

**GAL Sample Report #3 (Objection by Ward)**

**\*\*Attach completed PC627 to this report as its cover page (always used with petitions for appointment of guardian) and the WCPC260 Objection on behalf of ward\*\***

**Hearing Date:**

STATE OF MICHIGAN

IN THE PROBATE COURT FOR THE COUNTY OF WAYNE

In the Matter of:

Hon.:  
File No.: \_\_\_\_\_

An Alleged Incapacitated Individual (or  
A Person Allegedly in Need of Protection)

\_\_\_\_\_/

**GAL Name**

**Address**

**Phone #**

**REPORT OF GUARDIAN AD LITEM**

**RE: PETITION FOR APPOINTMENT OF GUARDIAN (CONSERVATOR)**

*NOTE: \*\*WARD OBJECTS TO PETITION, WCPC260 ATTACHED. \*\**

I, THE UNDERSIGNED, DULY APPOINTED Guardian Ad Litem for \_\_\_\_\_, an alleged incapacitated individual (a person allegedly in need of protection) and all persons who may become interested although unborn, undetermined, not ascertained or contingent, do accept the Trust imposed on me as Guardian Ad Litem with reference to the Petitions seeking appointment of Guardian (Conservator) and do hereby render my Report with respect to said Petitions which have been filed in this Court by \_\_\_\_\_ (RELATIONSHIP TO WARD), and do state in relation thereto as follows:

The Petitions for Appointment of Guardian (Conservator) allege that \_\_\_\_\_, an allegedly incapacitated individual (person in need of protection), is \_\_\_\_\_ years of age born on or about \_\_\_\_\_, that (s)he needs a Guardian (Conservator) because (s)he \_\_\_\_\_.

MCL 700.1105(a) of the Estates and Protected Individuals Code defines an incapacitated individual as a person other than a minor, who is impaired by reason of mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication, or other cause, to the extent that the person lacks sufficient understanding or capacity to make or communicate informed decisions.

MCL 700.5401(3) of the Estates and Protected Individuals Code provides for the appointment of a conservator or the entry of a protective order in relation to an individual's estate or affairs if the court determines both of the following:

- (a) The individual is unable to manage property and business affairs effectively for reasons such as mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication, confinement, detention by a foreign power, or disappearance.
- (b) The individual has property that will be wasted or dissipated unless proper management is provided, or money is needed for the individual's support, care, and welfare or for those entitled to the individual's support, and protection is necessary to obtain or provide money.

For the purpose of assisting in these determinations, I visited via Zoom with \_\_\_\_\_ at \_\_\_\_\_ on \_\_\_\_\_, and SERVED VIA EMAIL A COPY OF THE PETITION to be heard on \_\_\_\_\_. I explained the nature of the proceedings pending, i.e., the Petition for Guardianship (Conservatorship) and I also explained his/her rights in the hearing procedure, including but not limited to:

1. The right to contest the petition, and whether a disagreement or dispute related to this guardianship petition might be resolved through court ordered mediation;
2. The right to request limits on the guardian's powers, including a limitation on the guardian's power to execute a do-not-resuscitate order and/or a physician orders for scope of treatment form on behalf of the ward;
3. The right to object to a particular person being appointed guardian;
4. The right to be present at the hearing (currently via Zoom);
5. The right to be represented by legal counsel and that legal counsel will be appointed if he/she is unable to afford legal counsel;
6. The right to be informed of the name of the person seeking guardianship.
7. The alternatives to the appointment of a full guardian, i.e.,
  - a. Appointment of a limited guardian, including specific powers and limitation on those powers the guardian ad litem believes appropriate.
  - b. Appointment of a conservator or another protective order under MCL 700.5401 et. seq.
  - c. Execution of the patient advocate designation, do-not-resuscitate declaration, physician orders for scope of treatment form, or durable power of attorney with or without limitation on purpose, authority, or duration.

I am sure that \_\_\_\_\_ understood me. (S)he stated that (s)he needed (did not need) a guardian (conservator). (S)he stated that (s)he wished \_\_\_\_\_ to be his/her guardian (conservator). The purported ward also indicated that she/he objects to the nominated fiduciary, indicating that she has purposefully chosen not to interact with this individual and would prefer that she/he have her/his sister serve if appointment was required. (S)he also stated that (s)he did/did not wish to be present at the upcoming hearing, neither in person nor via Zoom. I informed her/him that I will submit her objection to the court (it is filed contemporaneously with this report) and request that an attorney be appointed to represent her/him if the petitioner requests to continue the petition.

I was able to elicit from \_\_\_\_\_ the nature and extent of his/her assets.  
\_\_\_\_\_ state that (s)he (ward's name), receives Social Security in the amount of \_\_\_\_\_ per month. In addition (list pension, personal property, real property, etc.).

On \_\_\_\_\_, I spoke via phone with \_\_\_\_\_, and they explained to me what his/her situation was and what his/her prognosis was (***BE SPECIFIC***). They confirmed the allegations in the petition.

Given the purported ward's clear objections to both the petition and the appointment of the nominated fiduciary, an attorney must be appointed on behalf of \_\_\_\_\_. As to the petitioner's indication that there is an urgent need for the appointment of the fiduciary, this GAL is not aware of any specific circumstances requiring the appointment of a temporary guardian/special conservator in the interim.

I hereby declare, under the penalties of perjury, that I have read the foregoing Report of Guardian Ad Litem by me signed and that the matters therein contained are true to the best of my information, knowledge, and belief.

Dated: \_\_\_\_\_