

# Updates and Reminders

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## Court Update

One of the top priorities on my “to do” list for the past few years has been finding ways to trim the court’s budget while maintaining services. I’m sure that sounds like a familiar task to everyone reading this. I’m also sure that everyone realizes it is an ongoing effort.

It is important to note that not all of the budget cuts that had to be made have been put into effect yet. The county’s system of creating a three-year budget plan has assisted the court in being able to plan for upcoming cuts. This has been of great benefit in allowing us to manage the change. However, change we still must. I will do my best to update you here on any matters that will affect your interactions with the court.

We continue to work on ways to integrate electronic document processing into our daily workflow. We are currently focusing on a pilot project for a paper-file-free motion call. This system is currently being used by some of the circuit judges. This is not e-filing; rather, this system allows the judge electronic access to all the documents in the file from the bench so that the paper file does not have to be pulled and prepared by the court clerks. This system provides greater flexibility to our probate staff in preparing files for motion call, and will reduce customer time spent waiting for the file to be located so that documents may be processed. A great deal of hard work is going into figuring out new business processes and procedures to expand the use of existing technologies.

## Emergency Guardianships

There are occasions when a client may wish to request the immediate appointment of a guardian for emergency reasons. While probate courts accept such petitions, there are specific requirements.

A request for the immediate appointment of a temporary guardian in an emergency must be made in relation to a verifiable medical emergency. The petition must be accompanied by a doctor’s letter indicating the life-and-death nature of the medical emergency. In some cases, a hearing may be held on the same day the petition is filed where there is a true medical emergency. A letter that indicates an ongoing or progressing medical condition may not be sufficient to secure an immediate hearing.

The petition must also list the name of a proposed temporary guardian and that person must be available at the time of the hearing. If a public administrator or corporate

*The OCBA’s professional staff is available to assist you. Unless otherwise indicated, call (248) 334-3400 for assistance.*

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guardian is requested, the petitioner should contact that person prior to the hearing to confirm their availability to act immediately.

Upon the filing of a petition, a guardian ad litem will be appointed by the court. It should be anticipated that medical personnel may be asked to testify at the hearing to establish a legal basis for the appointment of a temporary guardian.

In cases of non-medical emergencies, it is possible that an expedited hearing date may be set on a petition for temporary guardian. Whether a medical emergency or not, the hearing for a temporary guardian will later be followed by a hearing on a full or limited guardianship.

### ***Proof of Death***

When filing an estate, it is always preferable to provide a certified copy of a death certificate for the decedent. The probate court will, however, accept alternative documentation in certain circumstances where the death certificate is not available.

The court will accept a valid letter from a morgue, hospital or funeral home. In addition, an obituary that has been published may be presented. In order to be accepted, these alternate forms of proof must identify the decedent and provide the date of death.

### ***Declaration of Intent to Give Notice by Publication***

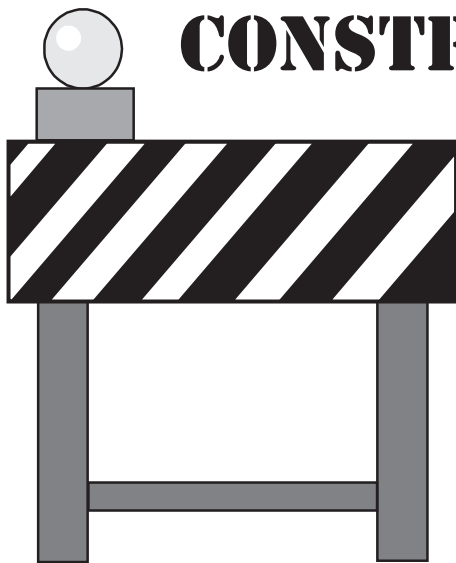
When someone filing a document needs to give notice to an interested party by publication, it is necessary to file a *Declaration of Intent to Give Notice by Publication* (PC 617). This form requires a description of all the efforts that have been made to locate the person in order to establish the necessity of publication. This information is provided under penalty of perjury. When publication is complete, a Proof of Service and an affidavit of publication must be caused to be filed with the court.

### ***COLA***

Under EPIC, exemptions, allowances, small estates, small estate affidavit and intestate succession amounts are adjusted yearly for inflation, rounded to the nearest \$1,000. The correct amount is based on the decedent's date of death. If you are working on an estate where the date of death is pre-EPIC, contact the county where you are filing to determine the correct amount, as there are differences in how counties are handling this issue. Please note that there have been no changes to the COLA amounts for 2010.<sup>1</sup>

### ***Footnote***

<sup>1</sup> For the full chart, please go to [www.oakgov.com/probate](http://www.oakgov.com/probate) and click on the "Decedent Estates & Wills" link. (You'll need to scroll down in the document that is retrieved.)



## **CONSTRUCTION ON TELEGRAPH**

*From 8 Mile Rd. to Orchard Lake Rd.  
from March 15, 2010 through December*

**Travel reduced to two lanes in each direction  
during peak times of day and one lane  
during non-peak times. Please allow extra  
time or plan an alternate route if possible.**

*Did you  
know that...*

**You can register for OCBA events online?  
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