

This and That

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For the past several years, Mike McClory, Chief Deputy Probate Register of Wayne County Probate Court, has made a presentation to ICLE's annual Probate & Estate Planning Series. For me, it provides an opportunity to review court policies and procedures that we have developed or modified during the previous years. Below, please find some highlights from this presentation.

Emergency Guardianships

Probate courts accept petitions for filing that request the appointment of a temporary guardian for a verifiable medical emergency. These hearings may be held the same day for true medical emergencies. The petitions must be accompanied by a doctor's letter indicating the life-and-death nature of the medical emergency. A letter indicating an ongoing or progressing medical condition may not be sufficient to secure an immediate hearing. Courts also require that the name of a proposed temporary guardian be listed and be available at the time of the hearing. If a Public Administrator or corporate guardian is requested, it is good practice to have contacted that person prior to the hearing to establish their availability to immediately act.

A guardian ad litem will be appointed and may be permitted to testify via telephone, depending upon the circumstances.

Finally, medical personnel may be asked to testify at the hearing to establish a legal basis for the appointment of a temporary guardian.

Petitions that request the appointment of a temporary guardian for non-medical emergencies are usually not set for a hearing within a day or two.

Petition to Terminate Supervision

Note you cannot "switch" from formal proceedings to

informal proceedings. These are methods used to open and close estates. You do have the ability, however, to file a petition to request the termination of supervision. If you have an existing unsupervised estate, you can simply file a petition on a particular matter, which allows it to be supervised for that particular petition. After the ruling on the petition, the matter remains unsupervised. If you would like administration to be switched to supervised, per **MCR 5.310(F)**, the Personal Representative or Interested Person may petition the court to terminate supervision of administration. The court may terminate supervision unless it finds that supervision is necessary under the particular circumstances.

Registration of Foreign Letters

If a decedent dies in another state and an estate was initiated there, EPIC provides for a Registration of Foreign Letters. Under **MCL 700.4023**, if local administration is not pending in this state, a domiciliary for a Personal Representative may file authenticated copies of the representative's appointment and any official bond with the court in the state in the county in which the property belonging to the decedent is located.

This registration and their documentation should be sufficient to evidence authority to act in Michigan for anything.

Registration of Foreign Conservatorship

A foreign conservator can "register" their foreign papers with Michigan courts similar to the proceedings of a registration by a foreign Personal Representative (see **MCL 700.5433**).

Stay tuned for Part II next month!