

GUARDIANSHIP

*A parent guide to filing for
Guardianship for youth with
developmental disabilities in
Tuscola County.*

Updated by HPS 2016

Note to the Parents: *This handbook was developed to answer the commonly asked questions surrounding guardianship for a developmentally disabled youth. The offices of the Probate Court also provide a useful brochure (available at the desk) that thoroughly explains the legal terminology, entitled Probate Court Conservatorship and Guardianship Information. Following is all of the information necessary to successfully lead you through your child's guardianship hearing.*

My child is 17 and developmentally disabled. Why do I need to file for guardianship?

Once your child reached the age of 18 years, you no longer have any legal right to make decisions for your child. This includes financial, and health-related decisions. It is for your child's protection that you apply for guardianship, with the optional appointment of a stand-by guardian, so that you may continue to make the necessary legal and medical decisions for them.

How do I do this? How much does it cost?

*Filing, and appearing before the judge, for guardianship of your child is neither complicated nor expensive. **There is no need for a private attorney.** Following is all the necessary information to successfully complete the guardianship procedure for your child.*

*Attorney: The probate judge will appoint an attorney, upon receipt of the completed forms, to represent your child throughout the hearing. The attorney will then briefly meet with your child prior to the hearing (this sometimes occurs just before the hearing, in the Probate Court offices). **There is no cost to you for the legal fees.***

Exactly how do I apply for guardianship? What happens, and what do I do?

By following the steps outlined on the following page, your child's guardianship hearing will be easily completed, without additional unnecessary expense.

Step-by-step guardianship application process:

- 1) Go to the offices of the Probate Court.** *This is located in the corner of the main floor next to the steps that lead to the rear exit of the building.*
- 2) Ask for the guardianship forms (PC658 & PC659).**
- 3) Contact the TBHS Access Line (1-800-448-5498) to open a case for your child.**
- 4) Fill out the PC658 form (Petition for Appointment of Guardian...).**
- 5) When you receive the PC 659 and psychological report from TBHS, take those two documents, and your PC658 form to the Probate Court offices.**

What happens next, and how do I know what to do?

Upon receipt of the above documentation, the judge will appoint an attorney to represent your child. A court appearance date will be scheduled, and you will be notified by regular mail at least two weeks in advance of that date.

On the day of the hearing: You will check in with the receptionist at the desk, with your child, at the appointed time. The court-appointed attorney will be there.

During the proceedings: The judge and attorney will interview the psychologist and you. He will briefly speak with your child. It will be done in the format of a legal proceeding (i.e., the psychologist will swear in and take the stand; the interview will be structured). You will probably not be asked to take the stand, but will answer questions from your seat. Relax and simply answer the judge's questions. The entire procedure lasts approximately 15 minutes. Some counties may be more formal, but proceedings are still not adversarial or intimidating.

Following the proceedings: An appointment of a guardian will be made on the day of the hearing, and you will be asked to sign papers of acceptance of trust at the desk outside the courtroom.

There you have it! Your child continues under your protection, and you are able to make the decisions necessary to their continued health and well-being, just as you did when they were minors! Occasionally, your powers of guardianship may be limited to some degree, but only to the extent that our child is capable of making independent decisions, and only to encourage your child to become as self-sufficient as reasonably possible.

Once you are appointed guardian, you will be required to report annually to the court on the condition of your ward. If you are managing money for your child, you will also be required to file an annual accounting with the court disclosing what money you have managed, its source, how it was spent, and where the balance is. However, if your child's sole income is social security or S.S.I., the court may excuse you from this accounting if you are reporting to the social security administration as a third party payee.