

Miscellaneous Updates

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Counter Hours

Last fall, the Oakland County Probate Court began a pilot 4/40 work week. Employees were given the option to work four 10-hour days, rather than the standard five eight-hour days each week. The Probate judges have voted to extend this pilot until the end of June 2009. In order to appropriately accommodate employee participation, the Probate Court clerk's office will now be open five days a week from 8:00 a.m. until 5:30 p.m. Staff participating in the 4/40 work week are assigned either Monday or Friday off each week.

Please note that the hours of court remain 8:30 a.m. – 4:30 p.m. Any items presented for filing in the clerk's office after 4:30 p.m. that need the immediate attention of a judge will be presented the next business day.

SCAO Form Updates

SCAO has updated numerous forms. Included in these updates is the creation of three new forms to replace the *Petition to Terminate or Modify a Guardianship/Conservatorship* (PC 638). The new forms are:

- Petition to Terminate/Modify Guardianship* (PC 675)
- Petition to Terminate/Modify Conservatorship* (PC676)
- Petition to Terminate/Modify Guardian for Alleged Developmentally Disabled Individual* (PC 677)

These new forms, along with all current SCAO forms, may be found at <http://courts.michigan.gov/scao/courtforms/>.

Court Rule Updates

Several Michigan Court Rules regarding probate matters have been modified with an effective date of May 1, 2009. The complete list of modifications can be found at courts.michigan.gov/supremecourt/Resources/Administrative/index.htm. A few of the highlights include:

MCR 5.125 Interested Persons Defined

(B) Special Conditions for Interested Persons:

The wording of subsection (B)(1) has been revised to read that "only a claimant who has properly presented a claim and whose claim has not been disallowed and

remains unpaid need be notified of specific proceedings" under 5.125(C).

A new subsection (B)(5) has been added:

Decedent as Interested Person. If a decedent is an interested person, the personal representative of the decedent's estate is the interested person. If there is no personal representative, the interested persons are the known heirs of the estate of the decedent, and the known devisees. If there are no known heirs, the Attorney General must receive notice.

(C) Specific Proceedings

A new subsection (C)(6)(d) has been added that defines the ward and presumptive heirs of the ward in a guardianship as interested in a proceeding for examination of an account of a fiduciary.

New subsection (C)(27)(d) adds the guardian ad litem as a person interested in receiving a copy of an inventory or account of a conservator or guardian.

Subsection (C)(32) is a new subsection that defines the persons interested in a proceeding affecting a trust other than those already covered by subrules (C)(6) and (C)(28).

MCR 5.306 Notice to Creditors, Presentment of Claims

Changes have been made to subrules (D) and (E) relative to the presentment of claims and to whom they shall be presented.

MCR 5.411 Bond of Conservator

This is a new rule that provides:

In all conservatorships in which there are unrestricted assets, the court may require a bond in the amount the court finds necessary to protect the estate or as required by statute. No bond shall be required of trust companies organized under the laws of Michigan or of banks with trust powers unless the court orders that a bond be required.

The above is just a very brief summary of a few of the changes that take effect on May 1, 2009. Please be sure to view all of the new court rule language at <http://courts.michigan.gov/supremecourt/Resources/Administrative/index.htm>.