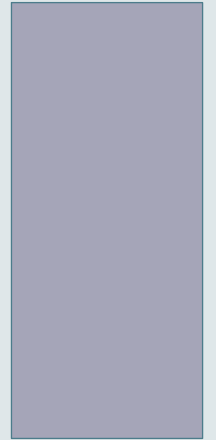


CONSERVATORSHIPS

REQUIREMENTS OF CONSERVATORS AND OTHER
INFORMATION



HOW TO FILE FORMS WITH THE COURT

- The court can accept completed forms by email when sent as a PDF attachment
 - You can sign electronically by typing “/s/[your name]” on the signature line
- You can pay fees on our website after the form is accepted or you can send a check/money order payable to Wayne County Probate Court with your forms by mail or drop off (no in-person service, just dropbox) to:

Wayne County Probate Court
1305 CAYMC
2 Woodward Ave.
Detroit, MI 48864

REQUIREMENTS – INVENTORY

Within 56 days of your appointment as conservator, you must file an **inventory** of all the assets in the conservatorship (a list of all assets owned by the minor or the person under conservatorship).

Complete the list of assets per the instructions on the 2nd page of the court form.

Conservator must file the inventory with the court and serve a copy on all interested persons.

INVENTORY ATTACHMENTS FOR REAL PROPERTY

- If the inventory assets include real estate, attach verification of the value of the real estate (such as a copy of the most recent property tax bill showing SEV value)
- If there is a lien on the real property, you must also include verification of the lien (such as the most recent mortgage bill with account number redacted)

BOND OF FIDUCIARY

- The court may order a bond at the hearing OR the court may order a bond after the inventory is filed if more assets are discovered.
- The bond is required to qualify as conservator
- The PC570 Bond of Fiduciary form must be attached as a cover sheet to the documents completed by the surety company.
- For minors, generally the court orders the funds to be held in a restricted account (no withdrawals permitted without court order) and so a bond is not required.

BOND OF FIDUCIARY PC570

Approved, SCAD		JIS CODE: BND
STATE OF MICHIGAN PROBATE COURT COUNTY CIRCUIT COURT - FAMILY DIVISION	BOND OF FIDUCIARY	FILE NO.

Estate of _____

1. The principal has been appointed _____, accepts the duties of this appointment and, with the surety(ies), agrees to pay \$ _____ to the State of Michigan as obligee for the benefit of the persons interested in the estate if the principal fails to discharge all duties according to law.
Type of fiduciary
2. The surety(ies) agree to be jointly and severally liable on the bond with the principal and with each other.
3. The surety(ies) consent to the jurisdiction of the court that issued letters of authority to the principal in a proceeding pertaining to the principal's fiduciary duties.
4. If this is a bond for a special personal representative who is subsequently appointed personal representative, the obligations and liabilities of this bond remain in effect.

_____ <small>Attorney name (type or print)</small> <small>Bar no.</small> _____ <small>Address</small> _____ <small>City, state, zip</small> <small>Telephone no.</small>	_____ <small>Date</small> _____ <small>Principal signature</small> _____ <small>Principal name (type or print)</small> _____ <small>Address</small> _____ <small>City, state, zip</small> <small>Telephone no.</small>
_____ <small>Surety signature</small> _____ <small>Surety name (type or print)</small> _____ <small>Address</small> _____ <small>City, state, zip</small> <small>Telephone no.</small>	_____ <small>Surety signature</small> _____ <small>Surety name (type or print)</small> _____ <small>Address</small> _____ <small>City, state, zip</small> <small>Telephone no.</small>

Oath of Personal Surety The surety acknowledges personal worth of the amount of the penalty in the bond over and above all debts and legal exemptions.

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Notary public/deputy probate register

Notary public, State of Michigan, County of _____

Do not write below this line - For court use only

I have examined and approve this bond.

Date _____
Judge/probate register Bar no.

No new letters of authority are to be issued.

PC 570 (9/05) BOND OF FIDUCIARY MCL 700.3601, MCL 700.3604, MCL 700.5106(3), MCL 700.5410, MCL 700.5411

REQUIREMENTS – ANNUAL ACCOUNTS

- **CA = Conservator of an Adult**
 - Either PC583 (Annual Account, short form, most common)
OR PC584 (Annual Account, long form)
- **CY = Conservator of a Minor**
 - Both PC669 Proof of Restricted Account, Annual Verification of Funds AND PC583 (Annual Account)
- There is a \$20 filing fee for each account
- Every 3 years, you must also attach a PC585a Petition to Allow Account(s) (same \$20 filing fee) which will be scheduled for a hearing when the fee is paid

ANNUAL ACCOUNTS: DATES

- Accounting Period is your anniversary date of appointment through the following year.
 - For example: if your first Letters were issued on January 5, 2021, your first account covers January 5, 2021 through January 4, 2022
- Accounts are due 56 days after the anniversary date.
 - Using the example above, your due date for filing the account with the court would be March 4, 2022.

ANNUAL ACCOUNTS: COMPLETING THE FORM

- You may break expenses and income into categories (i.e. “groceries”, “pension”, “rent”)
- Payment of the bond premium (if required) and the \$20 account filing fee can be paid out of the estate and listed on the account form
- Do not attach receipts unless the court requests
- Redact bank account numbers (for privacy)
- Required attachments:
 - Billing statements for any attorney or fiduciary fees claimed in the account period

ANNUAL ACCOUNTS: APPROVAL

- Accounts must be filed with the court every year.
- Accounts must be **approved** every three (3) years.
- For court approval, you must attach a Petition form to your annual account.
 - For example, when you file the 3rd annual account, attach a Petition to Allow Account and request approval of 1, 2, and 3rd annual accounts.
- You must serve copies of the account and the Petition along with a Notice of Hearing to all interested parties and file Proof of Service with the court.

ANNUAL ACCOUNTS: HEARING

- Every 3 years, the court will hold a hearing to approve the accounts.
- Interested persons must have the opportunity to object to the accounts
- The court may sometimes appoint a guardian ad litem (GAL) to review the reports and make a recommendation to the court.
- The GAL is an attorney and will contact you for more information.

PROOF OF SERVICE REQUIREMENT

You must give a copy of your annual account to specific people (interested persons, listed on the initial petition)

- Includes the protected person or the minor if over 14
- By first class mail or hand-delivery
- The people who get it do not need to sign anything
- The same people must also be served a copy of the Petition to Allow Account(s) and Notice of Hearing (every 3 years)

You must file a Proof of Service form (next slide) with the court

STATE OF MICHIGAN PROBATE COURT COUNTY OF _____	PROOF OF SERVICE	FILE NO. _____
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In the matter of _____

1. Titles of the papers served or mailed: _____

2. According to court rule, I served by first-class mail registered mail (copy of return receipt attached)
 certified mail (copy of return receipt attached) the papers described above on:

Name	Complete address of service	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. According to court rule, I served by **personal service** the papers described above on:

Name	Complete address of service	Date and Time
_____	_____	_____
_____	_____	_____
_____	_____	_____

4. After diligent search and inquiry, I have been unable to find and serve the following interested persons. I have served these persons by publication. Attached are copies of form PC 617.

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$ _____	_____	\$ _____	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$ _____	_____	\$ _____	\$ 0.00

Date _____

Signature _____
Name (type or print) _____

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

Do not write below this line - For court use only

MINOR CONSERVATORSHIPS

- Conservatorships for minors are different than for adults because normally the funds are to be saved/protected for when the child turns 18.
- The funds are generally held in a restricted account meaning the bank only allows a withdrawal with a specific court order.
- You must ask the court for permission to spend any money from the minor's account.
- Your annual account must list any withdrawals (and must match the court order) and you must also file Proof of Restrict Account form annually.

PROOF OF RESTRICTED ACCOUNT/ANNUAL VERIFICATION OF FUNDS (MINOR CY)

- For minor conservatorships, you must file the PC669 Proof of Restricted Account form every year (completed by the bank/financial institution)

STATE OF MICHIGAN PROBATE COURT COUNTY		PROOF OF RESTRICTED ACCOUNT AND ANNUAL VERIFICATION OF FUNDS ON DEPOSIT (CONSERVATORSHIP OF MINOR)	CASE NO. and JUDGE
Court address		Court telephone no.	
In the matter of _____ <small>First, middle, and last name of the minor</small>			
USE NOTE: This form must be completed and filed with the court within 28 days of the conservator's qualification, or as otherwise ordered by the court, and annually thereafter.			
Name of financial institution/insurance company/brokerage firm			
Address			Telephone no.
Name of authorized representative		Title	
I certify that the estate funds of the minor are currently on deposit with us under a restricted account as follows:			
Type of account	Last 4 digits of account no.	Balance	
Account caption (include name of conservator)			
A copy of the corresponding financial institution's statement accompanies this proof of restricted account.*			
I further certify that			
1. The funds, including accruals, shall not be released or withdrawn except by written order of this court.			
2. Records have been marked to prohibit withdrawal except by written order of this court.			
3. We are liable for funds released or withdrawn without written order of this court.			
Date	Signature of authorized representative		
*For annual verification, the corresponding financial institution's statement must be dated within 30 days after the end of the annual accounting period.			
Approved: SCAO Form PC 669, Rev. 1/21 MCR 5.409(C)(4) Page 1 of 1			

PETITION TO USE FUNDS - MINORS

- A court order is required to withdraw funds from a minor conservatorship account
 - The funds are restricted so that the money is protected until the minor becomes an adult
- You may file a PC673m Petition to Use Funds to request permission to use the funds for a specific purpose.
 - A hearing will be set and you must serve notice on interested persons.

PETITION TO USE FUNDS - MINOR

STATE OF MICHIGAN PROBATE COURT COUNTY	PETITION TO USE FUNDS (CONSERVATORSHIP)	JIS Code: PUF CASE NO. and JUDGE
Court address		Court telephone no.
In the matter of _____ <small>First, middle, and last name</small>		
Petitioner's name, address, and telephone no. _____ _____ _____		Petitioner's attorney, bar no., address, and telephone no. _____ _____ _____
1. I, _____, am conservator of the estate. <small>Name</small>		
2. The interested persons, addresses, and their representatives are identical to those appearing on the initial application/ petition, except as follows: (For each person whose address changed, list the name and new address; attach separate sheet if necessary) _____ _____		
3. As of _____ the ward's total assets are \$ _____. <small>Date</small>		
4. I REQUEST permission to withdraw \$ _____ of the ward's money from _____ at _____ <small>Put account no. in Ref. No. row 6 on MC-97</small> <small>Account no.</small>		
Name of financial institution: _____ . The funds will be used as follows for the benefit of the ward: _____ _____ _____		
I declare under the penalties of perjury that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.		
_____ Date	_____ Petitioner signature	
_____ Date	_____ Attorney signature	
Approved: SCAO Form PC 673m, Rev. 5/21 MCL 700.2427 Page 1 of 1		

HOW TO CHANGE CONSERVATOR OR END THE CONSERVATORSHIP

- If you want to resign as conservator, or if someone else wants to be appointed in your place, you or they can file a **Petition to Terminate/Modify Conservatorship** (PC 676)
 - The petition will be set for a hearing in front of the judge
 - A guardian ad litem will be appointed to talk to you and the petitioner and the protected person/minor and report back to the court
 - Your authority continues until the judge enters an order terminating your authority
 - If removed, you will have to file a final account and transfer assets to the new conservator or return to protected person

FINAL ACCOUNTS - ADULTS

- If the protected person dies, or if you are removed as conservator, you must file a final account.
- Use the same Annual Account form, but check the box at the top for “Final”
- The accounting period should be from the end of the last account through the date of death or your removal as conservator.

FINAL ACCOUNTS - ADULTS

- The court will require transfer of remaining assets to a personal representative (if a decedent's estate is opened) or to the new conservator, as applicable.
- There are Receipt forms depending on the situation (PC649 or PC621)
- Once satisfied with the final account and transfer of any remaining assets, the court will enter an order closing the case and canceling the bond, if applicable.

FINAL ACCOUNTS - MINORS

- When the minor turns 18, the conservatorship ends and the funds are turned over to the (former) minor
- Conservator and minor together complete the final account
- Once approved, the court will enter an order allowing the funds to be transferred to the minor and closing the case (a hearing may be required)

FINAL ACCOUNTS - MINORS

JIS Code: FAW

STATE OF MICHIGAN PROBATE COURT COUNTY	MINOR CONSERVATORSHIP - FINAL ACCOUNT, WAIVER AND CONSENT	CASE NO. and JUDGE
Court address		Court telephone no.

In the matter of _____
First, middle, and last name

FINAL ACCOUNT

1. I, _____, am the conservator of the estate of the minor named above. The following is my final account from _____ to _____.
Name (type or print) Date Date

INCOME	DISBURSEMENTS
Balance on hand from last account, or value of inventory if first accounting \$ _____	_____ \$ _____
Interest earned..... \$ _____	_____ \$ _____
_____ \$ _____	_____ \$ _____
_____ \$ _____	_____ \$ _____
Total receipts..... \$ _____	Total disbursements..... \$ _____
Subtract total disbursements..... \$ _____	
Balance of remaining assets* \$ _____	

ITEMIZED REMAINING ASSETS

Note: Do not provide financial account numbers on this form. If an account number is necessary to distinguish between accounts, put it on form MC 97.

_____	\$ _____
_____	\$ _____
_____	\$ _____
Balance of remaining assets (*same amount as above)	\$ _____

2. The protected individual is now 18 years of age.

Approved, SCAD
Form PC 648m, Rev. 1/21
MCL 700-5418, MCL 700-5431, MCR 5-409(C)
Page 1 of 2

Minor Conservatorship - Final Account, Waiver and Consent (1/21) Case No. _____
Page 2 of 2

3. I REQUEST that this final account (and all accounts previously filed by me but not yet allowed) be approved and allowed and that the remainder of the assets be ordered turned over to the protected individual and that the conservatorship be terminated.

I declare under the penalties of perjury that this account and petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Attorney signature _____	Date _____
Name (type or print) _____ Bar no. _____	Signature of conservator _____
Address _____	Address _____
City, state, zip _____ Telephone no. _____	City, state, zip _____ Telephone no. _____

NOTICE TO PROTECTED INDIVIDUAL

The above itemization is a final accounting of your property that was managed by the petitioner while you were a minor. It shows both income and disbursements made by the petitioner. There may have been previous accounts filed with the court that have not been allowed but you should have received a copy of each such account.

- You are entitled to have a copy of this final account and each prior account that has not been allowed.
- The court might not audit this account or any prior account.
- You have the right to review proofs of income and disbursements at a time reasonably convenient to the petitioner and you.
- You may object to all or part of this or any other account not yet allowed by filing an objection with the court. If you want to object, do not sign the waiver and consent below.
- If you file an objection and it cannot be resolved with the petitioner, the court will hold a hearing to determine the objection.

WAIVER AND CONSENT

I am interested in this estate as the protected individual. I have received a copy of the final account of the conservator and any previous accounts filed and not yet allowed. I waive notice of the hearing and consent to the allowance of the account(s).

Signature of protected individual _____	Address _____
Name (type or print) _____	City, state, zip _____

OPTIONS FOR FINDING FORMS

- You can Google “michigan scao pc[form number]”
- You can follow the link on the court’s website:
www.wcpc.us (click on Forms, then SCAO forms)
- You can go to courts.michigan.gov (SCAO website)

MISCELLANEOUS REQUIREMENTS

- Notify the court if you move or the protected person moves. Complete Change of Address form WCPC75 “Non-Attorney Change of Address” available on the Court’s website under Forms. Email the completed form to filedept@wcpc.us.
- Be sure to redact bank account numbers from any statements filed with the court.
- You must get approval from the court before selling real estate belonging to the protected person. File PC646 Petition Regarding Real Estate/Dwelling; a hearing will be set and a GAL may be appointed.

MISCELLANEOUS REMINDERS

- You may not mingle the protected person's assets with anyone else's.
- Expenses are reviewed in light of "reasonableness" given the protected person's income/assets.
- In your judgment, it is permissible to grant the protected person an "allowance" to spend as they wish.
- Keep accurate records!

EXPIRATION OF LETTERS

Your letters of authority will have an expiration date. The letters are proof of your authority.

To request updated letters of authority, complete form WCPC99, Petitioner Filing Coversheet, when filing your Annual Account. There is a \$12 fee for Letters.

Even if your letters are expired, your authority continues unless the Judge signs an order terminating your authority. You will likely not be able to perform many functions with an expired letter of authority.

See instructions on website www.wcpc.us (click on Filing, then Requesting Updated Letters) to request additional copies or updated Letters.

CONTACT INFO FOR HELP

- Email info@wcpc.us or visit our website www.wcpc.us
- [Michigan Legal Help website](http://www.michiganlegalhelp.org)
 - www.michiganlegalhelp.org