



Macomb County Probate Court

Probate Judges:

JOHN C. FOSTER, *Acting Chief Judge*

CARL J. MARLINGA

KATHRYN A. GEORGE*

**Probate Judge assigned to Family Division*

Deputy Court Administrator/Register

JOHN D. BRENNAN

BOB SZALKA: GAL 2013 TRAINING OUTLINE

I. POLICY AND PROCEDURES:

A. GAL/ATTORNEY APPOINTMENT LIST:

1. REQUIREMENTS TO GET APPOINTMENTS:

- a. ATTEND ANNUAL TRAINING AND SUBMIT ATTORNEY REGISTRATION/PROFILE SHEET;
- b. PROVIDE EVIDENCE OF MALPRACTICE COVERAGE;
- c. ONE LIST, AND REQUIRED TO BE AVAILABLE FOR ALL KINDS OF APPOINTMENTS;
- d. CURRENTLY NOT EXPANDING LIST, CREATING WAITING LIST;

2. REQUIREMENTS ONCE ON LIST:

- a. BE AVAILABLE WHEN CALLED; APPOINTMENTS DONE ON ROTATIONAL BASIS;
WHEN CALLED IF AVAILABLE RECEIVE APPOINTMENT, IF NOT COURT MOVES ON TO NEXT ONE ON LIST;
- b. FOLLOW PROPER PROCEDURE WHEN DOING GAL INVESTIGATION;
- c. SUBMIT REPORTS ON TIME;
- d. SUBMIT FINANCIAL REVIEW CHECKLIST WITH REPORT (NOTE THERE IS A SPECIAL FINANCIAL REVIEW CHECKLIST NOW FOR DD MATTERS);
- e. SUBMIT PROBATE COURT INVOICE WITH REPORT;
- f. INVOICE MUST BE ADDRESSED TO CORRECT PARTY (**COURT: IF NO ASSETS SITUATION**; ESTATE/PETITIONER/FIDUCIARY IF ASSETS);** **SEND YOUR PREPARED STATEMENT OF SERVICES RENDERED TO ESTATE/PETITIONER/FIDUCIARY IF THEY ARE TO PAY FOR YOUR**

SERVICES: DO NOT SEND PROBATE COURT INVOICE TO THEM FOR PAYMENT. (SUCH PRACTICE IS RESULTING IN PROBATE COURT RECEIVING PAYMENT AND BEING REQUIRED TO SEND IT BACK)

- g. COPY OF INVOICE MUST ALWAYS BE PRESENTED TO COURT IRREGARDLESS AS TO WHOM IS BEING BILLED;
- h. CALL COURT AND SPEAK TO ME IF ISSUES ON PROCEDURE CONCERNING INVESTIGATION—DO NOT CALL COURT STAFF AND ASK WHAT SHOULD BE PUT IN REPORT, ETC.
- i. **REQUEST FOR EXTRAORDINARY FEES MUST BE APPROVED BY COURT BEFORE BEING SUBMITTED TO ESTATE/PETITIONER/FIDUCIARY; ATTACH STATEMENT AND TITLE IT “REQUEST FOR EXTRAORDINARY FEES” ALONG WITH ITEMIZATION AND INVOICE WHEN SUBMITTING REPORT TO COURT;**
- j. **MUST SUBMIT COPY OF REPORT TO PETITIONER WHEN SUBMITTING ORIGINAL TO COURT ;**
- k. USE ACCEPTANCE OF TRUST AND REPORT OF GAL COVER SHEET WHEN DOING GAL REPORT AND ANSWER ALL STATEMENTS ON FRONT;
- l. USE PROPER GUARDIANSHIP REVIEW REPORT FORM WHICH MACOMB RECENTLY ADOPTED IN 6/2013;
- m. AS GENERAL RULE REPORTS OF GALS MUST BE BROUGHT IN OR MAILED IN, NOT FAXED, NOT EMAILED;
- n. REPORTS DUE IN COURT **SEVEN DAYS** BEFORE HEARING. COURT WILL BE EVALUATING GALS ON COMPLIANCE WITH THIS STANDARD;
- o. INVOICES MUST BE SUBMITTED WITH GAL REPORTS, OR WITHIN 60 DAYS OF COMPLETION OF APPOINTMENT AS COURT APPOINTED ATTORNEY **AND ABSOLUTELY NO LATER THAN 60 DAYS AFTER END OF CALENDAR YEAR, NO EXCEPTIONS; BILLINGS SUBMITTED BEYOND THAT DEADLINE WILL NOT BE HONORED;**
- p. STATEMENTS OF GALS/ATTORNEYS WITH NOTATION “IF ESTATE IS WITHOUT ASSETS AND/OR INCOME SUFFICIENT TO PAY THIS FEE, PLEASE RETURN THIS INVOICE WITH A WRITTEN NOTATION THEREON THAT “THE ESTATE IS WITHOUT FUNDS TO PAY THIS INVOICE” DATE AND SIGN SAME **IS NO LONGER REQUIRED WITH NEW INVOICE PROCEDURE. IF THERE ARE ASSETS ESTATE/PETITIONER/FIDUCIARY ARE RESPONSIBLE FOR PAYMENT;**

3. ACTIONS WHICH WILL AFFECT YOUR CONTINUATION ON LIST:

- a. FAILURE TO SUBMIT REPORT ON TIME;
- b. CALLING COURT AND ASKING QUESTIONS SUCH AS “WHAT SHOULD I PUT IN REPORT, WHEN IS MY REPORT DUE, HOW DO I BILL, WHAT IS THE

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- FINANCIAL REVIEW CHECKLIST;
 - c. CONTINUED REFUSALS TO ACCEPT APPOINTMENTS WHEN REQUESTED;
 - d. POORLY PREPARED REPORTS;
 - e. POOR PREPARATION IN ACTING AS COURT APPOINTED ATTORNEY;
 - f. DO NOT THREATEN PETITION TO REMOVE FIDUCIARY IF THEY DO NOT PAY YOUR INVOICE;
4. MISCELLANEOUS COURT PROCEDURES NOW IN PLACE:
- a. DEDICATED ATTORNEYS RESPONSIBLE FOR WALK IN MATTERS;
 - b. ACCOUNT HEARINGS AND MINOR GUARDIANSHIP MATTERS SET FOR HEARING BEFORE COURT ATTORNEYS(IF OBJECTIONS THEN PLACED ON JUDGE'S DOCKET);
 - c. ALL MATTERS ON JUDGE'S HEARING DOCKET ARE ONLY ADJOURNED BY JUDGE'S SECRETARY (KIM TATUM);
 - d. NOTICE TO FILE ISSUED BY COURT- NO EXTENSIONS TO THAT DEADLINE;
 - e. ATTORNEY CONFERENCE FOR FAILURE TO MEET NOTICE TO FILE DEADLINE, OR NOTICE OF DEFICIENCY DEADLINE (I.E INVENTORY, INVENTORY FEE, ACCOUNT, NOTICE OF CONTINUING ADMINISTRATION);
 - f. ORDER FOR MODIFICATION/TERMINATION OF GUARDIANSHIP (PC638A, PC 631) ADDED PROVISION IN SECTION 15, AND SECTION 14 OF RESPECTIVE ORDERS;
 - g. IF WANT COPY OF ENTERED ORDER MUST PRESENT EXTRA COPIES OF ORDER ALONG WITH SELF ADDRESSED STAMPED ENVELOPE OR WILL BE CHARGED FOR COPY OF ORDER;
 - h. IF WANT A STAMPED COPY OF DOCUMENTS YOU ARE FILING YOU MUST BRING A EXTRA COPY FOR COURT TO STAMP AS RECEIVED;
5. STATUTES, LEGISLATION AND/OR COURT RULE UPDATES;
- a. HOUSE BILL 4382 (PA 155 OF 2013);
 - b. HOUSE BILL 4384 (PA 157 OF 2013);
 - c. MCR 1.111 (Adoption of Foreign Language Court Rule)

Very truly yours,

ROBERT SZALKA
Director of Legal Services, Macomb County Probate Court