

CONSERVATORSHIPS

There are two types of **conservatorships** granted and overseen by the Tuscola County Probate Court: conservatorships for minors and conservatorships for adults.

- Minor conservatorships are created so that someone, usually a parent, can preserve significant assets that belong to a minor ward and increase their value as much as possible before turning them over to the ward when they turn 18. The money that is the subject of a conservatorship belongs to the minor ward, not to the conservator, and generally may not be used to provide routine care and support for the minor. Select the link for more details regarding [minor conservatorships](#).
- The function and purpose of an adult conservatorship is different than that of a minor conservatorship in a couple of respects. First, adult conservatorships are not typically restricted: the funds of an adult ward are designed to be used for the ward's current needs and expenses (as opposed to being preserved to be turned over on some future date). Select the link for more details regarding [adult conservatorships](#).

MINOR

Minor conservatorships are created so that someone, usually a parent, can preserve significant assets that belong to a minor ward and increase their value as much as possible before turning them over to the ward when they turn 18 years of age. The money that is the subject of a conservatorship belongs to the minor ward, not to the conservator, and generally may not be used to provide routine care and support for the minor.

The proper venue (place) to file a petition for conservatorship is the county where the minor resides. If the minor lives out of state the proper venue is the place where property of the minor ward is located.

Any person interested in the estate of a minor, or the minor themselves if they are 14 years of age or older, may petition the court for the appointment of a conservator. File a case using the [Petition for Appointment of Conservator \(PC 639\)](#). There is a \$150 filing fee that must be paid when the petition is filed. The Probate Court accepts payment by cash, check or money order. The Probate Court does not accept credit or debit card payments.

The petitioner must give notice of the time and place of the conservatorship hearing to all interested parties: the individual to be protected if 14 years of age or older and the nominated conservator. MCR 5.125 (C) (24).

In special circumstances other people who must be notified are the Administrator of Veterans' Affairs if benefits are payable by the Veterans' Administration to the respondent, guardian, conservator, or guardian ad litem of a person who is an interested person, an attorney who has filed an appearance with the court, any special fiduciary and any person who has filed a request for notice with the court. MCR 5.125.

If the Court determines that the minor's interests are or may be inadequately represented the Court may appoint a lawyer guardian ad litem to represent the best interest of the minor.

Once the petition is filed with the Court, along with the filing fee, and the interested parties have been served with the petition the court holds a hearing. At the hearing the Court may deny the petition so that no conservator is appointed, or grant the petition and appoint a conservator.

An individual or a corporation authorized to act as a fiduciary may be appointed to act as conservator in the following order of priority: a conservator or similar fiduciary for the minor who has been appointed or recognized by another court, the individual or corporation who has been nominated by the protected person if they are 14 years of age or older and of sufficient mental capacity to make an intelligent choice including a nomination made in a Durable Power of Attorney, a parent of the protected individual or a person nominated by the Will of a deceased person, a relative of the protected person with whom he or she resided for more than 6 months before the petition is filed, a person

nominated by the person who is caring for or paying benefits to the protected individual, or, if none of the aforementioned persons or corporations are suitable and willing to serve then the court may appoint any person willing to serve who the court determines is suitable. MCL 700.5409.

The Court may appoint a conservator if it finds that the minor owns money or property requiring management or protection that cannot otherwise be provided, has or may have business affairs that may be jeopardized or prevented by minority, or needs money for support and education and that protection is necessary or desirable to obtain or provide money. MCL 700.5401(2). The Court may appoint a conservator if a basis for the appointment is proven by clear and convincing evidence. MCL 700.5406.

If the Court appoints a person or persons to be the conservators of a minor the judge will sign [Letters of Conservatorship \(PC 645\)](#) and [Order Regarding Appointment of Conservator \(PC 640\)](#). In Tuscola County the Letters and the Order are signed at the conclusion of the hearing, the file is brought by court staff from the courtroom to the probate court office where a certified copy of the Letters is made and given to the conservator. The conservator signs the [Acceptance of Appointment \(PC 571\)](#) and the Confidential Information Sheet. The conservator also signs up to attend a mandatory training session regarding the responsibilities that the guardian has to the Court and to the minor ward.

It is the policy of the Tuscola County Probate Court and a “Best Practice” according to the [Michigan Supreme Court Administrator’s Office \(SCAO\)](#) to require that all of the minor’s assets be deposited into restricted accounts, to prevent withdrawal of the minor’s funds without a prior court order. Investments other than savings account or certificates of deposit need prior court approval.

The Conservator must gather, secure and list all of the ward’s assets within 56 days of being appointed by the Court and file an [Inventory form \(PC 577\)](#) with the Court. Along with the Inventory, the Conservator should file a tax assessor record showing the current State Equalized Value for any real estate owned by the ward and copies of bank statements from an approved banks confirming the value of the assets shown on the Inventory form. In addition to filing the Inventory with the Court the Conservator must serve a copy of the Inventory on all interested persons and file a [Proof of Service form \(PC 564\)](#) showing that it was served.

Every year that the conservatorship continues, the Conservator must file with the Court the [Annual Account \(PC 583\)](#) which updates the Court on any changes to the amount of money in the minor ward’s estate over the preceding year. This form must be filed each year on the anniversary date of the filing of the Inventory. This form must be served on a ward 14 years of age or older and all “interested persons”. The Annual Account form has a space to show all income and all disbursements made over the past year, however, for the estate of minor wards there should not be any disbursements or withdrawals unless specially ordered by the Court. The accounts are designed to be read in the context of the Inventory or the prior account. The balance of funds reflected on the Inventory should be

shown as the 'beginning balance' on the second page of the Annual Account. For all Annual Accounts filed after the first account the ending balance from the prior year's Annual Account should match the beginning balance on the current year's Annual Account. When filing the Annual Account the conservator must attach a bank statement confirming the account balance as listed on the Annual Account.

As a service, the Tuscola County Probate Court may send reminder letters to the Conservator 28 days prior to the due date of the Inventory or Annual Account. The postcard states which document is due ([Inventory PC 577](#) or [Annual Account PC 583](#)), the due date and the court address. The Conservator must complete, date and sign the proper form, and file it with the probate court with a \$20 filing fee. The form, accompanying bank statement and \$20 fee may be filed in person or mailed to the Tuscola County Probate Court office.

If the Tuscola County Probate Court does not receive the Inventory or Annual Account when it is due the Court will schedule a hearing for the Conservator to come to court and explain why the form was not timely filed.

A minor conservatorship typically terminates on the minor's 18th birthday. When the minor turns 18 the Conservator must file a [Final Account \(PC 648\)](#) along with a bank statement verifying the amount in the account, and a [Receipt of Ward and Discharge \(PC 649\)](#) signed by the minor showing that they received their assets in full.

FILING PROCEDURES - MINOR CONSERVATORSHIPS

Note: The Court is prohibited by law (Sec. 1211 of the Estates and Protected Individuals Code [EPIC]) from providing legal advice and completing forms. This item provides general information concerning the filing procedures for minor conservatorships and may be useful as a guide. If you have any questions, consider contacting an attorney for assistance.

Filing Fee \$150.00

Forms Used [PC 639](#), Petition for Appointment of Conservator and/or Protective Order
[PC 571](#), Acceptance of Appointment
[PC 583](#) or [PC 584](#), Account of Fiduciary (Note: An account form is used after a conservator is appointed and must be filed each year. For information on accountings, see [Account of Fiduciary](#).)

Service Publication is required for persons whose address or whereabouts are unknown. The newspaper fee (currently \$45.00) is paid to the Tuscola County Advertiser when the petition is filed. For more information on publication, you may wish to contact them:

Tuscola County Advertiser
344 N State St.
Caro, Mich. 48723
(989) 673-3181

Interested Persons The interested persons need to be listed on the petition, along with their proper address. If an interested person is not included or is not properly served, the hearing cannot be held. The interested persons in a petition for appointment of a conservator of an adult are:

1. The individual to be protected if 14 years of age or older,
2. The presumptive heirs of the individual to be protected,
3. If known, a person named as attorney in fact under a durable power of attorney,
4. The nominated conservator, and
5. A governmental agency paying benefits to the individual to be protected or before which an application for benefits is pending.

Hearing Date Your Petition will be set for hearing by the Court. Typically, the hearing date is 4-6 weeks after the petition is filed. Your Notice of Hearing displays the correct date, time, place, and assigned Judge. You, the Petitioner, must attend the hearing or your Petition will be dismissed.

Guardian ad Litem The court may appoint a Guardian ad Litem (GAL) to represent the interests of the minor for whom a conservator is sought. The GAL is not an employee of the court but a licensed practicing attorney appointed by the court.

ADULT

Adult Conservatorships cases established by filing a petition for conservatorship in the Probate Court in the county where the adult resides.

Any person interested in the estate of the adult, including the adult individual themselves, a person who would be adversely affected by the lack of effective management of the individual's property and business affairs may petition the court for the appointment of a conservator. Also, a representative of the local Department of Human Services may petition for appointment of a conservator for a vulnerable adult, unable to protect him/herself from abuse, neglect or exploitation because of a mental or physical impairment, or because of advanced age. MCL 400.11. File a case using [Petition for Appointment of Conservator \(PC 639\)](#). There is a \$150 filing fee that must be paid when the petition is filed. The Probate Court accepts payment by cash, check or money order. The Probate Court does not accept credit or debit card payments.

The petitioner must give notice of the time and place of the conservatorship hearing to all interested parties: the individual to be protected, the presumptive heirs of the adult, a person named as attorney in fact for the adult pursuant to a Durable Power of Attorney, the nominated conservator, and a governmental agency paying benefits to the adult to be protected. MCR 5.125.

In special circumstances other people who must be notified are the Administrator of Veterans' Affairs if benefits are payable by the Veterans' Administration on account of the respondent, a guardian, conservator, or guardian ad litem of a person who is an interested person, an attorney who has filed an appearance with the court, any special fiduciary and any person who has filed a request for notice with the court. MCR 5.125.

Unless the adult already has an attorney representing him/her, or if the adult themselves is petitioning for the appointment of a conservator because they are mentally competent but aged or infirm, the probate court will appoint a Lawyer guardian ad litem. The lawyer guardian ad litem will meet with the adult and the petitioner and write a report for the court with recommendations about whether a conservatorship should be granted, and, if so, who the conservator should be.

Once the petition is filed with the court, along with the filing fee and proof that the interested parties have been served with the petition, the court holds a hearing. At the hearing the court may deny the petition so that no conservator is appointed, or grant the petition and appoint a conservator.

An individual or a corporation authorized to act as a fiduciary may be appointed to act as conservator pursuant to the following order of priority: a conservator or similar fiduciary for the adult who has been appointed or recognized by another court, the individual or corporation who has been nominated by the protected person and is of sufficient mental capacity to make an intelligent choice including a nomination made in a Durable Power of Attorney, the protected individual's spouse, an adult child of the protected individual, a parent of the protected individual or a person nominated by the will of a deceased

person, a relative of the protected person with whom he or she resided for more than 6 months before the petition is filed, a person nominated by the person who is caring for or paying benefits to the protected individual, or, if none of these persons or corporations are suitable and willing to serve then the court may appoint any willing person that the court determines is suitable. MCL 700.5409.

The court may appoint a conservator if it finds that the adult owns money or property requiring management or protection that cannot otherwise be provided, or needs money for support and education and that protection is necessary or desirable to obtain or provide money. MCL 700.5401. The court may appoint a conservator if a basis for the appointment is proven by clear and convincing evidence. MCL 700.5406.

The conservator must gather, secure and list all of the ward's assets within 56 days of being appointed by the court. The conservator does this by filing an [Inventory form \(PC 577\)](#) with the court. Along with the Inventory the conservator should file a tax assessor record showing the current State Equalized Value for any real estate owned by the ward and copies of any bank statements. In addition to filing the Inventory with the court the conservator must serve a copy of the Inventory on all interested persons and file a [Proof of Service form \(PC 564\)](#) showing that it was served.

Every year that the conservatorship continues, the conservator must file with the court the [Annual Account \(PC 583\)](#) which updates the court on any changes to the amount of money in the minor ward's estate over the preceding year. This form must be filed each year on the anniversary date of the filing of the Inventory. This form must be served on the ward and all interested persons. The Annual Account form has spaces to show all income and all disbursements made over the past year. The accounts are designed to be read in the context of the Inventory or the prior account. The balance of funds reflected on the Inventory should be shown as the 'beginning balance' on the second page of the Annual Account. For all Annual Accounts filed after the first account, the ending balance from the prior year's Annual Account should match the beginning balance on the current year's Annual Account. When filing the Annual Account the conservator must attach a bank statement confirming the account balance as listed on the Annual Account.

As a service, the Tuscola County Probate Court may send reminder letters to the conservator 28 days prior to the due date of the Inventory or Annual Account. The postcard states which document is due ([Inventory PC 577](#) or [Annual Account PC 583](#)), the due date and the court address. The conservator should locate the form that is due (available on the forms page of this website) must complete, date and sign the proper form, and file it with the probate court with a \$20 filing fee. The form, accompanying bank statement and \$20 fee may be filed in person or mailed to the Probate Court office.

If the Tuscola County Probate Court does not receive the Inventory or Annual Account when it is due the court will schedule a hearing for the conservator to come to court and explain why the form was not timely filed.

A conservatorship terminates when there is no longer a need for it because the ward has regained their ability to manager their assets, the ward no longer resides in the county where the conservatorship was opened, or the ward dies. Any person interested in the adult ward, including the ward themselves, may petition the court to terminate the conservatorship by filing a Petition to Terminate or Modify Guardianship/Conservatorship (PC 638). A final account must be filed with the court showing the final balance of the ward's assets

FILING PROCEDURES - ADULT CONSERVATORSHIPS

Note: The Court is prohibited by law (Sec. 1211 of the Estates and Protected Individuals Code [EPIC]) from providing legal advice and completing forms. This item provides general information concerning the filing procedures for adult conservatorships and may be useful as a guide. If you have any questions, consider contacting an attorney for assistance.

Filing Fee \$150.00

Forms Used [PC 639](#), Petition for Appointment of Conservator and/or Protective Order
[PC 571](#), Acceptance of Appointment
[PC 583](#) or [PC 584](#), Account of Fiduciary (Note: An account form is used after a conservator is appointed and must be filed each year. For information on accountings, see [Account of Fiduciary](#).)

Service Publication is required for persons whose address or whereabouts are unknown. The newspaper fee (currently \$45.00) is paid to the Tuscola County Advertiser when the petition is filed. For more information on publication, you may wish to contact them:

Tuscola County Advertiser
344 N State St.
Caro, Mich. 48723
(989) 673-3181

Interested Persons The interested persons need to be listed on the petition, along with their proper address. If an interested person is not included or is not properly served, the hearing cannot be held. The interested persons in a petition for appointment of a conservator of an adult are:

1. The individual to be protected if 14 years of age or older,
2. The presumptive heirs of the individual to be protected,
3. If known, a person named as attorney in fact under a durable power of attorney,
4. The nominated conservator, and
5. A governmental agency paying benefits to the individual to be protected or before which an application for benefits is pending.

Note: The petition must include specific facts about the person's condition and examples of recent conduct that demonstrate the need for a conservator.

Hearing Date Your Petition will be set for hearing by the Court. Typically, the hearing date is 4-6 weeks after the petition is filed. Your Notice of Hearing displays the correct date, time, place, and assigned Judge.

You, the Petitioner, must attend the hearing or your Petition will be dismissed.

Guardian ad Litem The court must, by law, appoint a Guardian ad Litem (GAL) to represent the interests of the alleged protected individual unless the person has their own attorney. It will be the GAL's responsibility to visit the person and make a recommendation as to whether or not a conservator is needed.

The GAL is not an employee of the court but a licensed practicing attorney appointed by the court.

**DIRECTIONS FOR COMPLETING ACCOUNT FORM IN A
CONSERVATORSHIP ESTATE
PC 584 – LONG FORM**

**(Minors, Legally Incapacitated Individuals, Individuals with a Developmental
Disability)**

Follow these directions to save yourself time in having your Account approved by the Court.

Note: Please type or print neatly in black or blue ink.

Important Note: Along with the Account, 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 (i.e., checking/savings account, certificate of deposit, money market fund, etc.) held by a financial institution dated within 30 days after the end of the accounting period, unless waived by the court for good cause.

“Estate of”: Unless it already appears on the form, put the name of the person the conservatorship is for here.

Item 1 - Account Period: The Account period must be for 1 year (unless the account is the final accounting, in which case the period may be less than 1 year and ends upon the end of your authority over the estate). If you are filing your 1st Annual account, the beginning date is when Letters of Authority as conservator were issued by the Court. If you are filing a 2nd or later Annual account, the beginning date is the end date of the last Account. Also, indicate what kind of account it is in the top box (i.e., Annual, Final, or Interim).

Item 2 - Summary: This item asks you to tell the Court how the balance in the conservatorship has changed from the last Account (or the Inventory) to this Account. This item begins with the *balance on hand from last Account* and ends with *total balance of assets remaining*.

Balance on hand from last account: Go to your copy of the last Account (if this is the first Account, then go to your copy of the Inventory). Find what was recorded for *balance of assets remaining* in that Account (if you go to the Inventory, find the total on the Inventory). Write this number down for *balance on hand from last Account*. This represents what was in the conservatorship at the beginning of this accounting period.

Add income in accounting period: Write down the total you put down for Schedule A. This represents the amount of money or other assets that came in to the conservatorship during the accounting period.

Total assets accounted for: Add these top two numbers together and write the sum here. Subtract disbursements in this accounting period: Write down the total you put down for Schedule B. This represents the amount of money that went out of the conservatorship during the accounting period.

Total balance of assets remaining: Now subtract the *disbursements* from the *total assets accounted for*. This represents the amount of money and/or other assets in the conservatorship at the end of the accounting period.

SCHEDULE A: INCOME

Income: List here all money or other assets by category that came into the conservatorship during the Account period. Have only one entry per category, with the year total for that category listed in the dollars column to the right of the Schedule A section.

Typical income sources may include some or all of the following: Social Security, Interest on bank account, Pension, Dividends from stocks, Capital gains, VA benefits, Rental income, Inheritance, Tax refunds, SSI (Disability), Capital gains, and Life insurance benefits.

Total Income: Make sure to record the total of all income and other receipts at the bottom of Schedule A.

SCHEDULE B: EXPENSES AND OTHER DISBURSEMENTS

Expenses: List here all money that was paid out of the conservatorship during the Account period.

Typical kinds of expenses: These could include personal items (clothing), room & board in a facility, medical care, and insurance payments. These can be listed by category. Example: Utilities, rent, food, clothing, etc. Have only one entry per category, with the year total for that category listed in the dollars column to the right of the Schedule B section. For conservatorship accountings, you must have receipts organized by category for each disbursement.

Total Expenses and Disbursements: Make sure to record the total of all expenses and other disbursements at the bottom of Schedule B.

SCHEDULE C: GAINS AND LOSSES

This is used if you sold an asset, such as a house, car, bonds, or mutual funds during the Account period. See Schedule C on the form for more information. Also, any gains or losses should be included in the appropriate place in Schedule A or B on the first page.

SCHEDULE D: ITEMIZED ASSETS

Itemized assets remaining: List what assets are in the conservatorship at the end of the accounting period.

Typical assets: The usual types of assets in a conservatorship include a checking account or some other bank account, a home, and personal and household property. These assets and their value may be listed by category. Here's an example:

Home at 123 Main Street	\$50,000
Checking account, account #123456, Gigantic National Bank	\$1,000
Personal and household property	\$1,000
Total balance on hand	\$52,000

Balance of Assets Remaining: You must total the value of the assets in the conservatorship. Since this is a total of the assets remaining at the end of the accounting period, this total must equal the *total balance of assets remaining* you recorded on the last line of item 2 above.

ITEMS 3 THROUGH 8

Item 3 - Interested persons: If any interested persons have moved or died since their addresses were given to the court, you must list their new addresses (or state that they died).

Items 5 & 6: Don't fill these out – they are only used in deceased estates, not conservatorships.

Items 7 & 8 - Fiduciary/attorney fees: The law allows a conservator to obtain only "reasonable compensation" for services rendered. If you charge the estate a fee for serving as conservator, you must attach a written summary of services performed.

SIGNATURES

Fiduciary signature: You, as conservator or guardian of an estate for an individual with a developmental disability, must date and sign the Account. If there are co-conservators or co-estate guardians for an individual with a developmental disability, all must sign.

Attorney signature: If you have an attorney representing you in the conservatorship or guardianship for an individual with a developmental disability, they must also sign.

SALE OF REAL ESTATE IN CONSERVATORSHIPS

Note: The Court is prohibited by law (Sec. 1211 of the Estates and Protected Individuals Code [EPIC]) from providing legal advice and completing forms. This item provides general information concerning the sale of real estate in decedent's estates and conservatorships and may be useful as a guide. If you have any questions, consider contacting an attorney for assistance.

Forms Needed:

[\(PC 646\)](#), Petition for Approval of Sale of Real Estate

[\(PC 647\)](#), Order Approving Sale of Real Estate

Filing Fee - \$20.00

Sale of Real Estate in Decedent Estate

Prior court approval of sale of real estate is not required in decedent estates unless the letters of authority are restricted.

The Tuscola County Probate Court typically restricts the letters of authority on estates that were opened using a formal petition (as opposed to an informal application) to prevent the personal representative from selling real estate until court approval is obtained. MCR 5.202.

Sale of Real Estate in Conservatorship

A conservator is restricted from selling or otherwise disposing of real property without court approval, pursuant to a hearing, at which the court considers evidence of the property's value and otherwise determines whether the sale is in the best interest of the protected individual. MCL 700.5423(3).

The Tuscola County Probate Court, as additional insurance, also restricts the letters of authority for conservatorships to prevent conservators from selling real estate until court approval is obtained. MCR 5.202.

Procedures – Sale of Real Estate

Forms Used – Petition for Approval of Sale of Real Estate [\(PC 646\)](#); Order Approving Sale of Real Estate [\(PC 647\)](#).

The petition to approve the sale of real estate must contain the terms\purpose of sale, legal description, and estate's financial condition prior to sale. MCR 5.207(A)(1)-(3). Instead of a written description of the terms, a copy of the purchase agreement or deed that details the terms may be attached.

The petition must also contain the most recent statement with the state equalized value (SEV) listed. A petitioner may submit and/or the Court can order a written appraisal, if it is not satisfied that the evidence demonstrates the fair market value. MCR 5.207(A)(4).

Bonds

The court can require the filing of a surety bond for the sale of real estate in decedent estates or conservatorships. A bond is an insurance policy which is purchased (the cost is payable from the estate or conservatorship) from a company. It is not a bail bond – i.e., money is not deposited with the court.

If a bond is set, it must be filed prior to approval of the sale.

FILING PROCEDURES – ACCOUNT OF FIDUCIARY

Note: The Court is prohibited by law (Sec. 1211 of the Estates and Protected Individuals Code [EPIC]) from providing legal advice and completing forms. This item provides general information concerning the preparation of an account form and may be useful as a guide. If you have any questions, consider contacting an attorney for assistance.

Form Used: PC 583 or PC 584, Account of Fiduciary

Applicable To: Adult Conservatorships, and Minor Conservatorships

Filing Fee: \$20.00

1. The completed form has to include the beginning and ending dates of your accounting period. The accounting begins on the date you became a fiduciary, and ends a year later.

Example: You become a fiduciary by filing the necessary paperwork on July 1. Your accounting period would be from July 1 through June 30th.

2. Things to keep in mind when filling out your accounting:
- When completing the income and expenses columns, make sure you indicate where the money comes from (i.e. Interest from Credit Union Account #00000).
 - List all disbursements – i.e., any money or property used or paid out from the estate during the accounting period, including distributions to heirs, devisees and beneficiaries. Include specific disbursements (i.e. medical, utilities, fees, etc.). If there are attorney fees and/or fiduciary fees, attach a Statement of Services from the attorney and/or fiduciary.
 - List and describe the current assets and their values.
 - Include any changes in the interested persons, their addresses, or their representatives that have occurred since the filing of the original petition.
3. If there is an attorney of record in your file, the attorney must also sign the account.

CLOSING PROCEDURES – MINOR CONSERVATORSHIPS

Note: The Court is prohibited by law (Sec. 1211 of the Estates and Protected Individuals Code [EPIC]) from providing legal advice and completing forms. This item provides general information concerning the filing procedures for closing minor conservatorships and may be useful as a guide. If you have any questions, consider contacting an attorney for assistance.

Filing Fee \$20.00

Forms Used [PC 583](#) or [PC 584](#), Account of Fiduciary (**Note:** An account form is used after a conservator is appointed and must be filed each year.

[PC 585a](#), Petition to Allow Account(s)

[PC 585b](#), Order Allowing Account(s)

See [Account Instructions](#) for more information.

Note: In some cases, if the former minor (who is now at least 18 years old) signs a consent and receipt, the conservatorship can usually be closed immediately. If this option is used, [PC 649](#), Receipt of Ward and Discharge and [PC 648](#), Minor Conservatorship – Final Account, Waiver and Consent, and Order are required.

Interested Persons Only list new interested persons and/or change of address for any interested persons since the conservatorship was opened. If an interested person is not included or is not properly served, the hearing cannot be held. The interested persons in a petition for the review of a minor conservatorship accounting are:

1. The child, if 14 years of age or older.
2. The presumptive heirs of the child.
3. Surety on any bond.

Hearing Date If you submit [PC 561](#), Waiver\Consent for every interested person, the account may be granted without a hearing. If you do not have all the waivers and consents and/or at the discretion of the Court, the account will be set for hearing. Your Petition will be set for hearing by the Court. Typically, the hearing date is 4-6 weeks after the petition is filed. Your Notice of Hearing displays the correct date, time, place, and assigned Judge. You, the Petitioner, must attend the hearing or your Petition will be dismissed.

Guardian ad Litem The court may appoint a Guardian ad Litem (GAL) to represent the interests of the minor for whom the conservatorship is created, but this is typically not done when a minor conservatorship is closed.

The GAL is not an employee of the court but a licensed practicing attorney appointed by the court.

CLOSING PROCEDURES - ADULT CONSERVATORSHIPS

Note: The Court is prohibited by law (Sec. 1211 of the Estates and Protected Individuals Code [EPIC]) from providing legal advice and completing forms. This item provides general information concerning the filing procedures for closing adult conservatorships and may be useful as a guide. If you have any questions, consider contacting an attorney for assistance.

Filing Fee \$20.00

Forms Used [PC 583](#) or [PC 584](#), Account of Fiduciary (Note: An account form is used after a conservator is appointed and must be filed each year).
[PC 585a](#), Petition to Allow Account(s)
[PC 585b](#), Order Allowing Account(s)

See [Account Instructions](#) for more information.

Note: If the conservatorship is terminated while the ward is still alive, use [PC 638](#), Petition to Terminate or Modify Guardianship/Conservatorship.

In some cases, where the ward's funds are less than \$5,000, the Judge may order the funds turned over to the guardian and terminate the conservatorship via a final account and not conduct a hearing.

Interested Persons Only list new interested persons and/or change of address for any interested persons since the conservatorship was opened. If an interested person is not included or is not properly served, the hearing cannot be held. The interested persons in a petition for review of an adult conservatorship accounting are:

1. The protected individual.
2. The presumptive heirs of the protected individual.
3. Surety on any bond.

Hearing Date All petitions to terminate a conservatorship are set for hearing. If you submit [PC 561](#), Waiver\Consent for every interested person, the final account would likely be granted without a hearing. If you do not have all the waivers and consents and/or at the discretion of the Court, the account and/or petition will be set for hearing. Typically, the hearing date is 4-6 weeks after the petition is filed. Your Notice of Hearing displays the correct date, time, place, and assigned Judge. You, the Petitioner, must attend the hearing or your Petition will be dismissed.

Guardian ad Litem The court may appoint a Guardian ad Litem (GAL) to represent the interests of the protected individual unless the person has their own attorney.

The GAL is not an employee of the court but a licensed practicing attorney appointed by the court.

ADMINISTRATIVE CLOSING OF CONSERVATORSHIP CASES

In accordance with MCL 700.3951 and MCR 5.144, the Tuscola County Probate Court may administratively close a probate file. The Tuscola County Probate Court has implemented the following procedures to reopen an administratively closed file:

- To reopen an administratively closed guardianship or conservatorship case, the fiduciary or any interested person must file a new Petition to Appoint Guardian or Petition to Appoint Conservator, and pay the filing fee of \$150.00. If the former Guardian or Conservator is reappointed, they may be ordered to file any missing documents (e.g. Annual Report on Condition of Ward, Account).

To obtain probate forms, click on the Forms tab.