

MINOR GUARDIANSHIPS

The information and instructions in this packet are informational only providing a brief explanation of the basic procedures required to file a Petition with the Court. The information provided should not be construed as legal advice. If you are unable to complete the required forms you may wish to seek the advice of an attorney to assist you in filing your Petition. You are not required to have an attorney; however, the court cannot act as your attorney. If you do not understand these instructions or the process, you will need to obtain other assistance. Court staff cannot complete the forms for you.

TYPES OF GUARDIANSHIPS

There are two types of guardianships for minors, Full Guardianship (GM) and Limited Guardianship (LG). Only the parent can file a petition for limited guardianship. A petition for full guardianship can be filed by any interested person or by the minor if he/she is 14 years of age or older. **The instructions below refer to Full Minor Guardianships (GM)**

FULL GUARDIANSHIP

For this type of guardianship one of the following situations must have occurred:

- If parental rights of both parents or the surviving parent have been terminated or suspended by the parent's death, disappearance, or confinement in jail or other place of detention.
- If a court has suspended or terminated the parent's rights after finding the parent(s) to be mentally incompetent.
- If the parent(s) have permitted the minor to reside with another person and have not provided the other person with legal authority for the care and maintenance of the minor.

A full guardian has almost the same power and authority as a parent of the minor. A full guardian can make decisions about where the child will live and go to school and what medical procedures are in the child's best interest. The guardian can give consent to the marriage of the minor; and, with the permission of the court, the full guardian can consent to the adoption of the minor.

The court may at any time, for the welfare of the minor, order reasonable visitation and contact of the minor ward by his or her parents.

DOCUMENTS REQUIRED FOR FILING

- Petition for Appointment of Guardian of Minor ([PC 651](#)) child must be residing in Eaton County at the time the petition is filed.
- Minor Guardianship Social History ([PC 670](#)) must be completed by the proposed guardian
- Acceptance of Appointment ([PC571](#))pdf & ([MC97a](#))pdf
- Contact Information Form ([MC505](#))pdf
- \$175.00 filing fee
- A copy of the minor's birth certificate
- Death certificate of either parent (if applicable)
- Acknowledgment of paternity (if applicable)
- Child support/custody order (if applicable)

SITUATIONS THAT MAY IMPACT SOME MINOR GUARDIANSHIP FILINGS

INCARCERATED PARENT

Michigan Court Rule 2.004 imposes certain responsibilities on persons seeking an Order that impacts minor children when a parent is incarcerated with the Michigan Department of Corrections.

To meet your obligations under MCR 2.004, you must complete the following steps BEFORE filing your pleadings:

1. Contact the Michigan Department of Corrections (MDOC) either via web page at www.state.mi/mdoc/asp/aboutotis2/asp, or by calling them at 517-373-0284 to obtain the incarcerated party's inmate number and facility where located;
2. Complete the Petition for Order Allowing Participation of Incarcerated Party in Court Proceeding (attached) and file it with the court along with your Petition for Guardianship. There is no filing fee to file the Petition for Order Allowing Participation of Incarcerated Party in Court Proceeding as long as it is filed at the same time as the Petition for Guardianship; if it is filed separately there is a \$20.00 filing fee.

The petitioner will not be present at the telephonic proceeding that will take place prior to the hearing date on the Petition for Guardianship.

AMERICAN INDIAN CHILD

Michigan law requires that the Notice of Guardianship Proceedings Concerning an American Indian Child ([PC 678](#)) and a copy of the Petition for Guardianship be sent by registered mail, return receipt to the parents, tribal chairperson and/or the Bureau of Indian Affairs.

FILING THE PETITION

The completed Petition and all other required documents can be submitted to the Court in the following ways:

- By e-mail at: probateoffice@eatoncounty.org (documents must be in PDF format). Once accepted you will receive an electronic payment link to pay the filing fee online.
- Delivered to the on-site drop box located inside the main entrance of the Courthouse
- Mailed to the Probate Court via U. S. Postal Service to:
Eaton County Probate Court
1045 Independence Blvd
Charlotte, MI 48813
- In person Monday – Friday 8:00 am to 5:00 pm – The Court does not ensure same day filing if you file in person. After the petition has been filed and accepted by the Court, a hearing will be scheduled before the Judge. The hearing will take place approximately 3-6 weeks after the petition is filed. The person who signed the petition (Petitioner) and the proposed guardian (if not the Petitioner) must be present at the hearing to give testimony as to the necessity of the guardianship.

NOTICE

The following people must be served with a copy of the Petition and Notice of Hearing ([PC 562](#)). The notice of hearing informs interested persons of the date and time of the hearing. Attorneys, Public Guardians, and other Public Agencies are responsible for service of these documents. The Court will provide service of Petitions filed by individuals not represented by an attorney and Notice of Hearing.

The following individuals must receive notice:

- The minor, if he/she is 14 years of age or older, must be served personally at least 7 days before the hearing.
- Each person who had principal care and custody of the minor during the 63 days before the petition was filed.
- The parents of the minor.
 - If the parent(s) cannot be found you MUST publish notice of the hearing. (see instruction for publication)
 - The biological father of the minor child born out of wedlock. Notice must be given if paternity has been determined regardless of current parental involvement.
- If neither parent is living, notice must be given to the nearest relative of the minor.
- The nominated guardian, if someone other than the petitioner.
- Any attorney who has filed an appearance.
- A special fiduciary for the minor.

PROOF OF SERVICE

Prior to the hearing the Petitioner or their attorney, must provide the Court with Proof of Service ([PC564](#))pdf that the required documents have been served. Failure to provide Proof of Service may result in the hearing being cancelled. To avoid any issue, we suggest that you file your Proof of Service no later than 7 days prior to the hearing.

PUBLICATION

If the address of an interested party is unknown, the petitioner must file a Declaration of Intent to Give Notice by Publication ([PC 617](#)) and publish (at your expense) a Publication of Notice of Hearing ([PC 563](#)) in an Eaton County approved newspaper.

- The County Journal
- The Charlotte Shopping Guide
- The Delta Waverly Community News
- The Grand Ledge Independent
- The Eaton Rapids Community News
- The Flashes
- The Lansing State Journal

NOTICE MUST BE PUBLISHED AT LEAST 14 DAYS BEFORE THE HEARING. The Petitioner must pay the newspaper for this publication in order for the notice to be published in the paper. The newspaper should send us verification of publication; however, it is your responsibility to make sure we receive the verification of publication.

TEMPORARY (EMERGENCY) GUARDIANSHIP

If there is an emergency and the minor needs immediate medical care, an emergency hearing can be scheduled pending the hearing for the regular appointment.