

Removing the Mysteries of Probate Court

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We've all seen the ads designed to cause fear. They don't necessarily warn people that they may want stay away from probate. Rather, they start with the premise that having any interaction with the probate court is unsavory and then lay the groundwork for cure-all tools to keep an estate out of court. Of course, in general people frequently like to try and do things themselves and avoid involving an attorney, but probate court involvement seems to take on a particularly evil cast in people's eyes.

Out of curiosity, I typed the words "how to avoid probate" into a popular search engine. It came back with 2.48 million hits. While I'm sure some of those hits are repeats, the figure still reveals the pervasiveness of the idea that probate=bad. One of the sites touted that it doesn't have to be difficult to avoid probate. Another provided information on the most popular ways to stay out of probate.

Starting in the early 1990s, the Oakland County Probate Court began working with the Oakland County Citizens Alliance to make accurate information about probate available to residents. The result was the development of a seminar entitled "Removing the Mysteries of Probate Court." The seminar's main purpose is to educate our citizens on probate practices, laws, and the Oakland County Probate Court system in particular. The court works with local senior groups to arrange presentations around the county. A particular requirement of the court is that the seminars must be free to all who wish to attend.

Since the program's inception, Oakland County Probate Register Jill Koney Daly has led the seminars and presented information about the court and its processes. In addition, informational presentations are provided by expert volunteer attorneys and trust officers who also answer questions on the many types of services available in the community. The program is designed to be unbiased and informational, with basics about wills, trusts, powers of attorney, healthcare proxies, probating estates, guardianships and conservatorships.

The central focus of the program is to provide information. There are no sales pitches, no form sales, and no specific financial planning advice given to attendees.

Instead, participants are given basic information they can utilize when determining what is right for them. Examples of topics include:

- How "avoiding probate" could cause you problems during your lifetime
- When you need a will, trust and/or Power of Attorney (POA)
- What a personal representative needs to know about estate administration
- What happens if you don't have a will
- What guardianships and conservatorships are and how they are handled at court
- Included in the seminar are tips that can help individuals in seeking professional assistance to create an appropriate plan for their situation. For example:
- If an attorney does not suggest a POA along with a will, seek alternate advice. "Living probate" issues need to be addressed to help individuals plan for their lives, not just their deaths.
- If an attorney advises that a trust is necessary before even knowing the particulars of your situation, seek alternate advice. A trust is not always necessary and can sometimes cost more than probate itself.
- Look at your situation. Do you need to be suspicious when your child takes you to their own special lawyer to do your will?
- If an attorney suggests avoiding probate by adding owners to your deeds, think twice and ask questions. Losing control of your assets can often create huge hassles during your lifetime.

The seminars are scheduled each fall and spring. Currently, three seminars are scheduled from 1:00 – 3:30 p.m., as listed below:

- Tuesday, September 22, 2009, Royal Oak Senior Center
- Thursday, October 8, 2009, Birmingham Area Senior Citizen Center
- Thursday, November 12, 2009, Dublin Community Senior Center

If you know of an organization that would like to sponsor this seminar, please contact Marcia Travis at 248-858-0296.