

MICHIGAN COURT RULES OF 1985
RULE 5.409 REPORT OF GUARDIAN;
INVENTORIES AND ACCOUNTS OF CONSERVATORS

(A) **Reports.** A guardian shall file a written report annually within 56 days after the anniversary of appointment and at other times as the court may order. Reports must be substantially in the form approved by the state court administrator. The guardian must serve the report on the persons listed in [MCR 5.125\(C\)\(23\)](#).

(B) Inventories.

(1) *Guardian.* At the time of appointing a guardian, the court shall determine whether there would be sufficient assets under the control of the guardian to require the guardian to file an inventory. If the court determines that there are sufficient assets, the court shall order the guardian to file an inventory.

(2) *Filing and Service.* Within 56 days after appointment, a conservator or, if ordered to do so, a guardian shall file with the court a verified inventory of the estate of the protected person, serve copies on the persons required by law or court rule to be served, and file proof of service with the court.

(3) *Contents.* The guardian or conservator must provide the name and address of each financial institution listed on the inventory. The address for a financial institution shall be either that of the institution's main headquarters or the branch used most frequently by the guardian or conservator. Property that the protected individual owns jointly or in common with others must be listed on the inventory along with the type of ownership and value.

(C) Accounts.

(1) *Filing, Service.* A conservator must file an annual account unless ordered not to by the court. A guardian must file an annual account if ordered by the court. The provisions of the court rules apply to any account that is filed with the court, even if the account was not required by court order. The account must be served on interested persons, and proof of service must be filed with the court. The copy of the account served on interested persons must include a notice that any objections to the account should be filed with the court and noticed for hearing. When required, an accounting must be filed within 56 days after the end of the accounting period.

(2) *Accounting Period.* The accounting period ends on the anniversary date of the issuance of the letters of authority, unless the conservator selects another accounting period or unless the court orders otherwise. If the conservator selects another accounting period, notice of that selection shall be filed with the court. The accounting period may be a calendar year or a fiscal year ending on the last day of a month. The conservator may use the same accounting period as that used for income tax reporting, and the first accounting period may be less than a year but not longer than a year.

(3) *Hearing.* On filing, the account may be set for hearing or the hearing may be deferred to a later time.

(4) *Exception, Conservatorship of Minor.* Unless otherwise ordered by the court, no accounting is required in a minor conservatorship where the assets are restricted or in a conservatorship where no assets have been received by the conservator. If the assets are ordered to be placed in a restricted

account, proof of the restricted account must be filed with the court within 28 days of the conservator's qualification or as otherwise ordered by the court. The conservator must file with the court an annual verification of funds on deposit with a copy of the corresponding financial institution statement attached.

(5) *Contents.* The accounting is subject to the provisions of [MCR 5.310\(C\)\(2\)\(c\) and \(d\)](#), except that references to a personal representative shall be to a conservator. A copy of the corresponding financial institution statement must be presented to the court or a verification of funds on deposit must be filed with the court, either of which must reflect the value of all liquid assets held by a financial institution dated within 30 days after the end of the accounting period, unless waived by the court for good cause.

(6) *Periodic Review.* The court shall either review or allow accounts annually, unless no account is required under MCR 5.409(C)(1) or (C)(4). Accounts shall be set for hearing to determine whether they will be allowed at least once every three years.

(D) **Service and Notice.** A copy of the account must be sent to the interested persons as provided by these rules. Notice of hearing to approve the account must be given to interested persons as provided in subchapter 5.100 of these rules.

(E) *Procedures.* The procedures prescribed in [MCR 5.203](#), [5.204](#) and [5.310\(E\)](#) apply to guardianship and conservatorship proceedings, except that references to a personal representative shall be to a guardian or conservator, as the situation dictates.

(F) **Death of Ward.** If an individual who is subject to a guardianship or conservatorship dies, the guardian or conservator must give written notification to the court within 14 days of the individual's date of death. If accounts are required to be filed with the court, a final account must be filed within 56 days of the date of death.

CREDIT(S)

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