

Miscellaneous Tips

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Probate Court Administrator



MCR 5.403

Modifications to MCR 5.403, dealing with proceedings on temporary guardianships for minors, were effective January 1, 2007. In part, the changes require that if a temporary guardian is appointed following an ex parte hearing in a case in which the notice period was shortened or eliminated, the court is to send notice of the appointment to all interested persons. Pursuant to the court rule, the new Notice of Appointment of Temporary Guardian for Minor and of Right to Object (see PC 672) includes information about the right to object to the appointment, the process for objecting, and the date of any scheduled hearing. If an interested person does object in a case where the notice period was shortened or eliminated, the court must hold a hearing on the objection within 14 days of the date it is filed.

MCR 5.307 and 5.310

ADM Order No. 2006-21 issued on March 20, 2007, made revisions to MCR 5.307 and 5.310 effective immediately. The modifications clarify that a successor Personal Representative's Notice of Continued Administration has the same due date as that of the original Personal Representative.

Special Fiduciaries

The Oakland County Probate Court always is on the lookout for attorneys who are interested in serving as Special Fiduciaries. Special Fiduciaries are appointed by the Court pursuant to MCR 5.203 and 5.204 when a court appointed fiduciary is suspended due to failure to appropriately fulfill his/her duties, or if there are questions regarding the use of funds. The Special Fiduciary must often do some intensive detective work to try and locate recoverable assets and bring the ward's affairs back into

order. Please contact our Probate Register, Jill Koney Daly, at (248) 858-0282, if you'd like to learn more.

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-Just a quick reminder that the Probate Court's counter hours are now 8:00 a.m. to 4:30 p.m. For same-day processing, it is best to try and arrive by 4:00 p.m.

-If there is a SCAO form for what you wish to file, please use the SCAO form and attach additional pages as necessary. If there is an Oakland County version of the SCAO form, we require the Oakland County form to be used.

-The Oakland County Probate Court forms, and links to SCAO forms, are available on the Oakland County Probate Court website at www.oakgov.com/probate. This site also includes links to brochures on different types of probate proceedings and a great deal of other helpful information (including past Laches articles!)

-The Oakland County Probate Court accepts documents for filing by fax if there is no fee required for the filing. The fax filing line is (248) 452-2016. Proofs of Service and GAL reports also may be dropped off in the specially designated basket on the counter next to our cashier for same-day processing.

-For motion call, it is especially helpful to have all documents, such as the Proof of Service, in the file prior to the hearing date. This reduces the lines at the counter and helps move everyone through the process more quickly.