

# Reminders for Appointed Attorneys

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## ***Mental Health Attorneys***

The Oakland County Probate Court is always looking for dedicated attorneys to assist in representing respondents in mental health commitment proceedings. To be placed on the appointment rotation list, the attorney must complete the appropriate application and indicate an interest in mental health cases. The application is available online under the "Hints for Attorneys" link at [www.oakgov.com/probate](http://www.oakgov.com/probate).

As part of our efforts to continually enhance the services provided to county residents, the court has instituted a new training requirement for attorneys who wish to be placed on the rotation list to receive mental health assignments. At this time, once the application is approved, the attorney will be asked to complete two requirements before being placed into the rotation. (This applies only to attorneys who are being added to the rotation, not to attorneys currently taking appointments.)

The first of the requirements is that the attorney must observe a mental health call. Mental health cases are generally heard each Monday and Thursday morning and the attorney can choose a call that fits in their schedule.

The second requirement is that the attorney must attend a brief training session at the court. This training will provide general information regarding mental health law, as well as practical information such as the appointment process, copies of forms, court requirements and payment procedures.

We appreciate all the attorneys who work to provide excellent representation to the respondents in our mental health cases. These individuals are some of the most vulnerable whom we serve in the probate court. We look forward to welcoming new attorneys interested in this area of practice.

For those of you already handling mental health cases, please remember:

1. There can be no substitutions of counsel without the prior approval of the judge.
2. Be sure to take any forms you may need with you to the deferral meeting. The facilities are not responsible for keeping current copies of these forms on hand.

Please check the Web site at [www.oakgov.com/probate](http://www.oakgov.com/probate) for the current version.

## ***Individuals with Developmental Disabilities***

Another area in which the court utilizes appointed attorneys for indigent respondents is guardianships for individuals with developmental disabilities. It is anticipated that a training component will be introduced for this area as well in the near future. For those of you already handling DDI appointments, here are a few quick reminders:

1. It is the responsibility of the attorney to make sure that the person who prepared the report, or at least one of the persons who performed an evaluation, is present and gives testimony at the hearing pursuant to MCL 330.1617(5).
2. As of October 2010, the attorney will no longer have to serve all interested parties with the initiating documents. (Service will be the responsibility of the petitioner.) The exception to this is that the attorney will still be required to serve the alleged developmentally disabled person and the facility, if there is one.
3. Substitution of counsel is not allowed without prior court approval.
4. It is the attorney's responsibility to serve any orders that result from the hearing on the interested parties. If the attorney assists an appointed guardian in filing the *Acceptance of Appointment* and/or *Bond of Fiduciary* immediately after the hearing, the order may be served at that time. The attorney will be released once the *Proof of Service* regarding the order is filed.

## ***General Information***

For all attorneys handling appointments, including as guardian ad litem, please be sure to check the court's Web site to obtain the most current payment forms. For example, the mental health *Statement of Services* form was recently updated to include the Forensic Center video hearings. Please remember that use of the incorrect *Statement of Services* form could delay payment.