

**GUIDELINES FOR
GUARDIAN AD LITEM REPORTS AND GUARDIAN REVIEWS**

1. In performing your duties as a guardian ad litem, refer to MCL 700.5305, MCL 700.1403(d) and MCR 5.121. Review MCL 700.5303, 700.5304, 700.5305 and 700.5406 dealing with incapacitated individuals and protective proceedings.

2. Contact the home, convalescent center, or hospital facility where the alleged incapacitated individual is presently found, according to the petition. Check with the petitioner to see if the incapacitated individual has recently been moved. If you learn the respondent is deceased, do not prepare a full report. Just write "ward deceased" on the Acceptance of Appointment and Report of Guardian Ad Litem of Alleged Incapacitated Individual (PC627), Acceptance of Appointment and Report of Guardian Ad Litem (PC643), or Report on Review of Guardianship of Legally Incapacitated Individual (PC 636). You will not be paid.

The ward is to be served electronically by the GAL at least 7 days prior to the hearing date with a copy of the petition.

The Court's policy does not require in-person GAL visits, virtual visits are acceptable, and telephone visits can be acceptable if this is the only means available. However, the appointed GAL is required to personally visit with the alleged incapacitated individual, staff may not complete this visit on your behalf. Note: For guardian reviews, it is not necessary to include any medical records or copies of financial statements with your report.

3. During your meeting with the subject of the petition, explain the purpose of your visit and the nature of the petition before the court. Explain that you have been appointed by the court to protect the interest of the alleged incapacitated individual. Ascertain whether the incapacitated individual is able to discuss the matter and give his or her viewpoint. Ask whether there is concurrence with having the nominated person act as a Guardian or Conservator.

Are there any objections to the nomination? If so, is the objection to the individual nominated to be guardian or is the objection to anyone serving as guardian? Make sure you explain the concerns/objections raised in the PC627 Acceptance of Appointment and Report of Guardian Ad Litem of Alleged Incapacitated Individual and if the ward objects, also fill out and file a WCPC 260, Objection to Petition for Appointment of Guardian or Conservator, on behalf of the proposed ward. Sign and submit this item with your GAL report. If the alleged incapacitated individual indicates he/she/they want some other individual to serve, the Guardian Ad Litem should contact that individual to determine if she/he is willing to serve and is an appropriate person. The GAL should encourage this nominated individual to attend the hearing and provide the individual with the hearing information. If there is an objection to the petition for appointment of a fiduciary, determine if there is any urgent issue or interest to be protected in the interim that might require the appointment of a temporary guardian or special conservator, and if so, make sure you report such to the court.

4. If possible, determine whether a guardian or a conservator is necessary. Can the incapacitated individual manage his/her financial affairs? Does the incapacitated individual need someone to give consent for medical attention or some other informal consent for the incapacitated individual? Perhaps there is a need for one, but not the other? Can a less restrictive method, such as a power of attorney, be adequate to meet the needs of the individual?

5. Determine, if you can, the income and assets of the incapacitated individual--Social Security, personal retirement income, rents, bank savings, checking, savings certificates, real estate, stocks, bonds, and any

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other assets. Are the assets held individually or jointly with someone else? If only a guardianship petition is filed but it appears appropriate or necessary that a conservatorship petition be filed, indicate such in your report. As to GAL reports regarding the appointment of a conservator, always remember to make a recommendation as to bond. Discuss the possibility of bond with the petitioner to ascertain if the nominated fiduciary may not qualify, and if so, discuss alternative appointments.

6. Check with the facility personnel to evaluate how the incapacitated individual has been getting along. Is there any prognosis?

7. Contact the petitioner and the attorney for the petitioner for further details if needed.

8. Do ***not*** rely solely on the representations of the petitioner or the petitioner's attorney. **Verify matters on your own. That is why you were appointed. The court wants your independent investigation, evaluation, and recommendation. You may contact other parties.**

9. Questions concerning the specific requirements of individual judges for their GAL reports should be addressed to their respective staffs.

10. Except for emergency hearings, the GAL report is to be filed with the court no less than 3 workdays prior to the hearing. Submit the report via email at courtroomfile@wcpc.us.

11. Include the date and time of hearing on the front page of your written report.

12. Appear in court via Zoom on the date of hearing and be prepared to expand upon your report, if necessary. This may be necessary particularly where objections are filed to the appointment of a guardian or conservator.