

## Topics and Issues Concerning Guardian ad Litem (GAL) Reports

### **From the Wayne County Probate Court Bench**

All Wayne County Probate Court Judges require the following for their written GAL reports:

1. The GAL is expected to evaluate the nominated fiduciary.
2. The GAL may email (preferred method) or fax their report.
3. The GAL's written report is due at least ***three (3) business days*** prior to the hearing.
  - a. Failure to timely file the report without good cause may result in an adjournment of the hearing or suspension of the attorney from the assignment eligibility list. If you are unable to make this deadline, notify the court as soon as possible.
4. A written report is required.
  - a. ***Exception:*** If the hearing is for a temporary appointment, a written report may or may not be required due to time constraints. Please check with the Judge of record.
5. The GAL's personal observations of the respondent should be summarized.
6. The GAL is expected to recommend restrictions on the guardian's powers, if appropriate.
7. Recitation of the GAL's duties and rights of the respondent is preferred in the written report.
8. If the respondent objects to the appointment of a guardian, the GAL must file an objection with the Judge of record. The GAL should also be prepared to address the need for a temporary guardian pending trial.
  - a. ***Remember:*** File Objection to Appointment of Guardian or Conservator (WCPC460), where the alleged incapacitated individual has lodged objections.
9. The GAL is expected to address the nature and extent of the respondent's assets in their written report.
10. The GAL is expected to determine if the respondent has a power of attorney and/or a medical durable power of attorney and explore alternatives to guardianship.
11. Review Case Access to determine if the respondent has a prior case history and any family.
12. The GAL is expected to make specific recommendations for bond.
13. The GAL may bill the estate if there are sufficient assets. Prepare and file a summary of services to your GAL report.
14. The GAL must also give a copy of their report to the petitioner and attorney prior to the hearing.