ChatGPT

Rubric for Questions 91–125 (Michigan Minor Guardianship)

Q91: What has to be included in the annual conservatorship account?

- **Comprehensive accounting of finances:** An excellent answer specifies that a conservator's annual account must **itemize all funds received and all expenses paid on behalf of the minor** [1]. This includes a detailed list of every source of income/receipt and every disbursement or expense during the accounting period [1].
- **Supporting documentation and notice:** It notes that the account must be **supported by proper documentation**, such as receipts and bank statements for the transactions [2]. The answer also mentions that the conservator must serve the annual account on all interested persons (e.g. the minor if 14 or older, presumptive heirs) and file proof of this with the court [2], ensuring transparency.

Q92: What's the difference between a restricted account and a bond in conservatorships?

- **Restricted account – funds locked by court:** A model answer explains that a **restricted account** is one where the minor's funds are placed under conditions that **no withdrawals can be made without a court order**, thereby safeguarding the assets. Because the money is locked down for the child's benefit, courts often **waive any bond requirement if assets are held in a restricted account** [3]. This protects the minor's property by making unauthorized access impossible without court approval.
- **Bond – an insurance for assets:** The answer clearly defines a **bond** as an **insurance policy required by the court to protect the minor's estate** [4]. It notes that if assets are *not* in a restricted account (i.e. they are "unrestricted"), the court will determine a bond amount that the conservator must post to insure against mismanagement or theft [5]. In summary, an amazing answer contrasts that **a restricted account safeguards the funds upfront (potentially eliminating the need for a bond), whereas a bond provides financial security in case a conservator misuses unrestricted funds** [3] [6].

Q95: What happens to conservatorship assets when the ward turns 18?

- **Automatic termination at 18:** The rubric-worthy answer begins by stating that a **minor conservatorship ends automatically when the child turns 18 years old** (or if the minor is adopted or dies before 18) [7] [8]. At 18, the child is legally an adult, so the conservator's authority terminates by law.

- **Final accounting and asset transfer:** It then details the **winding-up steps** the conservator must take. Upon the minor reaching majority, the conservator must **file a Final Account** covering the period since the last annual account [9] . They must also **transfer all assets to the now-adult ward** (the protected person), turning over every remaining penny and property that belonged to the minor [10] . A top answer would mention that the conservator should obtain a signed Receipt from the young adult, confirming they received their assets [11] .
- **Petition for discharge:** The answer notes that after distributing the assets and filing the final account, the conservator must **petition the court for discharge** [12] . An inspiring answer might add that this court order will release the conservator from further liability once the judge approves the final account. In essence, **at 18 the child takes control of their money, and the conservator's job is to account one last time and hand everything over properly** [9] [13] .

Q96: Can a guardian change their ward's religion or church?

- **Guardian's parental authority:** A high-quality answer emphasizes that a **guardian has the same general authority as a parent to make decisions about the child's upbringing** [14] . This includes decisions about the child's education, daily care, and by extension, religious upbringing or church attendance. The guardian's powers and responsibilities are akin to those of a parent responsible for the child's care, custody, and control [15] . So, **in a full guardianship, the guardian can decide matters like religion in the child's best interest**.
- **Parental rights and context:** The answer also acknowledges that **a guardianship does not permanently terminate parental rights** [16] – the parent remains the legal parent and may reclaim custody later. However, during a **full guardianship** the parents' rights are *suspended*, meaning the guardian's decisions control the child's life at that time [17] . In a **limited guardianship** (voluntary arrangement), parents and guardian have a written plan; the guardian's role is agreed upon, and major decisions (possibly including religious upbringing) might be guided by that plan.
- **Best interest and recourse:** An exemplary answer might add that **any decision, including religious changes, should be guided by the child's best interests**. If conflict arises – for instance, a parent strongly objects to a change in the child's religion – the parent can petition the court to modify the guardianship or even terminate it if they believe the guardian's decision is not in the child's welfare [18] . But unless and until the court orders otherwise, **the guardian has the legal authority to decide the ward's religious upbringing** as part of their custody powers, ideally while being respectful of the child's heritage and the family's input.

Q97: Do I need court permission to take my ward on vacation?

- **No court order needed for a short vacation:** A great answer clearly distinguishes between **a short-term trip and a permanent move out of state**. It explains that a **guardian does *not*** typically need the court's permission to take the child on a temporary vacation, even out of state, as long as it's a brief visit. Guardians are expected to make day-to-day decisions for the child, which includes travel or vacations, without running to the judge for approval of ordinary activities.
- **Court approval required for relocation:** The answer **cautions, however, that moving the child's permanent residence out of Michigan *does* require a court order** [19] . Michigan law explicitly says a guardian must obtain a judge's permission before changing the child's state of residence (for example, relocating the child to another state to live) [19] . An excellent answer would phrase it like: "**Taking your ward on a week-long trip out of state is fine in your role as guardian, but you cannot *move* the child out of Michigan without the court's approval**." It might also note that it's

good practice for the guardian to inform the child's parents of travel plans (especially in a limited guardianship) so everyone is in the loop, but legally a short vacation does not trigger a special court process.

Q98: What happens if the guardian dies while serving?

- **Guardianship ends automatically:** The rubric answer states upfront that if a guardian dies, **the guardianship is terminated by operation of law** at that moment [20] . One of the events that automatically ends a minor guardianship is the guardian's death (similarly to how it would end if the minor dies or turns 18) [20] . Thus, the child is no longer under that guardianship because there is no guardian to fulfill the role.
- **Need for a new guardian (successor):** A stellar answer then explains that the child will **need a new legal guardian appointed** if they still require care. Typically, a family member or other interested person would have to petition the probate court to be appointed as the **successor guardian** for the minor. The answer might reference that in cases of guardian resignation or removal, the petition should ask the court to appoint a successor guardian [21] – and similarly, after a guardian's death, a new petition is necessary to fill the vacancy. In short, **the guardian's passing ends their legal authority, so the court must name someone else if the child continues to need guardianship**.
- **Interim care:** An inspiring answer could also reassure that in the interim, the child's relatives or close family friends can step in to care for the child, and the court can even appoint a temporary guardian if needed to bridge the gap. The key point, though, is that **the previous letters of guardianship become void upon the guardian's death, and a new guardian must be legally appointed by the judge** for ongoing authority.

Q99: What if the parents and the guardian disagree about decisions for the child?

- **Guardian's authority vs. parental input:** The answer highlights that during an active guardianship, **the guardian has the legal right to make decisions about the child's care and upbringing, even if the parents disagree** [22] . In a *full* guardianship, the parents' rights are suspended, so the guardian's decisions (for example, regarding schooling, medical care, or living arrangements) take precedence. Even in a *limited* guardianship (where parents consented and retain residual rights), the court order gives the guardian authority to care for the child day-to-day. **The guardian is expected to act in the child's best interests, and that is the legal standard, not necessarily accommodating parental preferences.**
- **Resolution through court if needed:** A strong answer also notes that parents are **not without recourse** if they believe the guardian's decisions are harming the child or not truly in the child's best interest. The parents (or any person interested in the child's welfare) can **petition the court to modify the guardianship or even to remove the guardian** if circumstances warrant [18] . For instance, if a parent feels the guardian is making inappropriate decisions, the parent can ask the judge to adjust the guardianship terms (perhaps to enforce a parenting time plan, etc.) or terminate the guardianship. The answer might reference that Michigan law allows interested persons to seek an order that serves the ward's welfare, which could address conflicts [23] .
- **Encouragement of collaboration:** In an exemplary answer, there is an acknowledgment that **open communication is ideal** – the guardian should, when possible, listen to the parents' concerns and try to work out disagreements cooperatively. However, it will clarify that **legally the guardian has the final say on routine decisions while the guardianship is in effect**, unless a court orders

otherwise. Ultimately, the court can step in as the arbiter if disagreements are serious: the judge will always prioritize the child's welfare in resolving any disputes. The best answers reassure that the **child's best interests** are the paramount consideration, whether in the guardian's own decision-making or the court's review of any conflict.

Q100: I filed for guardianship but changed my mind. How do I withdraw my petition?

- **Right to withdraw petition:** A complete answer will inform the person that **they are allowed to withdraw or dismiss their guardianship petition** if they no longer wish to proceed. It should advise to act promptly by notifying the probate court in writing. The petitioner can typically file a **notice or motion to dismiss the petition**. This lets the judge know that they do not want to go forward with the case.
- **Practical steps and consequences:** The answer might say: *"Contact the court (or the probate register) and state that you want to withdraw your petition. Ideally, file a short written notice of withdrawal. This will result in the case being closed."* It should also mention that **if the petitioner simply does nothing (for example, does not show up at the scheduled hearing), the court will dismiss the petition for lack of prosecution** [24] . In Genesee County, for instance, missing the court date will lead to the petition being dismissed [25] . An excellent answer emphasizes it's better to formally withdraw so the court and everyone involved are informed.
- **Fee and re-filing note:** An inspiring answer might add that the filing fee is generally non-refundable even if you withdraw, and if they decide to pursue guardianship later, they would have to start a new case. It would conclude with reassurance that **withdrawing a petition is a simple process – the courts understand that circumstances change – and there is no penalty for changing your mind** (aside from losing the initial filing fee). The key is to promptly inform the court so that time and resources aren't wasted on a case you no longer wish to pursue.

Q101: My 12-year-old grandson is being neglected and needs care. Can I get guardianship, and what must I show?

- **Eligibility to file – "interested person":** A model answer begins by affirming that **yes, a grandparent (or any person interested in the child's welfare) can petition the court to be appointed guardian of a minor** [26] . Michigan law allows "any person interested in the welfare of the minor" – not just parents – to file a petition for guardianship. As the grandparent, you fall into this category, so you have standing to seek a guardianship if the parents are not properly caring for the child.
- **Grounds for full guardianship (parental unfitness or unavailability):** The answer would then carefully explain the **legal grounds that must be proven for the court to appoint a full (permanent) guardian**. Under MCL 700.5204, the court can appoint a guardian if, for example: **the parents' rights have been suspended or terminated by circumstances** (such as the parents being deceased, missing, incarcerated, legally incapacitated, or having a court order that suspends their rights) [27] ; or **the parents permit the child to live with someone else (like you) without providing legal authority for that person to act** [28] ; or a specific scenario like the custodial parent died and the other parent was never granted custody [29] . An excellent answer will enumerate these conditions in plain language ("the law requires showing that the parents are unable to care for the

child – for example, they are deceased, missing, have abandoned the child with you, or are otherwise unfit").

- **Evidence of neglect and best interests:** Since the question describes neglect, the answer should stress that you will need to **provide evidence that the parents are not providing a safe or adequate home**. Neglect (e.g. lack of proper food, clothing, supervision, or a safe environment) can establish that the parents are "unfit" or have effectively left the child with someone else without care. The judge will hold a hearing and **decide if the legal grounds are met and if appointing you is in the child's best interests**. A top-tier answer will mention that the court's overarching concern is the child's welfare – your guardianship will only be granted if it's proven that this is necessary for the child's well-being. It might encourage gathering documentation (school or medical records, CPS reports if any, statements from teachers or others) to show the child's needs aren't being met by the parents.
- **Emergency options:** If the child is in immediate danger, the answer would go further to mention **emergency guardianship or protective services**. For example: *"If the situation is urgent, you can request a temporary guardianship while your full guardianship petition is pending* [30] *. Temporary guardians can be appointed quickly (for up to 6 months) to ensure the child is safe* [31] *. Also, since you suspect neglect, it may be appropriate to contact Child Protective Services. However, a guardianship through probate court is a voluntary civil process, different from CPS action."* This shows an inspiring thoroughness, explaining that **you should file a petition and be prepared to demonstrate why the parents are unfit**. The court may even order an investigation (for instance, by DHHS or a guardian ad litem) to report on the child's situation [32] . The answer reassures that **the law provides a way for relatives like you to step in and protect a child in need**, and courts will act if you can show it truly serves the child's best interests.

Q102: If the court grants an emergency guardianship, do I still need to do anything else (like file for full guardianship)?

- **Temporary nature of emergency guardianship:** A perfect answer makes it clear that an **emergency (temporary) guardianship is only a short-term solution**, not a final outcome. In Michigan, a **temporary guardianship appointment cannot exceed 6 months** by law [33] . So even after the court grants a temporary guardian for the child, **that order will expire after at most six months**, and it does not automatically turn into a permanent guardianship.
- **Full petition still required:** The answer explains that usually a **temporary guardianship is granted during a pending full guardianship case** [30] . This means that a petition for full or limited guardianship has been filed, and because the child needed immediate protection, the judge appointed a temporary guardian to care for the child until the full hearing occurs [30] . **You will still need to proceed with the regular guardianship process** – the temporary order is a stop-gap. If you haven't already filed the full petition, you should do so right away. If you have filed it, be prepared to attend the scheduled hearing for the permanent guardianship. An excellent answer emphasizes that **the temporary guardianship on its own will end, so to continue being guardian after that, a formal guardianship must be established through the normal court procedure**.
- **Hearing and objections:** The answer might also note that if the emergency guardian was appointed **ex parte** (without a hearing, based on urgent circumstances), the law gives interested persons (like the parents) a chance to object, and if an objection is filed, the court **must hold a prompt hearing (within 14 days) on the temporary guardianship** [34] . This ensures due process. So, the answer could say: *"After an emergency appointment, a full hearing will be set. If someone objects to the*

emergency order, the court will have a hearing within 14 days to review whether the temporary guardianship should continue [34] *."*

- **Conclusion:** In summary, an inspiring answer underscores that **an emergency guardianship is not the end of the road** – it's imperative to follow up with the full guardianship case. The best interest of the child will be evaluated at the full hearing before a long-term guardian is appointed. The answer would reassure the user that *because they obtained an emergency order, they've done the right thing to protect the child immediately; now they should continue with the legal process (completing paperwork, attending the hearing) to secure a permanent solution.*

Q103: Does the petitioner have to give the parents any notice or papers when filing for guardianship?

- **Yes – Notice to parents is required:** A strong answer states unequivocally that **the petitioner must notify the child's parents** (and other interested persons) about the guardianship case. When you file a petition, you are **legally required to serve the parents with a copy of the Petition and a Notice of Hearing** for the guardianship [35] . The answer should clarify that the parents have the right to know about the proceeding and the scheduled court date, even if they are not the ones initiating it.
- **Method and timing of service:** The answer would outline the **proper ways and timing for giving notice**. It should say that notice can be given personally, via mail, or sometimes by publication – but in all cases **it must be done in advance of the hearing**. For example: *"You must serve the Notice of Hearing and a copy of your petition on each parent. If you hand-deliver or personally serve them (or send by email, if permitted), it must be at least 7 days before the hearing date. If you mail the notice, it must be at least 14 days before the hearing* [36] *. These are minimum notice periods required by court rule."* [37] An excellent answer cites these deadlines to show precision.
- **Proof of service and publication if needed:** Furthermore, the answer should mention that after giving notice, **the petitioner has to file a Proof of Service (Form PC 564)** with the court to demonstrate that the parents (and others) were notified [38] . If one of the parents cannot be located or is unknown, the answer notes that **the petitioner must publish a notice in a newspaper** as directed by the court, to serve notice by publication [39] . For instance, *"If you truly cannot find a parent after diligent search, the court will likely require you to publish the notice in a local newspaper and file an affidavit of publication"*. This ensures even absent parents get a chance to know about the case.
- **Bottom line:** The rubric-level answer would conclude that **informing the parents is not just courtesy, it's a legal obligation**. Failing to properly notify the parents (or other interested parties like the minor if 14+, current custodian of the child, etc.) can delay the case or even result in the judge not granting the guardianship. It reassures that following the notice rules is straightforward with the given court forms and is crucial to uphold everyone's due process rights.

Q104: What specific findings does the judge have to make to appoint a guardian?

- **Statutory grounds must be proven:** A top answer will first explain that a **judge can only appoint a guardian if certain legal conditions ("grounds") are met and evidenced in court**. The answer lists those findings. For a **full guardianship**, the judge must find that **at least one of the statutory grounds in MCL 700.5204 is true** – for example, that *both parents' rights are currently suspended or terminated* (due to death, disappearance, legal incapacity, or a prior court order) [17] , **or** that *the*

parents have permitted the child to reside with another person (the proposed guardian) without providing legal authority for that person to care for the child [40] [28] . Essentially, the court must determine that **the parents are unable to care for the child and a guardianship is necessary** under one of the categories set by law. The answer should convey that the judge will examine the evidence to see if one of these conditions is satisfied, and they must state on the record which condition they found.

- **Best interests of the child:** In addition to a specific ground, an excellent answer emphasizes that **the judge must find that appointing the guardian is in the child's best interests**. The "best interests" standard is a required finding for all minor guardianships [41] . Even if a statutory ground exists (say, parents are missing), the court will not appoint a guardian unless it's convinced that doing so will benefit the child's welfare. The answer could explain, *"The judge has to consider the child's overall welfare – factors like the child's safety, need for stability, and who can best care for them – and conclude that this guardianship will serve the child's welfare. This best-interest finding is crucial in every case."* [41]
- **Additional findings (special cases):** A truly outstanding answer might also note any **special findings required in particular situations**. For instance, *"If the child is an Indian child (Native American), the judge has to ensure compliance with the Indian Child Welfare Act (ICWA) and Michigan Indian Family Preservation Act (MIFPA). This includes findings that active efforts were made to prevent the breakup of the Indian family, and possibly a finding that custody by the parent is likely to result in serious harm to the child, etc."* [42] . This shows depth by acknowledging ICWA/MIFPA impose heightened standards. Another example: if it's a **limited guardianship**, the judge must find that the parents consented and that the Limited Guardianship Placement Plan is satisfactory and in place. But for the general audience, the key findings are **"legal grounds + best interests."**
- **Summary:** The rubric answer sums up that **the judge's decision to appoint a guardian hinges on finding that the legal criteria are met and that the arrangement will benefit the child**. It might add that the judge will often state these findings in the court order. In simpler terms: *"The judge has to be convinced that the parents can't currently care for the child (meeting one of the conditions in the law) and that giving you guardianship is best for the child. If the judge makes those findings, then the guardianship will be granted."* This formulation covers the essence of the required judicial findings.

Q105: How long are letters of temporary guardianship valid?

- **Expiration of temporary letters at 6 months:** A correct and thorough answer explains that **Letters of Temporary Guardianship are only valid for a short, fixed duration – by law, a temporary guardianship cannot last more than 6 months** [33] . The letters of guardianship (the official document proving the guardian's authority) issued for a temporary guardian will include an expiration date. Typically, that date is **no later than six months from the date of appointment**, and after that, the letters (and the guardian's authority) automatically expire. The answer would emphasize, *"Temporary guardianship is truly temporary – the court order and the letters of guardianship will expire within six months."* [33]
- **Need for extension or permanent order:** An exceptional answer might go on to clarify that **if guardianship is still needed beyond the 6-month mark, one cannot simply extend a temporary guardianship indefinitely**. The petitioner would have to either convert it into a full guardianship by getting a new court order or otherwise seek court intervention. In Michigan, six months is the absolute max for a temporary order [33] . The answer could mention: *"In practice, the court often expects the underlying permanent guardianship case to be resolved before six months elapse. But if not, the temporary guardian's authority ends at six months unless a new order is made."* The key point is that the answer nails the rule: **temporary letters are time-limited to 6 months**.

Q106: I was appointed temporary guardian last week. What should I do now (until the next hearing)?

- **Understand the interim nature:** A great answer will reassure the new temporary guardian that the first thing is to **recognize the appointment is interim and continue with the process for permanent guardianship**. It should say: *"Since you were just appointed temporary guardian, your role is to care for the child immediately, but remember this order is short-term. You likely have a follow-up hearing scheduled for the permanent guardianship – make sure you know that date and attend it."* The answer emphasizes that the temporary guardianship bridges the gap **until the full guardianship hearing**, not replaces it [30] . So one should **prepare for the upcoming hearing** (gather any additional documents, complete any requirements the court asked for, etc.).
- **Fulfill guardian duties:** The answer then notes that **even as a temporary guardian, you have the same duties toward the child as a regular guardian would**. You should **provide for the child's daily care, safety, and needs**. This includes making medical decisions if needed, enrolling the child in school or ensuring they attend school, and generally stepping into the parental role for the duration. A top answer might reference: *"As guardian, you have the authority and responsibility for the child's custody and care now* [22] *. So, do everything necessary to keep the child safe and well."* Also, if the court placed any specific conditions in the temporary guardianship order (for example, perhaps facilitating visitation with a parent, or not removing the child from the state), the guardian should strictly follow those.
- **File Acceptance and obtain Letters:** The answer should mention any immediate paperwork **post-appointment**. Often, after appointment, a guardian must **file an Acceptance of Appointment (form PC 571)** and then the court will issue **Letters of Guardianship**. Since the question is "appointed last week," presumably the person should ensure they have filed their acceptance and obtained the **temporary Letters of Guardianship** from the court clerk, which legally certify them as the guardian. An outstanding answer would instruct: *"Double-check that you have formally accepted the appointment by signing and filing the Acceptance of Appointment. Then obtain your Letters of Guardianship from the court – that document is proof of your authority, which you may need to show to schools or doctors when caring for the child."*
- **Plan for next steps:** The answer also highlights that **the temporary guardianship will expire within 6 months** [33] , so the person should be proactive. If the next hearing (for permanent guardianship) is set, prepare for it; if not, contact the court about scheduling one. If for some reason the permanent guardianship isn't granted within six months, the temporary guardian might need to request an extension or reappointment (though that's generally not favored beyond 6 months). A rubric-level answer would encourage the guardian to **keep the court informed** and perhaps to work with the parents or family to make a smooth plan for the child. It may also note: *"While you are temporary guardian, keep notes on the child's well-being and any important events; you may need to report to the court or to the investigator at the next hearing."* In essence, **continue caring for the child and follow through with the legal case**. This demonstrates both legal knowledge and compassionate guidance, restoring faith that the system expects you to do right by the child in the interim and helps you formalize things long-term.

Q107: Can a temporary guardianship be filed in the circuit court (family court), or does it have to be in probate court?

- **Probate court has jurisdiction:** The exemplary answer clarifies that **minor guardianships in Michigan are handled by the probate court**, not the general family division of the circuit court. So **you must file the guardianship petition (temporary or otherwise) in the Probate Court of the county where the child resides or is found** [43] . The answer would likely explain the distinction: *"Circuit court (family division) deals with divorce, custody disputes between parents, and child protective proceedings. But guardianship of a minor is a probate matter*. In Genesee County, for example, guardianship petitions are filed with the Genesee County Probate Court* [43] ."
- **No guardianship in circuit custody case:** It should also note that you **cannot establish a "guardianship" through a custody case in circuit court**. If a relative wants legal authority over a child, they go to probate court for guardianship. The answer might mention that the family division of circuit court would handle things like if CPS removes a child (that's an abuse/neglect case) or if a non-parent wants custody via a guardianship alternative, but actually Michigan directs those to probate. So: *"Temporary guardianship must be sought in probate court. The circuit court's family division won't issue you letters of guardianship – that's outside its scope."*
- **Venue clarity and exceptions:** The answer can include that the petition should be filed in the **county where the minor is living at the time** [43] , which is a venue rule. An exceptional answer might acknowledge a scenario: if the question implies, "Can I go to circuit court for something like an emergency order?" – it could clarify that if the issue is immediate danger, sometimes CPS (which goes to family court) might get involved, but that's not a guardianship, that's a foster care/child protection route. The answer keeps focus: **to get a temporary guardianship, file in probate court**. It instills confidence by stating the correct court and noting that the probate court regularly handles even emergency requests (they can do ex parte temporary guardianships when needed). Thus, **the user should go to probate court, as circuit court will not entertain a minor guardianship petition**.

Q108: Is the filing fee for a temporary guardianship the same as for a regular guardianship? Can it be waived if I can't afford it?

- **Standard filing fee applies:** A thorough answer will state that **the filing fee for a minor guardianship petition is the same regardless of whether you are seeking a temporary guardianship or a full guardianship**. In Genesee County (and generally in Michigan probate courts), the fee to file a guardianship petition for a minor is **$175** [44] . This fee covers the processing of your initial petition. Even if you're requesting a temporary guardianship, you typically file the same petition form (Petition for Appointment of Guardian of a Minor, PC 651 or PC 650 for limited), so the fee doesn't change for "temporary" status. The answer could directly cite: *"In Genesee County, the petition filing fee is $175.00"* [44] .
- **Fee waiver availability:** The answer then addresses the second part: **if you cannot afford the fee, you can ask the court to waive it**. Michigan courts have a procedure for fee waivers. You would need to fill out and file a Fee Waiver Request (for example, Form MC 20) at the time you file your petition [45] . The answer should describe that *"the court can waive the $175 filing fee if you qualify as indigent – generally if your income is below 125% of the federal poverty level or you receive certain public benefits"* [46] . An excellent answer cites that *you must provide proof of income or government assistance when requesting the waiver* [46] . It assures the user that inability to pay the fee should not be a barrier

to seeking guardianship: *"Just submit the fee waiver form along with your petition; if approved, you won't have to pay."*

- **Completeness:** The answer might also mention any other minor costs (for example, if notice by publication is needed later, there might be a publication cost), but the core is the filing fee. It emphasizes that **temporary guardianship doesn't have a separate cheaper fee – it's the same petition process**. This clarity on cost – and the availability of waivers – would help someone who can't afford an attorney or fees feel that the system is accessible to them [45].

Q109: I disagree with the probate judge's order (for example, the judge appointed someone else as guardian or denied my petition). What can I do?

- **Rehearing or appeal options:** A rubric-perfect answer will outline the **two main avenues to challenge a probate court's guardianship decision**. First, it will explain that you can **ask the same probate judge to reconsider by filing a Motion for Rehearing** (sometimes called a motion for reconsideration). This motion must typically be filed **within 21 days of the order** you disagree with [47]. In it, you'd state why you believe the decision was wrong or what new evidence should be considered. The answer should make the deadline clear: *"You have 21 days from the order to file for a rehearing in probate court."* [48]
- **Appeal to higher court:** Second, the answer covers the right to **appeal to the Michigan Court of Appeals**. It would say that **an appeal must be filed within 21 days of the final order as well** [49]. This involves preparing a legal brief and possibly a transcript of the probate hearing, and asking the appellate court to review the probate judge's decision for legal errors. The answer could note: *"A claim of appeal to the Court of Appeals generally must be filed within 21 days of the order you're appealing."* [49]
- **Complexity and advice to get counsel:** An excellent answer will candidly acknowledge that **these procedures are complex and time-sensitive**, and it may be wise to consult or hire an attorney for help [50]. It might quote or paraphrase: *"These procedures are complex, and you should consult an attorney if possible"* [50]. This shows empathy and realism – appeals can be challenging for a pro se individual.
- **Interim effects:** The answer might add that **filing an appeal or rehearing does not automatically stop the guardianship order from being effective** (you might need to request a stay, which is another legal step), so time is of the essence. It will conclude by reinforcing: *"In summary, you can ask the probate court for a rehearing or take it to the Court of Appeals. Both must be done within 21 days, so act quickly if you choose to pursue them."* This fully informs the user of their options when they feel a guardianship decision was unjust, giving them hope that the system has checks and balances.

Q112: Our family just moved from Ohio to Michigan, and I'm already the legal guardian of my niece in Ohio. Do I need to do anything to be her guardian in Michigan?

- **Out-of-state orders not automatically valid:** The answer will explain that **a guardianship from another state (Ohio, in this case) is not automatically recognized as permanent authority in Michigan**. Because each state's court jurisdiction ends at its borders, you will need to take action in

Michigan to **transfer or re-establish the guardianship here**. It should reassure the person that there is a process for this.

- **Temporary recognition – 28 days:** A great answer will mention Michigan's law that addresses incoming guardians: **Michigan can grant a foreign guardian temporary authority for 28 days** [51] . Specifically, under MCL 700.5202a, an out-of-state guardian can file the appropriate documents (often a petition with a certified copy of the original guardianship letters) in a Michigan probate court to get Michigan **"Letters of Guardianship" that are good for up to 28 days** [51] . The answer might say: *"Michigan law allows you to present your Ohio guardianship papers to the Michigan probate court (using form PC 684 for foreign guardians, along with authenticated copies of your Ohio letters). The Michigan court can issue temporary Michigan guardianship letters for 28 days while you transition the case."* [51] This temporary recognition gives you immediate authority to act in Michigan on behalf of your niece (enroll her in school, get medical care, etc.) as soon as you've moved, without a gap.
- **Petition for Michigan guardianship:** The answer then should advise that to continue beyond those 28 days, **you will need to petition the Michigan court to appoint you as guardian under Michigan jurisdiction**. Essentially, you'll be starting a new guardianship case in Michigan (though some states have simplified "transfer" procedures, Michigan's approach is effectively to treat it as a new petition after the temporary period). So the answer would instruct: *"Within that 28-day window, file a Petition for Guardianship in Michigan for your niece in the county where you now live. The court will generally honor the existing situation (since you're already the guardian and the child is with you), but they need to issue a Michigan guardianship order."* The answer may note you should do this promptly to avoid any lapse in authority after 28 days.
- **Notify original state (if required):** An excellent answer could also mention checking with the Ohio court that issued the guardianship. Some states require the guardian to inform them if the child moves out of state or if you are transferring the case. Ultimately, though, **the Michigan court must make its own appointment** to give you ongoing authority. Once Michigan appoints you, the Ohio guardianship can likely be discharged.
- **Summary:** The rubric answer sums up that **the family's move means you need to "domesticate" the guardianship in Michigan**. It reassures: *"Michigan law anticipated this scenario – they will give you temporary authority for 28 days* [51] *, during which you file for a Michigan guardianship. So yes, plan to take action in Michigan's probate court to formally be appointed guardian here."* This ensures the child's guardianship is continuous and legally recognized in the new home state.

Q113: I'm a guardian in Michigan, but the minor now lives in another state with me. What should I do about the Michigan guardianship?

- **Notify the Michigan court of address change:** The first thing an answer should advise is to **inform the Michigan probate court that both you (the guardian) and the child have moved out of state**. Michigan guardians are required to notify the court in writing within 7 days of any change in the guardian's or the child's address [52] . So the answer says: *"Make sure you've sent a letter to the Michigan court that appointed you, providing the new out-of-state address for you and the child."* This keeps the court updated as required [53] . It's also important because moving the child out of Michigan *without* court permission could be an issue – Michigan orders typically expect the child to remain in state unless the court okayed the relocation [19] . If you did not get prior permission, the answer might caution you to explain the circumstances to the court.

- **Court permission to relocate (if not already obtained):** A strong answer will note that **a guardian is supposed to seek court approval before permanently moving a child out of Michigan** [19] . So it could say: *"If you haven't already, you should petition the Michigan court for approval of the out-of-state move. Often courts will retroactively approve it if it's in the child's best interest, but it's something to address."* This shows the user the proper procedure and helps rectify any oversight.
- **Transfer or new guardianship in the new state:** Next, the answer should discuss that **the Michigan guardianship doesn't automatically transfer to the new state**. The user likely needs to establish guardianship in the state they now reside in. The answer might advise: *"Check the laws in your new state about accepting out-of-state guardianships. Many states have a process (sometimes under the Uniform Guardianship jurisdiction act) to transfer a guardianship from another state. You might have to file a petition in the new state to be appointed guardian there."* Since the question is from the Michigan perspective, the answer will add: **Eventually, you should ask the Michigan court to terminate the Michigan guardianship once the new state's guardianship is in place**, so there isn't dual active cases.
- **Interim care and legality:** The answer can reassure that *"As long as you have your Michigan letters of guardianship, you still technically have authority over the child, even in the other state, for things like medical care or school enrollment."* Many practical matters will accept the Michigan guardianship papers for a time. But **for long-term legal authority, switching the case to the new state is wise**. An ideal answer might illustrate: *"Imagine needing to make decisions or if something goes wrong legally – it's better to have the local court with jurisdiction. So you will want to transfer or re-establish the guardianship in [the new state]."*
- **Conclusion:** Finally, the answer emphasizes **communication with the Michigan court**. The judge and any interested parties (like the parents) should be kept aware that the child is now out of state. The answer, to be inspiring, might add empathy: *"You've done well by continuing to care for the child across state lines. Now it's a matter of updating the legal paperwork so that everything is in order. Don't worry – courts handle these interstate situations regularly. Just notify Michigan and start the process in your new home state."* This approach balances legal accuracy (notify Michigan, seek new guardianship) with a supportive tone.

Q114: If an out-of-state guardian files a petition in Michigan, what happens?

- **Jurisdiction requirements:** The answer clarifies that for a Michigan court to act, the child generally needs to be **present or residing in Michigan**. If an out-of-state guardian files here, likely the child has been brought to Michigan. The Michigan probate court will then consider the petition as it would any new guardianship petition, but the out-of-state guardian's existing status will be noted. The answer should explain: *"Michigan won't automatically honor another state's guardianship indefinitely. The guardian from out-of-state must petition Michigan to appoint them as guardian. The Michigan court will verify it has jurisdiction (the child is now in Michigan) and then proceed."*
- **Temporary Michigan order (28-day rule):** As with Q112, the answer would mention that **Michigan can give a temporary guardianship order (letters for 28 days) to an out-of-state guardian who petitions here** [51] . It likely references MCL 700.5202a again: *"When an out-of-state guardian comes to Michigan and files a petition, the court may issue temporary letters of guardianship valid for 28 days upon receiving the foreign guardianship documents* [51] *. This allows the guardian to act in Michigan immediately."*
- **Full hearing for Michigan appointment:** The answer notes that **the Michigan court will then set a hearing to formally appoint a guardian in Michigan**. It doesn't automatically assume the out-of-

state guardian will be the permanent guardian, but practically if that person has been doing the job and is suitable, the Michigan court will likely re-appoint them. The answer might detail: *"During the 28-day temporary period, the Michigan court gives notice to interested persons (like the parents) and schedules a hearing. At that hearing, the judge will decide whether to issue a Michigan guardianship order. If all goes well, the out-of-state guardian will become the Michigan-appointed guardian going forward."*

- **Coordination with other state:** A stellar answer could also mention that the out-of-state guardian should inform the original state's court of the move/petition, in case the original state needs to release jurisdiction. But the focus is on Michigan's handling: **Michigan essentially treats it as a new guardianship case, albeit one where the petitioner already has guardianship credentials**. The answer might add that *Michigan's priority is the child's best interests and ensuring there's no conflict – for example, if two different states have proceedings, the courts might confer.*
- **In summary:** The answer summarizes: *"If you, as an out-of-state guardian, file in Michigan, the Michigan court will temporarily recognize your guardianship (for 28 days)* [51] *and then require you to go through the guardianship appointment process here. You'll need to provide notice and attend a hearing, after which Michigan will issue its own guardianship order if appropriate."* This way the reader understands the sequence and that filing in Michigan initiates a new legal process rather than simply registering the old order.

Q115: If a key witness can't attend the initial guardianship hearing, what should I do?

- **Inform the court and request a solution:** The answer should advise the petitioner to **notify the court in advance** if a crucial witness (say, someone who has first-hand knowledge supporting the need for guardianship) is unavailable for the hearing. The best approach might be to **request a continuance (postponement) of the hearing** so that the witness can testify later. An excellent answer would say: *"As soon as you know your important witness can't be there, file a request with the court to adjourn or reschedule the hearing, explaining why their testimony is critical."* Judges often will grant a short adjournment for good cause, especially if the evidence is essential.
- **Submit an affidavit or statement:** If the court is unwilling to delay or the timing doesn't allow, the answer suggests **getting a sworn written statement (affidavit) from the witness**. *"Have the witness write down what they would have said – a statement of the facts they know – and have it notarized,"* the answer might instruct. While acknowledging that an affidavit is not as powerful as live testimony (because it can't be cross-examined), the answer would note it's better than nothing. It should also be filed with the court ahead of the hearing if possible, so the judge can consider it. This way, some of the witness's evidence is on the record.
- **Explore remote testimony:** A thorough answer could also mention the possibility of the witness **attending by telephone or video conference**. These days, courts are more accustomed to remote testimony. *"Ask the court if the witness can testify by phone or Zoom,"* the answer could suggest. The witness might be able to call in at the time of hearing if physically coming is impossible. The answer thus shows resourcefulness in ensuring the judge hears from the witness.
- **Proceed with available evidence:** The answer underscores that ultimately **the judge will make a decision based on the evidence presented at the hearing**. So if a key witness can't be there in any form, the petitioner should be prepared to **move forward with other evidence** to prove their case. This might mean bringing other witnesses or documents to cover the same points. An exemplary answer encourages the person to **inform the judge at the hearing about the absent witness** and perhaps ask if the record can be kept open for later supplementation (though that's at the judge's discretion). It would also empathize: *"Judges understand that not everyone can appear, but they can only*

base their decision on what's in front of them. So do everything you can to get your witness's testimony in some way – or compensate with other evidence – so the court has a complete picture."

- **Conclusion:** In sum, the rubric-worthy answer provides a multi-pronged strategy: **try to reschedule, if not, get a written statement or remote testimony**, and ensure the court is aware of the situation. The best answers will be encouraging (restoring faith by showing that the system can accommodate issues) while being practical: *"Don't be afraid to ask the court for help with this – the goal is a fair hearing with all relevant information, and courts will often work with you if you communicate the problem."*

Q116: Does a 15-year-old child have to be at the guardianship hearing?

- **No absolute requirement to attend:** A clear answer will state that **a 15-year-old (being over the age of 14) is an interested person who must be notified of the hearing, but they are *not required* to physically attend**. There is no law forcing minors to be present in the courtroom for a guardianship petition. The answer explains: *"Michigan law requires that a child aged 14 or older receive notice of the guardianship proceeding and has the right to participate or object* [35] *, but it does not mandate that the child appear in court."* In practice, many minors do not attend if it would be emotionally difficult, and judges generally won't compel a young teen to come in against their wishes.
- **Child's preference and input:** The answer should add that **the court will consider the child's viewpoint** whether or not they attend. *"At 15, the minor has the right to nominate a guardian or express a preference"* [54] , the answer notes. If the 15-year-old has a strong opinion (for or against the guardianship or about who should be guardian), they can communicate it. The answer might say they can let the guardian ad litem (if one is appointed) or the judge know their feelings. If the child does attend, the judge may ask them some questions or let them speak briefly, but attendance is typically voluntary.
- **Alternatives to attendance:** A top answer mentions that **the court might appoint a Guardian ad Litem (GAL)** or investigator to represent the child's interests, who can report the child's wishes to the judge. Or the child could write a letter to the court stating their position, if they don't want to speak publicly. This ensures the 15-year-old's voice is heard without requiring their presence. The answer could elaborate: *"Often, especially if the child is okay with the guardianship, they may not need to do anything. If they object to the guardianship, they can voice that through a GAL or by telling the judge somehow, but even then, many judges would not force a child to testify in a contested hearing unless absolutely necessary."*
- **Encouragement to involve child appropriately:** An ideal answer would strike a balance: *"If the 15-year-old is comfortable attending, it can be helpful – judges do take a mature teenager's preferences into account. But it's perfectly acceptable if they do not attend. The court primarily wants to ensure the teen knows about the hearing and has a chance to say their piece, not to drag them into court unwillingly."* It might cite that minors 14+ can even petition on their own behalf [55] (which shows they have agency, but again, not a requirement to appear in person).
- **Conclusion:** The answer wraps up that **attendance is optional for the minor**. The judge will often ask, "Does the minor consent or have a position?" If the child is absent, the judge may rely on second-hand information about their wishes. That's acceptable. The answer reassures: *"So no, a 15-year-old doesn't* have *to be at the hearing. It's ultimately up to the child and perhaps the circumstances of the case. The court will ensure the teen's perspective is considered one way or another."* This clear

explanation helps the user understand the child's role without fear that the child will be forced into a courtroom unnecessarily.

Q118: The father's identity is unknown. What steps must be taken in the guardianship process?

- **Disclose unknown paternity to court:** The answer starts by stating you should **inform the court on the petition that the child's father is unknown or not legally established**. There is usually a section on the petition asking for parents' names; you would write "Unknown" for the father if that's the case. The court then knows that there isn't an identified dad to serve in the usual way.
- **Diligent search and publication:** An important next step the answer covers is **providing notice by publication to the "unknown father."** Because every parent is entitled to notice of the guardianship, if a father cannot be named or found, the court will require you to publish a notice in a newspaper circulating in the area of the child's birth or last known residence of the father (if any hint) – essentially giving public notice to "John Doe, unknown father of [Child's Name]" about the proceedings. The answer can cite: *"When a parent cannot be located or identified, Michigan law requires notice by publication at least 14 days before the hearing"* [39] . You'll then have to **file a proof (affidavit) of publication** with the court.
- **Affidavit of efforts:** The answer might also mention that the court could ask for an **affidavit of diligent efforts** to identify or find the father. For instance, an affidavit from the mother or family stating that they do not know who the father is, or listing what efforts were made (like checking paternity registries, etc.). An exemplary answer would encourage doing everything reasonable to locate any possible father's identity (checking if the father is named on the birth certificate, if any man claimed paternity, etc.), because the court must be satisfied that the father truly cannot be ascertained.
- **Proceeding without father's direct involvement:** The answer then reassures that *"The court will still be able to proceed with the guardianship even if the father is unknown, as long as you've given notice by publication and documented your efforts."* The judge just needs to ensure due process — that any father out there had a chance to know about the case. Since the father's rights haven't been established, there's no one to consent or object except via that public notice route. A humane answer might add: *"It's a common situation; courts handle it by making sure the legal notification boxes are checked (publication) and then they can move forward to do what's best for the child."*
- **Summary:** In summary, **the key step is notice by publication for the unknown father** [39] . The answer would provide confidence that the user can still get guardianship – an unknown father won't halt the case – but they must follow the procedure to alert any potential father. This ensures fairness and also protects the guardianship order from later challenge (since you can show the father was given legal notice via the newspaper).

Q119: If two relatives file competing petitions for guardianship of the same child, what happens?

- **Consolidated hearing:** A comprehensive answer explains that **the court will typically handle both petitions together in one consolidated process**. Instead of separate cases, the probate court will set one hearing and consider both would-be guardians. The answer might say: *"When multiple petitions are filed for the same child, the judge will usually hear them at the same time. All interested*

persons (including both petitioners and the parents) will get notice of that hearing." This ensures efficiency and that the judge can compare the options side by side.

- **Best interests as the deciding factor:** The answer emphasizes that **the judge's primary concern will be the child's best interests, and they will decide which petitioner (if any) will serve that best** [41] . The judge has the discretion to choose one of the petitioners as the guardian, or even neither (if neither seems suitable), or sometimes appoint both as co-guardians. The answer could detail: *"The court will evaluate both you and the other petitioner – looking at factors like your relationship to the child, ability to care for the child, home environment, etc. The judge might order an investigation or ask a Guardian ad Litem to report on each household* [32] *. Ultimately, the judge will appoint the person (or persons) who will best serve the child's welfare."* [41]
- **Child's preference and family dynamics:** If the child is old enough (14 or older), the answer notes **the child's nomination can be important** – a minor of 14+ has the right to nominate their guardian [54] , and while not binding, the court will weigh that preference. So if, say, a 15-year-old child prefers Aunt A over Uncle B, the judge will consider that in the best-interest analysis. The answer would include this insight, showing awareness of the child's voice.
- **Possibility of co-guardians:** The answer might also mention that **the court could appoint co-guardians (both relatives) to share the responsibility**, if that arrangement seems to benefit the child. For example, if both petitioners have complementary roles (one can provide housing, another can handle finances, etc.) and can cooperate, the judge might decide on co-guardianship [56] . This is less common unless both petitioners agree, but it's possible. An outstanding answer would mention it as a creative solution some courts use.
- **Conflict resolution approach:** The answer can convey that the court's job is not to reward one relative over another, but to ensure the child is in good hands. It may reassure that *"The judge will give everyone a chance to be heard. Often, family members might come to an agreement once in court (perhaps one withdraws their petition in favor of the other). If not, the judge will make the call."* It will stress that **the child's needs trump any family rivalry**. The answer could highlight that sometimes mediation or family meetings (informally) can resolve who should proceed, but ultimately the court provides an impartial decision focusing on the child.
- **Conclusion:** Summing up, an answer meeting the rubric would say: *"When two relatives both seek guardianship, the probate court effectively holds a single contested guardianship hearing. The judge will decide which petition to grant based on who will better serve the child's best interests* [41] *. All evidence about each petitioner's suitability will be considered. The child's own wishes (if they are old enough) will be taken into account, and the result could even be both serving as co-guardians if that is deemed best* [56] *. In any case, the focus is entirely on the child's well-being."* This way, the user understands the process and that the outcome is not predetermined – it will be a careful decision by the court.

Q120: In a limited guardianship, what has to be included in the placement plan?

- **Required elements of LGPP:** The answer will enumerate the specific **components that the Limited Guardianship Placement Plan (LGPP) must contain**, as mandated by Michigan law. It should clearly list all required points, for example: **the reason for the guardianship, the duration, parenting time, financial support, and conditions for return** [57] [58] . A rubric-worthy answer might present it like: *"A Limited Guardianship Placement Plan – which is essentially a written agreement between the parent(s) and the guardian – must include: (1) the specific reasons why the guardianship is needed (the circumstances leading to the guardianship), (2) the expected length of the guardianship, (3) a detailed parenting time schedule outlining when and how the parent will see the child* [59] *, (4) an*

arrangement for financial support for the child (who will provide support and how), and (5) the specific conditions the parent must fulfill to regain custody of the child (what the parent needs to do for the guardianship to end) [57] [58] *."* This directly pulls the language from the knowledge base, covering all points.

- **Court form and approval:** The answer should note that this plan is usually formalized on a court form (SCAO Form PC 652 in Michigan) and **must be signed by both parents (if they have custody) and the guardian, then submitted to the court for approval** [57] . An excellent answer will mention that *"the plan is filed with the petition and the judge must approve it; it becomes a court order governing the guardianship."* It may also mention any local specifics (e.g., "In Genesee County, you must use the official court form for the LGPP" [57]).
- **Purpose of each element:** An advanced answer could briefly explain *why* each element is included: *"These requirements ensure everyone is on the same page. The reasons and expected duration set the context (e.g., parent is in rehab for 6 months). The parenting time schedule maintains the parent-child relationship. The financial support part makes clear how the child's needs will be met. And the conditions to terminate give the parent a clear roadmap for reunification."* This demonstrates deep understanding and would indeed inspire confidence that the system is fair and goal-oriented (reunifying families).
- **Emphasis on detail and commitment:** The answer might stress that **the plan should be very detailed and is binding**. For example, *"If it says the parent must attend parenting classes and maintain sobriety for 6 months, those are enforceable terms."* And that the parent's substantial compliance with the plan is what will later entitle them to terminate the guardianship.
- **Conclusion:** Conclude by affirming: *"In short, the Limited Guardianship Placement Plan is the cornerstone of a limited guardianship. It must clearly lay out why the guardianship is needed, how it will work (visitation and support), and how it will end. All these pieces must be in writing and approved by the court* [57] [58] *."* This answer fully covers what the question asks, using the knowledge base content directly.

Q121: Can the placement plan spell out a specific parenting time schedule for the parent?

- **Yes – it's required to include specific parenting time:** The answer should respond that **not only *can the Limited Guardianship Placement Plan include a specific parenting time schedule, it absolutely must*** include a detailed schedule for the parent's parenting time (visitation) with the child [59] . Michigan law requires that the plan spell out the parent's rights to see the child during the guardianship. The answer would say something like: *"Yes. In fact, a specific parenting time schedule is a mandatory part of the Limited Guardianship Placement Plan. The plan isn't just a vague idea; it has to clearly state when and how the parent will have parenting time with the child* [59] *– for example, 'Mother will have the child on weekends from Friday at 6 PM to Sunday at 6 PM, plus alternating holidays,' etc."*
- **Importance of detail:** It might add that **the schedule should be very detailed** to avoid confusion or conflict. So the best answer encourages including days, times, transportation arrangements, holiday splits, phone calls – whatever is appropriate – in writing. This ensures everyone knows what to expect.
- **Court approval means it's enforceable:** The answer may note that once the court approves the plan, that parenting time schedule becomes **court-ordered**. Both the guardian and the parent must follow it. If disagreements arise, they refer back to the plan. An inspiring answer highlights how this protects the parent's ongoing relationship with the child during the guardianship: *"The idea of a limited guardianship is to be temporary and to preserve the parent-child bond. That's why a detailed visitation schedule is required – it guarantees the parent regular contact with the child."*

- **Flexibility by agreement:** It could mention that while the plan sets a baseline schedule, the parties can always agree to additional parenting time beyond what's written (more is fine if all consent), but they cannot do less than what's promised without modifying the plan in court.
- **Conclusion:** Conclude clearly: *"So yes, the placement plan should include a specific, clear parenting time schedule. It's not only allowed, it's one of the key elements the judge looks for when approving a limited guardianship arrangement* [59] *."* This directly answers the question and underscores the necessity of such a provision.

Q122: When does a guardian have to post a bond before being appointed?

- **Guardians of the person usually do not require a bond:** The answer should clarify that in Michigan, **a guardian of a minor's person typically is *not* required to post a bond**. Bond requirements usually apply to conservators (who handle the child's estate) rather than guardians of the person. The answer might say: *"Generally, when you're appointed guardian of a minor (to take care of the child), you do not have to post a bond. Michigan law doesn't mandate a bond for minor guardians because the guardian isn't managing significant assets – they're managing the child's care."* This is implied by how bond is discussed for conservators [60] and not for guardians in the statutes.
- **Bond in financial cases – conservatorship threshold:** However, the answer should mention that if the child has significant **money or property (usually over $5,000 in value per year)**, the court will require appointment of a conservator and **a bond might be required for that conservator** [61] [60] . So indirectly, if someone is serving as both guardian and conservator, the bond requirement comes from the conservatorship side. The answer can highlight: *"A bond is basically an insurance to protect the child's money. It's required for conservators handling the estate, not for guardians handling day-to-day care* [60] *. If the minor's assets are large enough to need a conservator (more than $5,000/year)* [62] *, the conservator will post a bond unless the funds are restricted in a bank account* [3] *. But the guardian role by itself doesn't involve a bond."*
- **Possible rare bond for guardians:** The answer could note it's *possible* though uncommon that a court might set a bond if the guardian is given some control over funds (for example, if no conservator is appointed and the guardian is handling some monies). But Michigan's EPIC directs that if the child inherits or receives over $5,000, a conservator should be appointed [61] , so typically the guardian isn't bonded – the conservator is.
- **Conclusion:** Therefore, the answer might conclude: *"In summary, a guardian of a minor is usually not required to post a bond. Bond requirements kick in when dealing with the minor's property. So unless you're also managing substantial assets (in which case you'd be a conservator), you won't have to worry about a bond as a guardian."* This answers the question directly and alleviates confusion by distinguishing guardian vs conservator responsibilities [60] [61] .

Q123: I'm both the guardian and the conservator for a minor. Do I need to do anything extra or separate because I hold both roles?

- **Separate letters and authority:** The answer will explain that **being appointed both guardian and conservator means you have two distinct appointments**, and you will receive two sets of **Letters** – one for guardianship and one for conservatorship. *"Yes, you will have Letters of Guardianship (PC 633) for your guardian role* [63] *and Letters of Conservatorship (PC 642) for your conservator role* [64] [4] *. Make sure you have both documents from the court, as they serve different purposes."* The answer clarifies that

the guardian letters allow you to make personal/custody decisions, and **the conservator letters give you authority to manage the child's money/property**.

- **Distinct responsibilities and reports:** It should emphasize that with both roles, **you have to fulfill the duties and reporting requirements of each role separately**. *"As guardian, you'll need to file an Annual Report on the condition of the minor (Form PC 654) each year, detailing the child's well-being* [65] *. As conservator, you must file an Annual Account (Form PC 583 or 584) showing all financial transactions* [1] *. These are separate reports to the court."* The answer might add that the deadlines are similar (usually within 56 days after the anniversary of appointment for both) but they are distinct filings.
- **Financial separation:** An outstanding answer will advise that **you must keep the child's finances strictly separate from your own**. *"As conservator, open a separate bank account for the child's funds. Never mix the child's money with your personal money. Keep detailed records of every penny in and out* [66] [67] *."* It might mention that expenditures often require court approval (like using PC 673 to ask permission for major expenses) [68] [69] . This demonstrates you understand fiduciary duty.
- **Bond and protections:** If not already covered in Q122, note that **as conservator you may have had to post a bond** or use a restricted account, and that obligation remains – you have to maintain the bond until the conservatorship ends. Also, mention to **file the inventory (list of assets) within 56 days of appointment as conservator** if not already done [70] . All these show the extra tasks because of the conservator role.
- **Communication with court and family:** The answer could also mention that acting in both capacities might streamline things in practice (one person to handle everything), but the **court will oversee both aspects**. You might have two case numbers (some courts use one combined case, some assign separate case numbers for guardianship and conservatorship). Be mindful to respond to any court correspondence for each.
- **Summary:** The answer wraps up: *"In short, yes, if you are both guardian and conservator, you need to wear two hats. Follow the rules for guardians (caring for the child and reporting on their status* [71] *) and the rules for conservators (managing funds prudently, keeping records, and accounting to the court* [1] *). Ensure you have both letters of authority* [63] [64] *and keep the child's assets separate. By doing so, you'll meet all your obligations in both roles."* This thorough answer would give the person confidence that they understand all expectations and can handle them responsibly.

Q124: What information must be included in the annual report a guardian has to file?

- **Child's condition and welfare details:** The answer will state that **the Annual Report of Guardian on the Condition of Minor (Form PC 654) should include a comprehensive update on the child's well-being** [72] . It would list the key areas the guardian must cover, for example: *"You need to report where the child is living (address and with whom) and describe the living environment, the child's health status (medical or dental care received, any health issues), the child's education (what school, grade, how they're doing in school), and the child's general welfare (their activities, social life, and whether their needs are being met)."* [72] In short, the court wants to know the child's **living situation, health, education, and overall progress or changes** over the past year.
- **Changes and significant events:** A great answer would mention including any **major changes or events** in the child's life since the last report. For example, changes in school, any hospitalizations or new medical diagnoses, changes in household, etc. If the guardian anticipates any issues or has any concerns, those should be noted too. This gives the court a clear picture.
- **Service of report:** The answer should note that the guardian must **send a copy of the annual report to the child's parents (and the child if 14 or older) and file proof of service with the court**

[73] . This requirement is often overlooked, so an excellent answer would highlight it: *"After completing the report, you must mail copies to the child's parents (and the child if they're 14+) and then file a Proof of Service (PC 564) to show the court you gave them the report."* [73] This keeps interested parties informed and is mandated by court rule.

- **Deadline and timeliness:** It could also mention the **deadline: within 56 days after the anniversary of the guardian's appointment each year** [74] . E.g., *"If you were appointed on June 1, your annual report is due by July 27 of each subsequent year (56 days after June 1)."* The answer may warn that failing to file on time can result in the court issuing an order to show cause or even suspending the guardian's powers, as courts take these reports seriously [75] . In fact, it might cite that failing to report can be grounds for removal [76] (as earlier text suggests).
- **Conclusion:** Summarizing, the answer would say: *"Include all relevant details about the child's living situation, health, education, and wellbeing in the annual report* [72] *. Basically, you're telling the court how the child is doing under your care. And don't forget to provide copies to the parents and file proof of that* [73] *, and do it by the deadline each year* [74] *."* This fully covers what the court expects to see in that yearly update.

Q125: How can a parent who has completed rehab ask to terminate the guardianship and regain custody of their child?

- **File a petition to terminate guardianship:** The answer will begin by explaining that the parent must **file a "Petition to Terminate Guardianship" (Form PC 675)** with the probate court that oversees the guardianship [77] . *"The parent needs to formally request the court to end the guardianship. This is done by filing a petition to terminate, stating that they are now able to care for the child and why (in this case, completion of rehab and personal recovery)."* The answer notes that **only certain persons can file to terminate** – in a **full guardianship, only a parent can** petition to terminate [78] , which fits this scenario as it's the parent doing it. It should reassure that the court will schedule a hearing upon receiving the petition.
- **Limited vs full guardianship standards:** A standout answer will differentiate between **limited guardianship and full guardianship scenarios**, since the path to regaining custody differs:
- **If it's a limited guardianship:** *"Because a limited guardianship is based on a placement plan agreed with the parent, the law says the court must terminate a limited guardianship if the parent has substantially complied with the Limited Guardianship Placement Plan"* [79] . The answer would emphasize that if the rehab was a condition in the plan (almost certainly it was, like "complete substance abuse treatment"), and the parent has now done it (plus any other conditions like stable housing, etc.), then the parent is entitled to get the child back. The judge doesn't have discretion to deny termination in that case – **completion of the plan = guardianship ends by law** [79] . The answer might quote in simpler terms: *"In other words, if you did what the plan asked, the judge has to return your child to you."* [80] . It should mention the parent will need to provide proof of compliance (e.g., a certificate of rehab program completion, clean drug tests, etc.) at the hearing.
- **If it's a full guardianship:** The answer explains that **ending a full guardianship is more involved**. The court will hold a hearing and **decide if terminating the guardianship is in the child's best interests** [81] . Since full guardianships are often ordered due to parental unfitness, the parent must show that their circumstances have *"significantly improved"* [82] – in this case, sobriety after rehab, plus perhaps other improvements (stable income, housing, etc.). The answer should note the judge has discretion: *"The judge will consider whether you are fit and able to safely care for the child now. They may want evidence like letters from counselors, drug test results, testimony about your home environment, etc. The court could also order an investigation or a court-structured reintegration plan to transition the*

child back to you gradually" [83] . It might add that the court could appoint an **LGAL (lawyer-guardian ad litem)** for the child or involve DHHS to ensure it's safe [84] . Essentially, **for a full guardianship, the parent must convince the judge that returning to the parent is in the child's best interest now**.

- **Transition period possibility:** The answer would mention that even after the parent has done everything right, the court **might not dissolve the guardianship overnight**; it can implement a **transition period up to six months** where the child gradually spends more time with the parent while services or monitoring continue [85] . This is especially noted in the statutes for limited guardianships (MCL 700.5209(2)) – e.g., the court may terminate the guardianship but still order a 6-month period of DHHS supervision as the child goes back home [85] . The answer should highlight this as a supportive step: *"The judge can order a transition of up to 6 months to ease the child back into your care, sometimes with DHHS checking in or providing services during that time"* [85] . This shows the system's emphasis on stable reunification.
- **Encouraging tone and proof:** An exemplary answer ends on an encouraging note: *"It's great that you've completed rehab – that's a big step. The court will want to see evidence of your sobriety and stability. Gather any documentation of your recovery and readiness to parent. Michigan law favors reuniting children with their parents once the parent is fit, so if you truly turned your life around, the law is on your side. File the petition and be ready to show the judge how you've changed and can care for your child now."* It cites the relevant law that supports the parent: in limited cases the judge *must* return the child if conditions are met [79] , and even in full cases, there is a pathway for return based on best interests [81] . This provides both the legal steps and a humanity-restoring assurance that the system allows redemption and family reunification.

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[1] [2] [3] [4] [5] [6] [7] [8] [9] [10] [11] [12] [13] [64] [66] [67] [68] [69] [70] 9. Managing a Minor's Assets – Conservatorships and Financial Considerations (Draft 2) copy.docx
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