

GAL Sample Report #3

Note: If Ward Objects, Please attach Form WCPC 260 to FRONT of Report

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 and
A Person Allegedly In Need of Protection
_____ /

GAL Name
Address
Phone #

**REPORT OF GUARDIAN AD LITEM RE: PETITION
FOR APPOINTMENT OF GUARDIAN (CONSERVATOR)**

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 phone 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). (S)he also stated that (s)he did/did not wish to be present at the hearing.

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.

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.).

It is the judgment and opinion of your Guardian Ad Litem that _____ falls within the statutory definitions of a legally incapacitated individual (protected individual) by reason of present physical deficiencies. Further, it is also the opinion and judgment of your Guardian Ad Litem that the appointment of conservator should also be made in this matter in that _____ is unable to manage his/her property effectively for the same reasons, and that there is a danger that his/her property could be wasted or dissipated unless proper management is provided.

It is the judgment and opinion of your Guardian Ad Litem that there is the necessity for the appointment of a Guardian (Conservator) in this matter and it is the recommendation that the Petition of _____ seeking appointment of a Guardian (Conservator) (RELATIONSHIP TO WARD IF ANY) be granted. Specifically, that the Court appoint _____ as his/her guardian (conservator) and qualify by filing their Acceptance of Appointment.

MCL 700.5410 covers the questions of Bond of Conservator and essentially states that unless otherwise directed, a bond shall be in the amount of the aggregate capital value of the property of the estate in the person's control plus one year's estimated income. Therefore, as Guardian Ad Litem, I request that the Court require the appointed conservator to qualify by filing a bond in the amount of \$_____.

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: _____