

Congratulations Chief Judge Elizabeth Pezzetti!

by Rebecca A. Schnelz
Probate Court Administrator



I'd like to take an opportunity to congratulate Judge Elizabeth Pezzetti on her appointment as Chief Judge of the Oakland County Probate Court. Judge Pezzetti was appointed by the Michigan Supreme Court to serve a two-year term that began on January 1, 2008.

Judge Pezzetti was originally appointed to the Oakland County probate bench in 2001. She has served continuously in the Family Division since her appointment, as well as handling probate matters. Prior to her appointment to the bench, Judge Pezzetti was in private practice specializing in employment law, media law, school law and commercial litigation.

I am looking forward to working closely with Judge Pezzetti on the wide variety of issues that the Probate Court will be facing in the coming years. One area that we will be looking at, and which is receiving a great deal of attention statewide, is the area of mental health law. While much of the focus has been on the issue of jail diversion and appropriate mental health treatment for inmates, there is also concern regarding the general effectiveness of the current Mental Health Code in relation to involuntary commitments. The issues which must be resolved are complex and vitally important to our residents and our justice system.

We will also be focusing on ways that the Probate Court can enhance services to the parties that must access the court. We will continue to support the "Basic Training" classes for conservators and guardians that were established through the support of the Citizens Alliance for the Oakland County Probate and Circuit Courts. We will also be looking into the possibility of establishing a training class for attorneys who wish to begin seeking appointments to represent individuals in mental health commitment hearings.

Overall, it's shaping up to be a very busy year in the Probate Court.

Court Rule Change

On January 8, 2008, the Michigan Supreme Court issued Administrative Order 2007-07, immediately changing MCR 5.125, which defines "interested persons" in probate

matters. The specific language modified is found in MCR 5.125(C)(22)(d), which delineates the interested persons in a petition for appointment of a guardian of an alleged incapacitated individual. The rule now makes clear that the parents of the alleged incapacitated individual are always interested parties in the petition for appointment of a guardian, regardless of whether the individual has adult children. It should also be noted that MCR 5.125(C)(25), which delineates the interested persons in a petition for a modification or termination of a guardianship, refers back to (C)(22). Accordingly, an incapacitated individual's parents are also interested persons in petitions to modify or terminate a guardianship.

MCR 5.125 was modified to conform with MCL 700.5311. SCAO has revised form PC625, *Petition for Appointment of Guardian of Incapacitated Individual*, to follow the court rule requirements.

Practice Note

A recent change to MCR 5.409 has caused some confusion regarding its practical application. MCR 5.409(C)(5) was modified to provide that a financial institution statement may be presented or a verification of funds on deposit may be filed with an annual account. (Previously, only a financial institution statement was acceptable.) However MCR 5.409(C)(4) requires that in the conservatorship of a minor, an annual verification of funds on deposit and a copy of the corresponding financial institution statement must be filed.

Therefore, as a practical matter, minor conservatorship accounts always require two things: 1) a verification of funds on deposit form, and 2) a copy of the financial institution statement. For an adult conservatorship, a financial institution statement must be presented, or a verification of funds must be filed. As of the date of this writing, there has been no specific verification of funds form applicable to adults released by SCAO.

More updates next month...