to confirm it's in your nephew's best interest for you to be guardian, which, as a caring aunt/uncle, you can demonstrate."* This merges the personalized mode with the factual requirements.

Question: My sister has been in jail for 6 months and her 8-year-old daughter lives with me. Can I become her legal guardian?
Rubric:
1. **Acknowledge Situation:** Start by noting you understand the concern (e.g. *"You've been caring for your niece while her mother is incarcerated; it's great you're seeking to provide stability."*). This shows empathy and understanding of the urgency.
2. **Legal Ground – Parental Incarceration:** State clearly that *yes*, you can petition for guardianship. Michigan law treats a parent's *confinement in jail or prison* as a condition that can justify a full guardianship [16]. Cite MCL 700.5204(2)(a) which includes parental *"confinement in a place of detention"* as a ground [16]. In other words, your sister's incarceration means her parental rights are *"suspended by circumstances,"* opening the door for a guardianship.
3. **Petition Process:** Explain that you will need to file a **Petition for Appointment of Guardian of a Minor (PC 651)** in the county where the child lives [17]. Include that you'll also file the **Minor Guardianship Social History (PC 670)** and pay the filing fee (in Genesee County, $175, which can be waived if you qualify) [18] [19].
4. **Notice to Interested Persons:** Note that you must *notify* the child's parents (your sister, and the father if he has parental rights) of the hearing [20]. Even though the mother is incarcerated, she is entitled to notice and can attend or voice her position (perhaps by phone or through a representative). The answer should mention that if the mother *consents* in writing, it simplifies matters (it might even proceed as a limited guardianship if she agrees and a plan is filed) [5]. If she objects, the court will hold a hearing to decide if guardianship with you is in the child's best interest despite the objection.
5. **Best Interests & Background:** Emphasize that the court will consider the child's best interests. You should be prepared to show you can provide a stable home, and you'll undergo background checks (LEIN and protective services checks) as part of the process [15]. Mention that all adults in your household will likely be screened [21].
6. **Full vs. Limited Guardianship Consideration:** Since your sister is incarcerated, she cannot care for the child now. If she is cooperative, she might **consent** to a guardianship. The answer should clarify that if she *voluntarily* consents and signs a limited guardianship placement plan, the case could be a **limited guardianship** (voluntary arrangement) [5]. However, if circumstances suggest a longer-term need or the father's status is uncertain, a **full guardianship** is likely more appropriate. Explain the difference: a limited guardianship requires the parent to agree and work on a plan to regain custody; a full guardianship is ordered due to parental inability (in this case, incarceration) [16].
7. **Tone and Guidance:** Provide guidance in a supportive tone: *"You are doing the right thing by seeking legal*

guardianship to make decisions for your niece while her mom is unavailable. Given that her mother is incarcerated, the court can appoint you as a guardian if it's best for the child [16] *. You'll need to file the proper forms and go through a hearing, but many relatives in your situation have been able to obtain guardianship. Don't forget to notify the child's father or other close relatives as required."* This bullet ensures the answer isn't just legally accurate but also reassuring and clear on next steps.

Question: I'm the grandparent seeking guardianship. Which petition form do I use?
Rubric:
1. **Identify the Correct Form:** State clearly that a grandparent (or any non-parent) who wishes to become guardian of a minor should use **Form PC 651, "Petition for Appointment of Guardian of a Minor."** [22] This is the standard petition for a *full* guardianship of a minor. Emphasize that PC 651 is for cases where the parents are not consenting or unable to care (which is typically the scenario for a grandparent petitioner).
2. **Distinguish from Limited Guardianship Form:** Mention that *Form PC 650* is the petition for a **limited guardianship**, which is filed by a parent (not a third-party) when they consent to a guardianship [23] . Since in this case *you* (the grandparent) are filing, and presumably the parents are not the ones initiating, PC 650 would not be applicable unless the parent is actively involved in consenting. So the answer should clarify that **PC 651 is appropriate for a grandparent-initiated guardianship**.
3. **Additional Required Documents:** Explain that in addition to the petition form, the grandparent will need to file a **Minor Guardianship Social History (PC 670)** (a confidential form providing background on the child and petitioner) [24] . Also note any supporting documents: e.g., attaching the child's birth certificate and, if applicable, death certificates of parents or other proof of why the parents can't care for the child [10] [25] . This ensures the user knows the form is part of a packet.
4. **Genesee County Specifics (if any):** If relevant, mention that in Genesee County the filing fee for the petition is $175 [26] , and it can be waived by filing a Fee Waiver Request (Form MC 20) if the petitioner cannot afford it [19] . While not directly about the form number, it's useful procedural info a top-quality answer would include.
5. **Clarity and Encouragement:** The answer should be straightforward and encouraging. For example: *"As a grandparent, you will use the same petition form as anyone else seeking a guardianship of a minor who isn't the child's parent – specifically, form PC 651* [22] *. Fill it out with details about why the guardianship is needed. Don't forget to also submit the Minor Guardianship Social History (PC 670)* [24] *along with the petition when you file."* This bullet underscores clear, plain-language instructions and ensures the user feels supported in the process.

Question: Can siblings be placed with different guardians?
Rubric:
1. **Direct Answer – It's Possible:** State clearly that *yes*, siblings **can** have different guardians appointed if the circumstances warrant it. There is no legal requirement that all siblings must be under the same guardianship. Each minor's guardianship is decided individually based on that child's best interests [27] .
2. **Best Interest of Each Child:** Emphasize that the court's primary concern is the welfare of *each* child [27] . If having different guardians serves each child's needs (for example, each child is already living with a different relative who can care for them), the court can approve separate guardianships. Cite that Michigan law "will only appoint a guardian if it serves the child's welfare" [27] – this applies child by child.
3. **Practical Considerations:** Mention that courts often prefer keeping siblings together **when possible** because of emotional bonds, but they will not force it if it's not feasible or not in each child's best interest. For instance, if two grandparents each petition for different grandchildren, or if one sibling has special needs better met by a guardian with particular resources, separate guardianships might be appropriate. The answer could note that the judge may consider the impact on sibling relationships, but ultimately can

authorize split placements.
4. **No Legal Prohibition:** Reinforce that nothing in the Michigan guardianship statutes prohibits appointing different guardians for different siblings. You might reference by contrast that guardianship is distinct from adoption – guardianship doesn't legally merge the children as a unit; it's a caregiving arrangement for each child. Therefore, each child's case is handled on its own merits. (Citing a specific statute isn't straightforward here, but you could indirectly refer to MCL 700.5204 which requires grounds per child, or MCL 700.5213 requiring best interests per minor [11].)
5. **Tone – Informative and Assuring:** The answer should reassure the asker that this scenario is manageable: *"Courts can and do appoint different guardians for siblings when needed. For example, if two relatives step up for different children, the judge will assess each child's situation separately. The key is that each child is placed in a safe, stable home [27]. While judges try to keep siblings together when it's best for them, they understand that what works for one child might not work for another."* This provides a balanced, plain-language explanation reflecting both legal accuracy and understanding of family dynamics.

Question: What happens if someone objects at the guardianship hearing?
Rubric:
1. **Acknowledge the Possibility of Objections:** Start by explaining that guardianship hearings can be *contested* if a parent or other interested person (such as a relative) objects. Set expectations that an objection will prompt the court to scrutinize the case more closely.
2. **Hearing Becomes Evidentiary:** Describe that if an objection is raised, the hearing may effectively turn into a more formal evidentiary proceeding. The judge might allow additional testimony, require evidence, or even schedule a separate trial-like hearing if the issues are complex. The petitioner (the person asking for guardianship) will need to **prove the legal grounds** for guardianship despite the objection [8]. For example, if a parent objects, the petitioner must show the parent is unfit or unable to care (meeting one of the statutory conditions like abandonment, incapacity, etc.) [8].
3. **Role of Guardian ad Litem (GAL) or Investigation:** Note that the court might appoint a Guardian ad Litem to investigate and represent the child's best interests when there's a dispute [28]. The GAL could speak with both sides and the child, then report to the judge. Alternatively, the judge may order a court investigator or the Department of Health and Human Services to do a home study in a contested case [15].
4. **Outcome Scenarios:** Explain the possible outcomes of an objection: If the objector's arguments persuade the court that guardianship isn't needed or that a different solution is better, the petition may be denied. For instance, if a fit parent objects, the court will likely side with the parent because parents have priority to raise their child (guardianship cannot override a fit parent's rights) [29] [8]. If the objection is from someone other than a parent (say, two relatives competing), the court will decide based on the child's best interest which guardian (if any) to appoint [30]. The rubric should highlight that **the judge makes the final call** after considering all testimony.
5. **Legal Reference:** Cite that Michigan Court Rules require notice to all interested persons and gives them a chance to object; an objection triggers the need for a hearing on the record. You might mention MCR 5.404 and MCL 700.5213(3) which imply that if an emergency guardian was appointed ex parte and someone objects, a hearing must be held within 14 days [31] [32] (this illustrates how seriously objections are taken). Though that rule is for temporary guardianships, it shows the process: objections lead to a prompt, formal hearing.
6. **Tone and Guidance:** The answer should calmly explain the process and encourage the petitioner to be prepared. For example: *"If someone objects at the hearing, don't panic – it means the judge will hear from both sides. Be ready to explain why the guardianship is necessary and present any evidence (like proof of the parent's inability to care). The judge will listen to the objector's concerns and decide what arrangement is in the child's best*

interest." This offers practical advice in a reassuring manner, reflecting personalized guidance alongside the strict process details.

Question: My son is in prison for 5 years. Do I automatically get guardianship of his daughter?
Rubric:
1. **Correct the Misconception (Not Automatic):** State clearly that *no*, a grandparent (or any relative) does not automatically become a child's guardian when a parent is incarcerated. Guardianship is **not** automatic; it requires a court process and order [8]. Michigan law provides specific conditions for appointing a guardian, and you still must petition the probate court and get a judge's approval.
2. **Legal Ground – Parent Incarceration:** Acknowledge that the father's incarceration is indeed a valid ground to seek a guardianship. Cite MCL 700.5204(2)(a) which includes a parent's *"confinement... in a place of detention"* as a situation where the court can appoint a guardian [16]. This means you have standing to petition because your son's parental rights are effectively suspended by his imprisonment [33].
3. **Petition and Notice:** Explain that you (as the child's grandparent) would need to file a **Petition for Guardianship (PC 651)** in the county where your granddaughter lives [17]. You must give notice of the petition and hearing to all interested persons, including the child's other parent (e.g., the mother) and to your incarcerated son [20]. Mention that your son, even though in prison, has the right to be notified and potentially to object or consent. Sometimes incarcerated parents can send a written consent or participate by phone.
4. **Court's Decision Factors:** Stress that the court will consider the best interests of the child, not just the incarceration in isolation. If the child's other parent is available and fit, that parent would typically have priority to care for the child over a grandparent. For example, *"If the child's mother is living and able to care for her, the court likely wouldn't appoint a guardian over the mother's objection."* On the other hand, if the other parent is absent or also unable, the court will consider you. You'll need to show that the guardianship with you is in the child's welfare [11].
5. **No Automatic Transfer of Rights:** Make it clear that grandparents don't automatically assume parental authority. Guardianship must be granted by a judge. You could reference that a *testamentary appointment* by a parent (through a will) can give someone priority, but even then that person must file an *Acceptance of Appointment* within 28 days [12] – nothing happens automatically. Here, since your son is incarcerated (not deceased), he cannot unilaterally hand over guardianship; it needs a court order.
6. **Tone – Empathetic and Informative:** The answer should gently correct the assumption. For instance: *"I know you're stepping up for your granddaughter during your son's incarceration. While you don't automatically become her guardian, you can absolutely apply to be. Michigan requires you to petition the court – your son being in prison for 5 years is considered a valid reason to request guardianship [16]. The judge will still need to grant it officially."* This way, the responder is encouraging and clear, combining the factual requirements with an understanding tone.

Question: How long does the guardianship process typically take from filing to approval?
Rubric:
1. **Explain Timeline Variability:** Start by noting that the timeline can vary by county and case complexity, but provide a typical range. For example, a straightforward, uncontested minor guardianship might take around **4–8 weeks** from filing to the court's decision. Emphasize it's not immediate – certain minimum periods are built in (like notice requirements) [34].
2. **Key Steps and Timing:** Break down the key steps that consume time:
- **Filing and Hearing Date:** After you file the petition, the court will schedule a hearing. In Genesee County, for instance, hearings are usually set on Thursdays [35]. Often the hearing date might be 2–4 weeks out to allow time for notice.

- **Notice Period:** By law, interested persons must be given notice of the hearing at least **14 days in advance if by mail** (or 7 days if personally delivered) [34] . This built-in notice period means you typically can't have a hearing sooner than two weeks after filing (and usually a bit longer to accommodate scheduling).
- **Investigations:** Mention that in many cases the court may order a background check or home investigation before the hearing (especially if no parent is available), which can add a couple of weeks [15] . Courts must ensure the proposed guardian is suitable, and coordinating these reports can affect timing.
3. **Typical Scenario:** Provide a simplified scenario: *"For example, if you file your petition this week, the court might give you a hearing about 3–4 weeks later to allow time to notify the parents and other relatives [34] . If all paperwork is in order and no one objects, the judge could approve the guardianship at that hearing. So roughly a month or so is common. If there are complications (like difficulty serving notice or someone contesting), it could take longer."*
4. **Contested or Complex Cases:** Explain that if the case is contested or a parent needs to be located (service by publication, etc.), it will extend the timeline. For instance, serving by publication can add a few weeks (publication often requires running a notice and waiting for a response) [36] . Also, if an initial hearing is held and the judge requires additional information (say, a second hearing after a home study), that will lengthen the process.
5. **No Statutory Deadline for Final Order (except ICWA cases):** Aside from emergency situations (where temporary guardians can be appointed quickly), there isn't a strict statutory deadline for how fast a permanent guardianship must be completed. However, mention that the court is mindful of the child's need for stability, so they generally move as quickly as due process allows. If relevant, note that in *Indian child* guardianships, you cannot finalize until at least 10 days after tribal notice, and any requested extension (up to 20 days) could apply – but that's a special circumstance.
6. **Cite Notice Rule as Reference:** Use the notice rule citation to ground the timeline: e.g., *"Michigan Court Rules require that notice of the hearing be given at least 14 days prior if by mail [34] , so you'll always have at least that built-in waiting period."* This gives a concrete reason for the timeframe.
7. **Tone – Manage Expectations:** The answer should be friendly but set realistic expectations. For example: *"Generally, you're looking at a few weeks. In a smooth case, many people see guardianship orders in about a month or two after filing. It's not same-day – the court needs to schedule a hearing and you have to notify family members [34] . But rest assured, if everything is in order and it's unopposed, it shouldn't drag on too long."* This combines accuracy with reassurance.

Question: Is the Minor Guardianship Social History form public record?
Rubric:
1. **Direct Answer – It's Confidential:** State unequivocally that the *Minor Guardianship Social History (Form PC 670)* is **confidential** and not open to public view [37] . Michigan court rules treat this form as a sensitive document. It contains personal background information about the minor, parents, and proposed guardian, and is therefore *not* placed in the public case file accessible to everyone [37] .
2. **Cite Authority:** Reference that under Michigan Court Rule 5.404(A)(4), the social history is required and must be filed, but it's kept confidential. The knowledge base explicitly notes "Confidential? **Yes**" next to Form PC 670 [37] . This reassures the user with a precise citation that the form will not be viewable by the general public.
3. **Who Can See It:** Explain that while it's not public, certain parties do see the information. The judge and court staff will review it, and possibly the guardian ad litem or investigators. But it's shielded from public inspection and typically from other family members who are not entitled. In some cases, parents or attorneys in the case might receive relevant portions, but it's not published broadly.
4. **Filing Requirement:** Emphasize that even though it's confidential, it's *mandatory* to file this form at the time of petition [25] . The user should not be deterred from filing it out of privacy concerns. The court needs

it to understand the family situation (e.g., living arrangements, health, schooling of the child, etc.), and because it's confidential, the filer can be candid without fear of public disclosure.
5. **Contrast with Other Documents:** Optionally, distinguish it from documents that are public. For instance, the **petition** and **order** are public record, but the social history (and related forms like the Protected Personal Identifying Information forms, MC 97/97a) are confidential [38]. This highlights the court's effort to protect sensitive info like Social Security numbers and family background.
6. **Tone – Reassuring:** The answer should reassure the asker that their personal details won't be exposed. For example: *"The social history form (PC 670) you file will be kept confidential by the court [37]. It's used by the judge and court staff to understand the child's situation, but it isn't part of the public record. So you can provide the required information honestly, knowing it won't be visible to the public or posted online."* This combines the strict factual answer with a helpful, calming tone.

Question: When is my annual guardian report due?
Rubric:
1. **State the Annual Deadline:** Explain that a guardian of a minor must file an **Annual Report on the Condition of the Minor (Form PC 654)** every year, and Michigan law sets a specific deadline: it must be filed **within 56 days after the anniversary** of the guardian's appointment [39]. In simpler terms, roughly within two months after the date you were appointed each year. Cite MCL 700.5215(f) or court rule MCR 5.409(A) as authority for the 56-day rule [40].
2. **Example for Clarity:** Provide an example. *"For instance, if you were appointed on March 1, the annual report should be filed by April 26 of each subsequent year (56 days after March 1)."* This helps ensure the user understands how to calculate their specific due date.
3. **Content of Report:** Briefly mention what the report includes (the question is about "when," but a high-quality answer will remind them what it is they're submitting). State that the report updates the court on the child's living situation, health, education, and general well-being [41].
4. **Service Requirement:** Note that the guardian must send a copy of the annual report to certain interested persons – specifically, the child's parents (unless their rights are terminated) and the child if the child is 14 or older – and file a **Proof of Service (Form PC 564)** with the court showing those copies were sent [42]. This is a legal requirement that an excellent answer should include, since timeliness includes completing service.
5. **Consequence of Missing Deadline:** Mention that failing to file the annual report on time can have serious consequences. The court might issue a notice to the guardian or even suspend/remove the guardian for non-compliance [43]. This underscores why meeting the 56-day deadline is important.
6. **Tone and Additional Guidance:** Provide the information in a straightforward manner. For example: *"You need to file the Annual Report (using form PC 654) each year within 56 days of the date you were appointed guardian [39]. Mark that date on your calendar – the court doesn't send regular reminders. Make sure to give a copy of the report to the parents and file a proof of service as well [42]. Staying on schedule is important; if a report is over two months late, the court could take action."* This answer is precise, cites the rule, and also has a helpful tone reminding the guardian of their duty.

Question: My stepson's mother died. Can I get guardianship even though I'm not a blood relative?
Rubric:
1. **Affirm Standing of Non-Blood Relatives:** State that *yes*, a stepparent (or any person interested in the child's welfare) is legally allowed to petition for guardianship [44]. Michigan law does not require the petitioner to be a blood relative. Cite MCL 700.5204(1) which says "any person interested in the welfare of the minor" – which includes stepparents – may file a guardianship petition [44].
2. **Circumstances of Parent's Death:** Acknowledge that the mother's death is a qualifying trigger for

guardianship. If the biological father (the stepchild's father, presumably your spouse) is still alive and has custody, note that ordinarily the father would continue as the sole legal parent. However, if the father (your husband) wants you to have legal authority too or if he is unable to care for the child, you could pursue guardianship. Emphasize that the mother's passing means one parent is gone; guardianship could be considered if the surviving parent (your spouse) consents or is unable to provide care [8].

3. **Consent or Parental Priority:** Clarify the role of the surviving parent (your spouse). If your spouse is active and fit, typically *he* wouldn't need a guardian for the child – he has full parental rights. But perhaps your spouse (the father) wants you to share legal responsibility, or there's a reason he can't currently fulfill his role (deployment, incapacity, etc.). If the father supports the guardianship, the court can appoint you as a guardian (possibly as a limited guardian with the father's consent, or even a full guardian alongside the father's rights if the father is unable). If the father does not consent and is able to care, the court likely wouldn't override him. Essentially, stress that it's possible but the context matters.

4. **Testamentary Nomination:** If the deceased mother nominated a guardian for her child in a will (a "testamentary guardian"), mention that that nominee has priority [12]. If that nominee is you (maybe the mother designated you, her child's stepmother), the law gives you priority to serve, *but you still must go to court and formally accept within 28 days* [12]. If no one was nominated, the court will consider petitions from any interested persons, including you.

5. **No Genetic Requirement in Law:** Emphasize again that nothing in the statute requires a blood relationship. For support, you could point out that foster parents or family friends have in some cases been appointed guardians – it depends on best interest of the child, not bloodline. The answer should reassure: being a stepparent does not disqualify you. The key is demonstrating that your guardianship would serve the child's welfare [30].

6. **Tone – Supportive and Clarifying:** The answer should be positive: *"You absolutely can petition to be your stepson's guardian. Michigan law allows* any *concerned adult to seek guardianship if the child needs it* [44] *– it isn't limited to blood relatives. Since your stepson's mother has passed away, the main question will be what's best for your stepson. If his father (your husband) is still in the picture and capable, he remains the primary custodian. But if he agrees or needs help, the court could appoint you to step in and provide care."* This style acknowledges the nuance and provides clear assurance that being a stepparent is not a bar.

Question: What if multiple people want to be guardian?

Rubric:

1. **Court's Role in Resolving Competing Petitions:** Explain that if more than one person petitions to be a child's guardian (or expresses interest), the court will decide **who** to appoint by considering the best interests of the child. It's not first-come, first-served or a popularity contest – the judge evaluates each prospective guardian's suitability. All interested parties can be heard at the hearing, and the court may even hold a contested hearing to choose the guardian.

2. **Legal Priorities:** Mention if any statutory priority exists. Michigan law gives top priority to a guardian nominated in a parent's will (a *testamentary nominee*) [12]. So if one of the candidates was nominated by a deceased parent, that person has the inside track if otherwise qualified – they must accept appointment within 28 days of notice [12]. Also note that relatives (especially close relatives) often have a natural edge, but legally the phrase is "any person interested in the welfare" can be considered [44]. If one candidate is a close relative and another is not, the relative might be favored, *but* the court will still weigh who has been caring for the child or who can provide the better home.

3. **Best Interests Standard:** Reiterate that *"best interest of the minor"* is the guiding standard for the judge [30]. Provide examples of factors that might sway the decision: existing relationship/bond with the child, ability to meet the child's needs (stability, financial, emotional support), keeping siblings together if applicable, the child's preference if old enough (a child 14 or older can nominate their preferred guardian)

[44]. If the child is 14+, the judge will consider the minor's nomination or input heavily.
4. **Possibility of Co-Guardians:** Note that the court can appoint co-guardians (more than one guardian for the same child) if that is workable and in the child's best interest [45]. So if two family members are both suitable, the judge might decide they can share guardianship responsibilities. The answer might suggest this as a compromise scenario.
5. **Tone – Neutral and Informative:** The answer should not "take sides" but calmly explain the process. For example: *"When multiple people step forward, the judge will carefully evaluate each person. The law doesn't automatically favor one over another except, for instance, a person nominated by a deceased parent has priority if they act within 28 days [12]. The judge may even appoint both as co-guardians if that best serves the child. Ultimately, the decision is about who can provide the most stable, loving environment [30]."* This conveys the strict legal framework (priority rules, best interest test) and also reassures that the child's welfare is central.
6. **Encourage Collaboration if Possible:** Optionally, advise that if the multiple would-be guardians are all well-meaning family, it might be best for them to communicate and perhaps come to an agreement or share duties (for example, one could be guardian and the other given frequent visitation or made a successor). The court likes to see family working together. This piece adds a personalized touch – practical advice beyond the black-letter law – to guide the user.

Question: Can my daughter's teacher petition for guardianship if she's concerned about neglect?
Rubric:
1. **Any Concerned Adult May Petition:** State that under Michigan law, **yes**, a teacher (or any person interested in the child's welfare) has the right to file a guardianship petition [44]. There is no requirement that the petitioner be a relative. So if the teacher truly believes the child's needs aren't being met, legally she can initiate the process by filing a petition with the probate court.
2. **Must Meet Guardianship Grounds:** Emphasize that while a teacher can petition, the court will still require proof of one of the statutory grounds for guardianship (e.g., parental inability, neglect, etc.) [8]. The teacher would have to show, for example, that the parents are unfit or unavailable – perhaps evidence of serious neglect or that the parents have let the child live with someone else without providing proper care [46]. Without such evidence, the court won't remove a child from fit parents just because a non-relative is "concerned." In other words, the burden of proof lies with the petitioner to prove the child *needs* a guardian.
3. **Likely Involvement of CPS:** Note that in situations of suspected neglect, typically Child Protective Services (CPS) is involved. The answer can mention that often a teacher's first step would be to report neglect to CPS. The court might expect that avenue to be pursued. However, in some cases, filing for guardianship can be a way for a concerned adult to get legal authority to care for the child if, say, CPS is not removing the child but the child still needs help.
4. **Guardianship vs. Custody/Abuse Proceedings:** Briefly differentiate that a guardianship is a civil proceeding in probate court, not a criminal or child protective removal (which happens in a different court). If a teacher petitions, the probate judge might actually refer the matter to CPS or at least appoint a Guardian ad Litem to investigate [28]. If the situation is severe ("neglect" implies possible abuse/neglect situation), the court may coordinate with the juvenile court. Include that guardianship might be considered a more voluntary alternative to foster care if the parents consent or don't object.
5. **Outcome if Teacher Petitions:** Explain that if the teacher files, she would have to give notice to the parents and other interested persons [20], and the parents can object. If the parents contest and they are fit, the petition will likely fail. If the parents do not respond or are found unfit, the court could appoint the teacher as guardian, but typically judges prefer a family member if available. However, if no relatives are suitable and the teacher has a strong bond with the child, it's possible (courts have appointed non-relatives in some cases for the child's well-being).
6. **Tone – Cautiously Informative:** The answer should be factual but also careful not to encourage

overstepping. For example: *"Legally, your daughter's teacher can file a petition – the law allows* any *person concerned about a child to seek guardianship* [44] *. In practice, the teacher would need to convince the court that your daughter's parents are unable to care for her (due to neglect or other issues). The court will likely involve CPS or at least require strong evidence of neglect. It's not an easy process, especially if a fit parent objects. But it is a route a very concerned teacher could take to ensure a child's safety."* This communicates the strict legal threshold and process, while acknowledging the teacher's standing.

Question: How far in advance must I notify parties about the hearing?
Rubric:
1. **State Notice Requirements Clearly:** Explain that Michigan law requires you to notify all *interested persons* of the guardianship hearing in advance. Specifically, if you are serving notice by **mail**, it must be mailed at least **14 days before** the hearing date [34]. If you deliver notice by **personal service** (hand-delivery), it must be done at least **7 days before** the hearing [34]. These are minimum time frames set by court rule (MCR 5.125) and statute (MCL 700.5213).
2. **Cite the Rule/Statute:** Quote or cite the relevant rule: *"Notice must be given at least 7 days prior to the hearing if personally served, and 14 days prior if by mail"* [34]. This shows precision. Also note that proof of service must be filed with the court showing you met these deadlines [47].
3. **Proof of Service Timing:** Add that after serving the interested persons, you need to file a **Proof of Service (PC 564)** with the court, typically at least 5 days before the hearing, to demonstrate that everyone was notified in time [47]. If service was by publication (in cases where someone's address is unknown), the notice must also be published at least 14 days before the hearing [48].
4. **Interested Persons Definition:** Briefly list who must be notified ("interested persons") to contextualize the question: e.g., the minor (if 14 or older), the parents, the person who had principal care of the child in the last 63 days, any current guardian or conservator, and nearest relatives if parents are deceased [49]. This helps ensure the user knows to whom the advance notice rule applies.
5. **Consequence of Insufficient Notice:** Warn that if you fail to give notice within these time frames, the court cannot proceed with the hearing – the hearing would be postponed to ensure due notice, or your petition could be dismissed. Proper notice is jurisdictional for the court. This underscores the strict mode accuracy.
6. **Tone & Practical Tip:** The answer should be straightforward and helpful. For example: *"You'll need to send out the Notice of Hearing (Form PC 562) in advance. Michigan rules say at least 14 days ahead if by first-class mail, or 7 days ahead if you hand-deliver* [34] *. After that, file a Proof of Service form with the court to show you met the deadline* [47] *. In short: plan to notify everyone at least two weeks before your hearing date to be safe."* This provides a clear, user-friendly summary alongside the precise requirements.

Question: My neighbor's kids have been living with me for 3 months without any legal paperwork. Can I file for guardianship?
Rubric:
1. **Legal Ground – Parental Permission without Authority:** Affirm that yes, you likely can petition for guardianship in this scenario. Michigan law has a specific provision (MCL 700.5204(2)(b)) covering when "the parents have permitted the minor to reside with another person and have not provided that person with legal authority for the minor's care" [46]. Living with you for 3 months without formal arrangements strongly suggests this ground is met. Cite that statute or paraphrase it, noting it as a common situation for guardianship.
2. **Explain Need for Court Order:** Emphasize that because there is "no legal paperwork," you currently lack authority to make decisions (medical, school, etc.) for the kids. Filing for guardianship will give you that authority. The court will want to know that the parents are unable or unwilling to care for the kids right now.

Three months of you providing full-time care implies the parents have relinquished care to you, at least informally. This is exactly why the guardianship statute exists [46].
3. **Notice to Parents:** Mention you will have to notify the parents of your petition and the hearing [20]. If the parents support you taking guardianship (perhaps they left the children in your care knowingly), it may go uncontested – possibly even as a *full guardianship* if they are unable to resume care, or a *limited guardianship* if they consent and plan to get the kids back later [8] [5]. If the parents object suddenly, the court will evaluate if the children can safely be returned or if there's cause to override the parents (neglect, etc.).
4. **Emergency Option:** If the situation is urgent (e.g., the kids have medical or school needs that can't wait), note that you could ask for a **temporary guardianship** for immediate authority while the full petition is pending [50] [51]. This might not be necessary if the hearing can be held soon, but it's useful if there's immediate risk.
5. **Outcome Likelihood:** State that courts often approve guardianships in these circumstances if it's clear the parents have abdicated care. Provide a gentle reminder that guardianship is a formal responsibility – you'll have reporting duties, etc. – but it will allow you to make decisions for the kids legally.
6. **Tone – Encouraging and Clear:** For example: *"Yes, you can (and should) petition the court for guardianship so you have legal authority over the children's care. Michigan law specifically covers cases like this, where kids are living with someone who isn't their parent without legal authority [46]. You've been caring for them for 3 months, so you have standing to file. You'll need to notify their parents about the case, but if the parents can't take them back right now, the court can give you guardianship to ensure the kids are in a stable situation."* This addresses the user's scenario with both factual basis and a supportive tone.

Question: I'm filing for guardianship in Genesee County. What's the filing fee and can I get it waived?
Rubric:
1. **State the Filing Fee Amount:** Provide the current standard fee for filing a minor guardianship petition. In Genesee County (and generally in Michigan probate courts), the filing fee for a guardianship petition is **$175.00** [26] [52]. Cite the knowledge base confirming that amount (which it does as a line item for Genesee fees) [52].
2. **Additional Costs:** Mention any other initial costs: for example, the fee for certified Letters of Guardianship (often around $12 per copy in Genesee) [53], or publication fees if needed (approx. $96 in Genesee for publishing notice when a parent's whereabouts are unknown) [54]. While the question specifically asks about the filing fee, an excellent answer might briefly note these potential extra costs so the filer isn't surprised.
3. **Fee Waiver Availability:** Yes, the fee can potentially be waived. Explain that Michigan courts allow people who cannot afford the fee to file a **Fee Waiver Request (Form MC 20)** [19]. The court will typically waive the $175 filing fee if the petitioner's income is below a certain threshold (125% of the federal poverty level) or if paying would be a hardship [55]. You must provide proof of income or government assistance when requesting a waiver [55].
4. **Process to Waive:** Describe the process: you would fill out Form MC 20 (a motion to waive fees), which might ask for details of your finances, and submit it *at the same time* as your guardianship petition. The judge will review it (often without a hearing) and decide whether to waive the fee. If approved, you can file without paying. If denied, you'd have to pay or perhaps be allowed to pay later.
5. **Cite Knowledge Source:** Reference the knowledge base example that explicitly says "✔ Request a Fee Waiver if Needed… Fill out and file a Fee Waiver Request (Form MC 20)… You may qualify if income is below 125% poverty or paying would be hardship" [19]. This shows that fee waiver is a recognized option.
6. **Tone – Practical and Helpful:** The answer should sound helpful, maybe even offering a tip. For example: *"In Genesee County, the filing fee for a minor guardianship petition is $175 [26]. If that cost is a burden for you,*

you can ask the court to waive the fee. You'd use Form MC 20 to detail your income and expenses; if you're low-income or on assistance (like SSI, Medicaid, etc.), the court often grants a fee waiver [55] *. Make sure to turn in that fee waiver form when you file your petition so the clerk knows not to charge you upfront."* This thoroughly answers both parts of the question in plain language with precise info.

Question: My 15-year-old niece wants me to be her guardian instead of her mom. Can she choose?
Rubric:
1. **Acknowledge Minor's Preference Right:** Explain that minors aged **14 or older** in Michigan have the right to nominate their own guardian or to express a preference [44] . The court gives considerable weight to the wishes of a minor of that age, although it is not an absolute decision-maker. Cite MCL 700.5204(1) which explicitly allows a minor who is 14+ to petition or nominate a guardian [44] .
2. **Court's Consideration:** Clarify that while the 15-year-old's desire is important, the court must still ensure that the legal grounds for guardianship are met and that the arrangement is in her best interests [30] . The niece cannot unilaterally "choose" a guardian if her parent is fit and willing to care for her. The judge will consider why the niece prefers you over her mom – e.g., is there neglect or conflict? The court won't remove a child from a competent parent just because the teen prefers a relative's house, unless evidence shows it's necessary for her welfare.
3. **Legal Grounds Still Required:** Emphasize that you (or the niece, if she petitions directly at 15) would need to prove one of the statutory grounds for guardianship (like parental unfitness, or that the parent consents, etc.) [8] . If the mother is neglectful or unable to provide a stable home, that would substantiate a guardianship. If the mother simply has disagreements with the teen, that alone might not suffice. The answer should delicately note that a teenager's preference alone, absent serious issues, might not override a parent's rights.
4. **Procedure if Minor Petitions:** Note that a 15-year-old can actually file a petition herself for a guardian [44] , but realistically she'd need an adult to help navigate the process. If she nominates you in her petition or you petition and she provides a written nomination of you, the court will take that into account heavily. Possibly mention that the court could appoint a **Guardian ad Litem** to interview the niece and report on her wishes and best interests [28] .
5. **Outcome Scenarios:** Describe scenarios: If the mom consents or does not object, and the niece is 15 asking for you, the court would likely honor that and appoint you, perhaps as a limited guardian (if mom consents via a placement plan) [5] . If the mom objects, the niece's preference is not enough by itself – the court will require evidence of why staying with mom is not in her best interest. The niece's testimony might be part of that evidence.
6. **Tone – Compassionate and Honest:** The answer should validate the niece's voice while explaining the legal reality. For example: *"At 15, your niece has a say – Michigan law lets minors 14 and up nominate who they'd like as guardian* [44] *. The judge will listen to her reasons. However, her mom's rights still come first unless there's a serious problem. If her mom is unable to care for her properly or agrees to the change, the court can appoint you. But if mom is fit and opposes it, the court won't typically remove your niece just because she prefers it. In short, your niece's preference is very important, but the court must find it's truly best for her and meets legal grounds."* This balances empathy for the teen's perspective with an accurate portrayal of the law.

Question: Who do I have to notify when filing for guardianship of my grandson?
Rubric:
1. **List Interested Persons:** Explain that Michigan Court Rules specify exactly who must be notified (served) in a minor guardianship proceeding [56] [57] . For a grandson, the *interested persons* typically include: **the minor child's parents**, **the minor himself if age 14 or older**, **the child's *nearest* adult relatives** (if parents are deceased or cannot be notified, e.g. grandparents or aunts/uncles on the other side), **the person who**

currently has principal care/custody of the child (if not the petitioner), and any **current guardian or conservator** of the child [49] [57].

2. **Cite Rule for Interested Persons:** Reference MCR 5.125(C)(20) which outlines interested persons in a minor guardianship. The knowledge base details this in plain language: minor over 14, the parents, the adult nearest of kin if parents are deceased, the person with whom the child has resided during the 63 days before filing, any nominated guardian, etc. [58] [57]. Use that as a checklist in your answer. For example: *"You must notify: (a) your grandson's parents (both of them) [59], (b) your grandson himself if he is 14 or older [60], (c) any current legal guardian or conservator he has, (d) anyone who had primary care of him in the last 63 days (if, say, he was living with someone else before you) [61], and (e) if neither parent is living, then his closest adult relatives (like other grandparents)."*

3. **Method of Notification:** While the question is "who," an excellent answer might briefly reiterate the *how* and *when* of notification: Notice is typically done via a formal **Notice of Hearing (PC 562)** form, served personally or by mail with at least 7 or 14 days' lead time respectively [34]. And that you'll file a Proof of Service (PC 564) to show you did this [47]. This ties in the procedure with the list of people.

4. **If Parent Deceased or Rights Terminated:** Note special cases: if a parent is deceased, you notify the **adult nearest kin** on that side of the family [62] (e.g., the paternal grandparents if you are maternal and the mother is deceased, or vice versa). If a parent's parental rights have been terminated or they've passed, they no longer get notice, but their parents (the child's grandparents on that side) step into the notice chain as nearest kin. The question mentions "grandson," implying you're a grandparent – likely one of the parents is your child. Ensure the user knows the other side of the family might need notice too.

5. **Emphasize Completion of Notice:** Stress that **every** interested person as defined must be properly notified or the court will not proceed. This ensures strict compliance. The knowledge base even has a local "Notice Requirements" checklist for petitioners [63], underscoring its importance.

6. **Tone – Clear and Directive:** The answer should be given almost like a step-by-step directive. For example: *"When you file, you'll have to notify all interested persons. For your grandson's case, that means: both parents (assuming they're alive) [59], your grandson himself if he's 14 or older [60], anyone who's been taking care of him (aside from you) in the last 2 months [61], and if a parent has passed away, then the closest relatives on that parent's side [62]. In practice, grandparents like you often need to notify the other grandparents. After you send out the Notice of Hearing forms, remember to file a Proof of Service with the court."* This approach is precise (strict mode) yet presented in a helpful, checklist manner (personalized for usability).

Question: What special steps are needed if the child might have Native American heritage?
Rubric:

1. **ICWA/MIFPA Applicability Inquiry:** Explain that if there's any indication the child is an "Indian child" (as defined by the Indian Child Welfare Act – ICWA – and Michigan Indian Family Preservation Act – MIFPA), *extra procedures* apply to the guardianship case. The court and petitioner have an affirmative **duty to inquire** at the outset whether the child has Native American heritage. This means you should disclose any known tribal affiliations or family stories of Native ancestry.

2. **Notices to Tribe and BIA:** Outline that **formal notice** must be given to the child's tribe (or potential tribes) and to the Bureau of Indian Affairs if the child is or could be an Indian child. This involves using a special form **PC 678 (Notice of Guardianship Proceedings for an Indian Child)** and sending it by registered mail with return receipt. The notice must include extensive information (child's relatives, birth info, etc.) and a copy of the guardianship petition.

3. **Waiting Period:** Note that once notice is sent, the court **cannot hold a guardianship hearing for at least 10 days after the tribe (and parents) receive the notice**. Additionally, the parent or tribe can request up to an extra 20 days to prepare. This is a special waiting period under ICWA to ensure the tribe has time to respond.

4. **Higher Standards & Documentation:** Mention that if the guardianship is contested (involuntary with respect to a parent), ICWA requires **"active efforts"** to prevent the breakup of the Indian family and testimony from a **Qualified Expert Witness (QEW)** about potential harm to the child if not placed in the guardian's custody [64] [65]. For a voluntary guardianship (parent consenting), the consent must be executed in writing before a judge and certified, etc.. The answer should note that basically everything is more stringent: e.g., the consenting parent must sign in front of a judge and can withdraw consent for any reason prior to order [66].
5. **Tribal Jurisdiction & Rights:** Add that tribes have rights in these cases, including the right to **intervene** in the state proceeding or possibly **petition to transfer** the case to a tribal court [67]. If the child resides on a reservation or is already a ward of a tribal court, the tribal court might have exclusive jurisdiction. The petitioner should be prepared for these jurisdictional questions – the court will likely ask about the child's tribal membership or eligibility from the start.
6. **Tone – Respectful and Detailed:** Ensure the answer conveys the gravity of these "special steps." For instance: *"If the child may have Native American heritage, the court must follow ICWA/MIFPA rules. You (and the court) have to ask about the child's tribal connections early on. If it looks like the child is an 'Indian child,' you'll need to formally notify the tribe and the Bureau of Indian Affairs by registered mail using form PC 678. No hearing can happen until at least 10 days after the tribe gets notice (they can ask for 20 more days). The tribe can intervene or even have the case moved to tribal court. Everything is done to ensure the tribe and family are involved – for example, if a parent consents to the guardianship, it must be in writing and certified by a judge to be valid. In short, be prepared for additional notification and potentially a longer timeline when Native heritage is in play."* This answer packs in the strict requirements and does so in an informative, step-by-step way, acknowledging the cultural sensitivity.

Question: What are active efforts under ICWA?
Rubric:
1. **Definition of "Active Efforts":** Explain that "active efforts" is a term from the Indian Child Welfare Act (ICWA) and MIFPA requiring a higher standard of intervention to keep an Indian family together. It means **proactive, vigorous, and culturally tailored attempts** to prevent the breakup of the Indian family and to reunify the family if possible [65] [68]. It's more intensive than the "reasonable efforts" standard in typical child welfare cases.
2. **Examples of Active Efforts:** Provide concrete examples to illustrate: *developing a family support plan in coordination with the tribe*, *providing services that address the family's specific needs (like transportation to counseling, substance abuse programs that incorporate tribal practices)* [69], *frequent follow-up and help in overcoming barriers*. The knowledge base explicitly lists examples: *collaborating with the tribe on a service plan, using culturally appropriate resources, helping the family with transportation or other barriers to access services* [65]. Include those examples to show what "active efforts" look like in practice.
3. **Requirement in Guardianship (Involuntary):** Clarify that in an **involuntary** guardianship of an Indian child (where a parent doesn't consent), the petitioner (or state) must demonstrate to the court that they made these active efforts to provide remedial services and rehabilitative programs to the family, and that those efforts **were unsuccessful** in preventing the need for the guardianship [64] [68]. Essentially, before separating the child from the parent, one must show they truly tried everything feasible to keep the child with the parent.
4. **Legal Standard – More than Reasonable:** Emphasize how active efforts differ from the standard efforts: *"Active efforts" involve hands-on, thorough involvement – not just providing referrals, but actually helping the family engage with services, following up consistently, and using the tribe's input and culturally relevant methods* [65]*. It's a step up from just offering help; it's making sure the help is effective and suited to the family's culture.*
5. **ICWA Compliance:** Note that the court will usually require documentation or testimony of these active

efforts. For example, a social worker or QEW might testify about what was done to try to keep the child with the parent [70]. Without proof of active efforts, an ICWA guardianship (if contested) cannot be granted.
6. **Tone – Educational:** This answer should be explanatory, given "active efforts" is a technical term. For instance: *"'Active efforts' under ICWA means taking comprehensive, energetic steps to help the family stay together [65]. It's not enough to just hand a parent a list of counseling centers; you might need to coordinate with the tribe to create a plan, check in regularly, provide transportation, and use services that respect the family's culture [69]. The idea is to do everything possible – more than the usual – to avoid the need for removing the child. In court, you'd have to show you truly tried these active efforts and they didn't solve the issues [64]."* This captures the strict definition with clear language.

Question: Who can be a qualified expert witness in an ICWA case?
Rubric:
1. **Define QEW Role:** Explain that a Qualified Expert Witness (QEW) in an ICWA guardianship (or any ICWA child custody proceeding) is someone with deep knowledge of the child's tribal culture and child-rearing practices, who can provide an expert opinion to the court about the potential harm to the child and whether active efforts were made [70] [71]. The QEW's testimony is required in involuntary ICWA cases to support the finding that continuing custody with the parent is likely to result in serious harm to the child [70].
2. **Qualifications:** State that usually a QEW is either: **a member of the child's tribe or someone designated by the tribe as having expertise**, or **an expert with substantial experience and knowledge of that tribe's customs regarding family and childrearing** [71]. This could be a tribal social worker, elder, or other professional familiar with tribal child welfare. The key is that the person is familiar with the specific tribe's culture – generic social work expertise is not enough.
3. **Tribe's Preference:** Mention that the tribe may have a say in who is qualified. Some tribes maintain lists of qualified experts or might formally designate someone for the case. ICWA regulations suggest preferences: first, a member of the tribe who is recognized as knowledgeable, or a lay expert with substantial knowledge of tribal customs, or a professional with significant experience with similar children of the tribe [71].
4. **Not Just Any Expert:** Clarify that a QEW is not just any child psychologist or social worker; they need special cultural expertise. For example, a regular CPS worker might not qualify unless they have received training in ICWA and understand the tribe's way of life. If no tribal expert is available, the court may take a qualified professional who is at least familiar with Indian child services.
5. **Purpose of QEW Testimony:** Note the QEW will testify as to whether keeping the child with the parent is likely to cause serious emotional or physical damage to the child [70]. They bring in the cultural context, explaining if the issues observed truly warrant removal from a tribal perspective. This is part of the heightened protection ICWA provides.
6. **Tone – Factual:** For example: *"A 'qualified expert witness' in an ICWA case is typically someone with special knowledge of the child's tribe and its child-rearing practices [71]. Often it's a tribal social worker, an elder, or someone the tribe designates as an expert. The idea is that this person can give the court insight into whether the child's continued custody by the parent would likely result in serious harm, with an understanding of cultural context [70]. In short, it can't be just any expert; it has to be an expert in that tribe's familial norms and needs, recognized by the tribe or by their experience."* This clearly addresses who can serve as QEW, grounded in the guidelines.

Question: Does ICWA affect who can be appointed guardian?
Rubric:
1. **ICWA Placement Preferences:** Yes, ICWA/MIFPA impose a **placement preference order** for an Indian child's guardian. Explain that if a guardianship is being established for a Native American child, the law

prefers the child be placed with certain people, in descending order: **(a) a member of the child's extended family; (b) a foster home licensed, approved, or specified by the child's tribe; (c) an Indian foster home licensed by the state; (d) an institution approved by an Indian tribe** [72] [73]. In the context of guardianship, this means the court should try to appoint a guardian in line with those preferences unless there's good cause not to.

2. **Good Cause to Deviate:** Note that the court can deviate from these preferences only if there's "good cause." Provide examples of good cause as given in the materials: *the child's own wishes (if old enough to state a preference)*, *the extraordinary needs of the child (like needing special care that only certain people can provide)* [74], or unavailability of preferred placements. For instance, if the child's closest family members are unable or unwilling to serve, that might be good cause to go to the next category.

3. **Tribe's Placement Order:** Also mention that the child's tribe can alter the preference order – the tribe's preference is paramount if they have specified a different order of placement. Under ICWA, a tribe may pass a resolution for different preferences; courts will follow that.

4. **Guardian Eligibility:** Emphasize that ICWA does not allow just anyone to be guardian if those preferred placements are available. For example, if a non-Indian family friend petitions but the child has suitable extended family, the family should be considered first. So yes, ICWA can mean that an otherwise willing guardian might be passed over in favor of a qualified Native relative or home.

5. **Need for Qualified Guardian:** Regardless, the person must still be qualified and able to care for the child; ICWA doesn't force an unsuitable placement just because of preference. But the spirit is to keep the child connected to family and tribe whenever possible [72] [73].

6. **Tone – Clarity about Cultural Priority:** For example: *"ICWA absolutely can affect who gets appointed. In guardianship cases involving an Indian child, the law prefers the guardian be a member of the child's extended family first and foremost* [75]*. If no relative is available, next preference is someone from the child's tribe (like a tribally approved foster home)* [73]*. The idea is to keep the child with family or tribal community. The court can only bypass these preferences for 'good cause' – say the child, who's old enough, strongly prefers someone else, or the extended family is unable to care for the child* [74]*. In short, ICWA places a thumb on the scale for guardians who keep the child connected to their Native heritage."* This clearly states how ICWA alters the decision-making on guardian selection.

Question: Can a tribal court take over a guardianship case?
Rubric:

1. **Exclusive Tribal Jurisdiction in Some Cases:** Explain that if the child is a member of a federally recognized tribe and **resides on the reservation or is a ward of a tribal court**, the tribal court typically has exclusive jurisdiction over child custody matters, including guardianships. That means a state court would defer to the tribal court as a matter of law (ICWA and MIFPA recognize tribal sovereignty). For example, if the child lives on tribal lands, the case likely belongs in tribal court.

2. **Right to Transfer:** If the case is initially in state court (probate court), ICWA gives the **tribe or a parent** the right to request a transfer of the proceeding to the tribal court of the child's tribe [76] [77] (provided the tribal court has jurisdiction and the case isn't at an advanced stage). The state court generally *must* grant that transfer absent objection by either parent or declination by the tribal court. Mention that the parents can veto a transfer (if either parent objects, the case stays in state court under ICWA).

3. **Procedure on Transfer:** Describe that when a transfer is granted, the state court will stop its proceedings and the tribal court will handle the guardianship. The petitioner may have to refile or register something in the tribal court depending on tribal procedures.

4. **Notice of Right to Intervene/Transfer:** Note that in any case involving an Indian child, the tribe must be notified and informed of its right to **intervene or assume jurisdiction** [67]. This is why notice to the tribe is so crucial – it gives the tribe the opportunity to say, "We will take this case." If the tribe intervenes but

doesn't transfer, they can participate in state court decisions. But often they may prefer to move it to their own court.
5. **Exceptions (Good Cause to Deny Transfer):** Mention that a state court can deny transfer for "good cause" – for example, if the case is at a very advanced stage or if the tribal court lacks some capacity – but those instances are rare. Also, if a parent (typically the non-tribal parent) objects to tribal court, the transfer won't happen.
6. **Tone – Factual and Reassuring to Tribal Interests:** For example: *"Yes, a tribal court can assert jurisdiction or take over a guardianship case involving a Native American child. Under ICWA, the child's tribe has the right to step in – they can even request the case be transferred to the tribal court* [67] *. In fact, if the child lives on the reservation or is already under tribal court jurisdiction, the tribal court has exclusive authority. If we're in state court and the tribe or a parent asks for a transfer to tribal court, the state judge will usually approve it (unless a parent opposes or the tribal court declines). The law recognizes the tribe's sovereignty in making decisions for its children."* This addresses the strict mode details and conveys the respect for tribal jurisdiction that personalized mode might include (in terms of tone).

Question: Will the parents still have to pay child support during guardianship?
Rubric:
1. **Parental Obligation Continues:** Explain that establishing a guardianship **does not terminate parental rights or end the parents' financial responsibility** for their child [78] . Therefore, yes, parents are still expected to provide support. The court can (and often will) order the parents to pay **reasonable child support** to help with the child's expenses while the guardian is caring for the child [79] [80] . Guardianship is a temporary care arrangement; it doesn't absolve parents of their duty to support their child.
2. **Court Orders for Support:** Note that as part of the guardianship proceedings, the judge has authority under Michigan law to **order child support** from the parents (and set parenting time) for the benefit of the child [79] . In fact, Form PC 651 (the petition) asks about any existing support orders, and the court may address support at the guardianship hearing. Cite that a guardian explicitly has the power to "institute proceedings to compel a person to perform their duty to support the ward" [79] (meaning the guardian can go after the parents for support).
3. **Practical Aspects:** Mention that if there's already a child support order (say from a divorce or paternity case), that order remains in effect unless modified – but now payments might be redirected to the guardian or used for the child's care. If there was no prior order, the guardian or the court can initiate a support order. If the guardian applies for public assistance for the child, the state will likely pursue support from the parents as well.
4. **Guardian's Financial Role:** Emphasize that the guardian is *not* financially responsible out of their own pocket (they don't have to spend personal funds on support) [81] . They can use the child's resources for the child's needs and seek support from the parents [82] [83] . This frames that parents remain the primary financial providers.
5. **Cite Law for Automatic Termination vs Support:** Optionally mention MCL 700.5205 or guardianship orders often include a clause about parental support obligations. The knowledge base explicitly says a guardian *"has the power to institute a proceeding to compel... support"* [79] , and that for limited guardians, the placement plan **must** include a child support provision [84] [85] . So if it's a limited guardianship, the parents actually sign a plan agreeing to specific support.
6. **Tone – Informative/Neutral:** For example: *"Yes, parents are still on the hook for child support during a guardianship. A guardianship doesn't terminate parental rights or duties* [78] *. In fact, the court can order the parents to pay support to help you as the guardian cover the child's needs* [79] *. Many guardianship orders include a requirement for the parents to make monthly support payments (just like a custody case). If there's already a support order, that continues – the money might be redirected to you for the child's care. As guardian, you aren't*

required to use your own money to support your grandchild [81] *; the parents should contribute financially."* This clearly states parental obligations with citations and reassures the guardian about their own finances.

Question: Can I apply for public benefits for my ward?
Rubric:
1. **Guardian's Authority to Act:** Confirm that as a guardian, you generally have the authority to apply for benefits and services on behalf of the child (the ward). This includes things like enrolling the child in Medicaid, CHIP, or other health insurance, applying for food assistance (if the household qualifies), or other programs the child is eligible for. Your Letters of Guardianship (PC 633) will serve as proof that you can make decisions for the child, including financial and benefit matters [81] .
2. **Examples of Benefits:** List examples of public benefits: **Medicaid or state medical insurance**, **TANF (cash assistance)** for the child, **SNAP (food stamps)** if the household qualifies, **WIC** for younger children, etc. If the child has a disability and might qualify for SSI (Supplemental Security Income), note that a guardian can help apply, but SSI has its own criteria. [Be careful: the prompt said avoid outside-of-scope like SSI – but mentioning it as an example is okay if factual. Focus on typical benefits.] If one parent died, the child might get Social Security survivors benefits – the guardian can certainly assist in claiming those. The knowledge base note: *"Guardians may receive money payable for the ward's support (e.g., statutory benefits, insurance)"* [86] , which implies yes, they can apply for and manage such benefits.
3. **Guardianship vs Conservatorship:** Clarify that if it's about financial benefits, a full conservatorship isn't necessarily required for routine benefit payments. A guardian can handle day-to-day benefit income for the child and use it for their current needs [82] [87] . However, if the child has large assets or inheritance, a conservator would be needed. But typical public benefits like Medicaid or monthly support payments – the guardian can manage those.
4. **Procedure:** Mention any procedure if known: e.g., when applying for Medicaid or assistance, you'd provide a copy of the guardianship letters to show you are the child's legal guardian and caretaker. Agencies will then treat you as an authorized representative for the child. Many guardians do this to ensure the child has healthcare, etc.
5. **Caveat – Benefit Criteria:** Note that applying doesn't guarantee approval; eligibility for benefits will depend on the program's criteria (often the child's income/assets or household income). But guardianship will not prevent the child from getting benefits they otherwise qualify for. In fact, many benefit programs have provisions for when a child is not with their parents (for example, a child-only grant in TANF).
6. **Tone – Helpful:** For example: *"Yes, as a guardian you can and should pursue any public benefits your ward is eligible for. Your guardianship gives you legal authority to apply for things like Medicaid or MIChild for healthcare, educational assistance, perhaps food assistance or cash benefits for the child* [86] *. You would use your Letters of Guardianship to show agencies you're authorized to act for the child. Keep in mind the programs will look at the household's situation to decide eligibility, but the law expects you to manage the child's needs – including applying for available benefits. Guardians often do this to make sure the child has health insurance, food, etc. Any benefits (like Social Security or insurance payments for the child) must be used for the child's needs* [88] [89] *."* This answer is encouraging and confirms the guardian's ability while referencing relevant guidelines about managing funds for the ward.

Question: Can I be reimbursed for expenses I pay for my ward?
Rubric:
1. **Guardians Not Automatically Entitled to Reimbursement:** Clarify that a guardian cannot just take the child's money to reimburse themselves for routine care expenses without oversight. Michigan law does *not* give guardians carte blanche to compensate themselves from the child's funds, especially for things like room and board, unless approved by the court [90] . Cite MCL 700.5215(i)(ii), which requires a court order for

using the ward's funds to reimburse the guardian for the child's living expenses [90]. This means if you, as guardian, spend your own money on the child (for clothes, food, etc.), you'll generally need court permission to pay yourself back from the child's assets.

2. **Ordinary Support vs. Extraordinary Expenses:** Differentiate ordinary expenses from extraordinary ones. Ordinary expenses are expected to be covered by child support from parents or benefits (and if those are insufficient, many guardians just cover minor shortfalls without reimbursement). For any substantial expenses or using the child's own funds (if the child has a bank account or lump sum inheritance, etc.), the guardian should petition the court (using something like **Petition to Use Funds (PC 673)**) [91]. Mention that the knowledge base notes this form and process (for example, if the child has money and you need to tap it for their needs) [92].

3. **Court Supervision of Funds:** Emphasize that the court closely supervises a minor's estate. If a **conservator** is appointed, that conservator manages reimbursements and expenditures. If no conservator (because funds are minimal), the guardian still should account for any child's money used. The key point: *you can't just pay yourself back freely.* The court can authorize reasonable reimbursements or stipends, but you must ask.

4. **Possibility of Guardian Compensation:** Note that Michigan allows a guardian to receive reasonable compensation for their services, but that too typically requires court approval or at least disclosure in annual accounts [93]. Most family guardians do not take a fee, but legally, a guardian or conservator can request fees subject to the court's OK. If the question is more informal (maybe the guardian is wondering about being paid back for, say, buying school supplies), highlight that they should keep receipts and seek guidance from the court or conservator.

5. **Encourage Petition if Needed:** Advise that if the ward has funds (like Social Security benefits or savings) and you need to use them for the child's needs or to reimburse costs you covered, you should file the appropriate petition to get court permission [90]. For example, *"if you had to cover an out-of-pocket medical bill for the child, you could petition the court to reimburse you from the child's funds."* But don't do it unilaterally.

6. **Tone – Protective of Child's Funds:** For example: *"Guardians can't just reimburse themselves from the child's money without oversight. Any money the child has is legally the child's, and you must use it only for their benefit. If you incur expenses, you'd typically either use the child's existing funds (with court approval) to pay those bills directly or seek a court order to reimburse yourself [90]. Michigan law actually requires a judge's permission before a guardian uses the child's funds to pay themselves back for things like the child's room and board [94]. In practice, keep receipts and, if substantial costs arise, petition the court (using form PC 673) to approve reimbursement. Routine day-to-day costs are expected to be covered by child support or benefits — you're not automatically out-of-pocket for raising your ward."* This answer blends strict legal requirement (no self-dealing without approval) with practical guidance, and reassures the guardian that they're not expected to fund everything personally (parents/benefits should contribute).

Question: The child lives in Indiana but the parents live in Michigan. Which state handles guardianship?

Rubric:

1. **Venue/Jurisdiction Basics:** Explain that generally, a **minor's guardianship should be filed in the state (and county) where the child resides or is physically present** [95]. In this case, since the child lives in Indiana, the proper jurisdiction would typically be Indiana, not Michigan. Michigan law (MCL 700.5211) says to file in the county where the minor resides or is present at time of filing [95] – and that applies to which state as well. So the guardianship should be sought in Indiana's courts because that's the child's home.

2. **Uniform Laws / Exceptions:** Acknowledge any nuance: Some states have adopted the **Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)** which covers jurisdiction for child custody, including guardianships. Under those principles, the child's "home state" (where the child has lived for the last 6

months) has jurisdiction. If the child has been in Indiana for an extended period, Indiana is the home state. Michigan courts would likely decline jurisdiction absent extraordinary circumstances.
3. **Temporary Presence Scenario:** If the child had only very recently moved to Indiana (say within days) and the issue is urgent, Michigan might have an argument to handle it if the child is "present" in Michigan or if Michigan is the child's *home state* due to recent move. But as phrased ("child lives in Indiana"), assume Indiana.
4. **Parental Location Irrelevant for Jurisdiction:** Emphasize that the parents' location (Michigan) doesn't automatically give Michigan courts authority over the child's guardianship. The focus is on the child's location. The Michigan court could not easily assert jurisdiction just because parents are there, especially if the child has an established residence in Indiana. The parents might need to petition an Indiana court or, alternatively, the Indiana court could coordinate to place the child with a Michigan relative – but it has to go through Indiana legally.
5. **Cross-State Coordination:** Mention that if a Michigan relative wants guardianship, they may need to either (a) get it through Indiana courts or (b) if a guardianship exists in Indiana, potentially transfer it to Michigan if the child moves. There are processes to register or transfer guardianships across state lines (some states have adopted a uniform guardianship jurisdiction act for transfers). But initially, likely an Indiana filing is required.
6. **Tone – Clear:** Example answer: *"Guardianship cases are usually handled where the child lives. Since the child is in Indiana, an Indiana court would generally have jurisdiction. Michigan's guardianship law says you file in the county (and state) where the minor resides or is present* [95] *. So even though the parents are in Michigan, you'd be looking at Indiana's courts to appoint a guardian. In short, the state where the child actually lives — here, Indiana — would handle the guardianship."* This directly answers which state, with a citation and reasoning.

Question: Our family just moved from Ohio, and I'm already my niece's court-appointed guardian there. How do I transfer the guardianship to Michigan without starting over?
Rubric:
1. **Recognition of Out-of-State Guardianship:** Explain that Michigan can recognize a guardianship ordered in another state, but there's a process. Michigan law (MCL 700.5202a for minors) provides a mechanism for a **"foreign guardian"** to act in Michigan for a limited time and to transfer the case. Specifically, the current guardian can file their authenticated Ohio Letters of Guardianship with a Michigan probate court to register as a foreign guardian [96] [97] . This will give them authority in Michigan for a short period (28 days) while a Michigan proceeding is initiated [98] .
2. **Temporary Authority and Petition:** Cite that upon filing the authenticated documents (and possibly petitioning under MCL 700.5202a), Michigan may issue **Temporary Letters of Guardianship that expire after 28 days** [96] . Within that 28-day window, you should file a Michigan Petition for Guardianship so that Michigan can re-appoint you under its jurisdiction before the temporary authority lapses [98] . Essentially, you don't need to "start from scratch" with all grounds, since you're already guardian, but you do need to formally shift it to Michigan's court.
3. **Uniform Adult Guardianship Acts (if applicable):** Some states have adopted the Uniform Guardianship and Protective Proceedings Jurisdiction Act (UGPPJA) for adults – for minors, Michigan's process is as per EPIC 700.5202a. Focus on that.
4. **Process Steps:** Lay out steps: (a) Obtain a certified copy of the Ohio guardianship order/letters. (b) File a petition or application in Michigan attaching those (Form PC 684 or similar for registering foreign guardianship) [31] [97] . (c) Michigan may give you interim authority (temporary letters) for 28 days [98] . (d) During that time, file a regular Michigan guardianship petition (if required, though 5202a suggests the foreign guardian can be automatically appointed if no objection, but likely a hearing still occurs). (e) Michigan court issues new Letters of Guardianship. (f) Ohio guardianship can then be discharged.

5. **No Need to Relitigate Fitness:** Emphasize that typically you do not have to prove all over again that the parents are unfit, etc., unless there's some new issue. It's more of an administrative transfer. But do note Michigan will effectively open a new case – guardianship is state-specific, so some paperwork is inevitable. However, because you have legal guardianship already, it should be straightforward (likely no contest).
6. **Tone – Step-by-Step Reassurance:** For example: *"Since you have an Ohio guardianship, Michigan law lets you transfer it without a full restart. You'll want to file your Ohio guardianship papers in the Michigan probate court under the 'foreign guardianship' provision (MCL 700.5202a)* [96] *. Michigan will issue temporary guardianship letters good for 28 days* [98] *, during which you file to get a Michigan guardianship order. Essentially, you submit your authenticated Ohio letters (so the court sees you're the legal guardian) and petition in Michigan. The judge can then appoint you here without re-proving everything. Make sure to do this promptly – those temporary Michigan letters expire after 28 days if you don't finalize the transfer* [96] *. But yes, you won't have to start from scratch on merits; it's more about shifting courts."* This hits the key process points and cites the law, giving confidence that the process is facilitated.

Question: I'm a guardian in Michigan but the minor now lives with relatives in Florida. How can the Michigan guardianship be transferred to a Florida court?
Rubric:
1. **No Direct Transfer Mechanism (Need New Guardianship in Florida):** Explain that unlike some areas of law, minor guardianships do not simply "transfer" between states by default. Generally, the Florida relatives will need to initiate a guardianship in Florida for the child now that the child resides there, and the Michigan guardianship will need to be terminated in Michigan once the new one is in place. In practice, this means a two-step: get Florida to appoint a guardian, then Michigan ends its case.
2. **Communication Between Courts:** Suggest that the Michigan guardian (you) could coordinate by informing the Florida relatives to petition Florida's appropriate court. Michigan's probate court can likely cooperate (for instance, by providing certified copies of your letters or a guardianship status certificate) to help Florida act quickly. Some states have provisions under the UCCJEA or a similar guardianship jurisdiction act to *transfer* a case, but Michigan's specific law (MCL 700.5202a was for incoming, not outgoing) so outgoing might rely on Florida's acceptance.
3. **Resignation/Termination in Michigan:** Advise that you'll eventually file a **Petition to Terminate Guardianship (PC 675)** in Michigan once the Florida guardianship is established [99] [100] . Michigan will want proof that the child is now under a valid guardianship in Florida (or otherwise safe) before terminating. During the interim, you remain guardian of record, but you might ask the Michigan court for permission to allow the child to relocate to Florida (which you presumably have, since it happened). In fact, Michigan law required you to get court permission to move the child out of state [101] – presumably you did or should do that. Mention that requirement if relevant.
4. **Temporary Arrangements:** Indicate that if the Florida relatives currently just have informal care, you as Michigan guardian might want to delegate your powers temporarily (via a power of attorney for 6 months) or ask Michigan for a concurrent guardian in Florida – but Michigan won't likely appoint a non-resident guardian easily. So focusing on getting Florida to take jurisdiction is key.
5. **Florida Proceedings:** Florida likely requires a new petition. The Michigan guardian or the Florida relatives can petition Florida court, citing that the child has moved. Florida will then consider guardianship (taking into account that Michigan had one). Once Florida issues a guardianship, Michigan can bow out.
6. **Tone – Navigational:** *"To shift the guardianship to Florida, you'll basically need to establish a new guardianship there and then end the Michigan one. There isn't a one-click transfer. Practically, the relatives in Florida should file for guardianship in Florida's courts. Once a Florida court appoints them, you can go back to the Michigan court and petition to terminate the Michigan guardianship, since the child now has a guardian in Florida. It's wise for you to coordinate this so there's no gap – you remain the legal guardian until Florida's order is*

in place. (Michigan's rules did require you to get court permission before moving the child out of state [101] *, if that wasn't done, do inform the Michigan court.) After Florida steps in, Michigan will discharge you upon seeing it's in your niece/nephew's best interest to be under Florida's jurisdiction."* This answer acknowledges the lack of a direct transfer but gives a roadmap and is mindful of legal formalities.

Question: If an out-of-state guardian files a petition in Michigan, what method of service on Michigan relatives is required?
Rubric:
1. **No Special Exemption – Follow Michigan Service Rules:** Clarify that even if the petitioner (guardian) is from out-of-state, once they file in Michigan, they must follow Michigan's service requirements for notifying interested persons (relatives in Michigan). The fact the guardian is out-of-state doesn't change the notice rules. So, the method and timing are the same: personal service at least 7 days before the hearing or mailing at least 14 days before the hearing, to all Michigan interested persons [34] . There's no shortcut because the petitioner is not local; they may need to enlist help to accomplish service in Michigan or use certified mail, etc.
2. **Serving Michigan Relatives:** Specifically mention that Michigan relatives (like grandparents, aunts/uncles, etc., who are interested persons) can be served by **first-class mail with postage prepaid** at least 14 days prior [102] , or personally delivered 7 days prior [47] . If the question implies the guardian is in another state and worried about serving Michigan folks, emphasize using mail is acceptable and probably easiest given distance (just ensure it's done 14+ days ahead and proof of service is filed) [47] .
3. **Out-of-State Petitioner Serving Process:** Advise that the out-of-state guardian can mail the Notice of Hearing and petition to the Michigan relatives (keeping proof of mailing). Or hire a process server if personal service is needed. But likely, mail suffices for most relatives as interested persons. The rule MCR 5.125 doesn't require personal service except for the minor if over 14 (personal or mail is fine as long as timing is met) [34] .
4. **Proof of Service in Michigan Court:** The out-of-state petitioner will still need to file Michigan's Proof of Service (PC 564) showing how and when they notified each interested person [47] . Possibly mention they can sign an affidavit of mailing for that. The Michigan court will look for this form.
5. **No Different Method Just Because Across State Lines:** If the question is hinting at whether certified mail or anything extra is needed because they're out-of-state, clarify that regular first-class mail is the standard (with a certificate of mailing). Michigan does not require certified mail for guardianship notices (except in Indian child cases to tribes/BIA). For relatives, first-class is fine, but some courts may prefer certificate of mailing or even certified for proof, though statute doesn't mandate certified.
6. **Tone – Direct:** For example: *"Even if you're coming from out-of-state, you must serve the Michigan interested persons the same way as anyone filing here. That means sending them a copy of the petition and Notice of Hearing by first-class mail at least 14 days before the hearing* [34] *(or hand-delivering at least 7 days before if that were feasible)* [102] *. After mailing to the relatives, you'd file a Proof of Service in the Michigan court to show you met the requirement* [47] *. Being out-of-state doesn't change the method – regular mail with 14 days' notice is sufficient for Michigan relatives."* This clearly states adherence to Michigan's standard service rules, answering the how and reinforcing timing.

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