

MINOR GUARDIANSHIP FORMS

STATE OF MICHIGAN PROBATE COURT COUNTY OF _____	ORDER REGARDING APPOINTMENT OF <input type="checkbox"/> GUARDIAN <input type="checkbox"/> LIMITED GUARDIAN OF A MINOR	FILE NO. _____
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In the matter of _____, a minor

USE NOTE: Use form PC 653-I if the minor is an Indian child.

1. Date of hearing: _____ Judge: _____ Bar no. _____

THE COURT FINDS:

2. Notice of hearing was given to or waived by all interested persons, venue is proper, and a qualified person seeks appointment.

3. The minor named above is not in need of a guardian.

4. The minor named above is unmarried and is in need of a guardian because

- a. parental rights of both parents or of the surviving parent have been
 - terminated suspended by
 - prior court order. judgment of divorce or separate maintenance.
 - death. judicial determination of mental incompetency.
 - disappearance. confinement in a place of detention.

or b. the parent(s) permit the minor to reside with another person and do not provide the other person with the legal authority for the care and maintenance of the minor who was not residing with a parent when the petition was filed.

or c. the biological parents of the minor were never married to each other, the custodial parent has died, disappeared, and the other parent has not been granted legal custody by court order. The proposed guardian is related to the minor within the fifth degree by marriage, blood, or adoption.

5. The minor named above is unmarried, and the custodial parent(s) consented to the appointment of a limited guardian and voluntarily consented to suspension of parental rights. A limited guardianship placement plan has been filed and approved.

6. The welfare of the minor will be served by the appointment, and by payment of reasonable support. reasonable parenting time and contact by the parent(s).

7. There is no qualified, suitable individual willing to act as guardian, and the appointment of a nonprofit corporation as guardian is in the best interest of the minor. A personal bond must be filed.

IT IS ORDERED:

8. The petition is granted. denied on the merits. dismissed/withdrawn.

9. _____, whose address and telephone number are

Address _____ City _____ State _____ Zip _____ Telephone no. _____

is appointed full limited temporary guardian of the minor named above, and an acceptance of appointment shall be filed. Personal bond at \$ _____ must be filed.

The guardian is not permitted to act until letters of guardianship are issued. After qualification, the guardian shall comply with all relevant requirements under the law.

10. This appointment is regular. temporary, expiring on _____ Date _____.

11. Parenting time shall be as stated in the placement plan. _____

12. Child support shall be paid as follows: as stated in the placement plan.
 father: _____ mother: _____

13. Other: _____

Date Judge

Attorney name (type or print) Bar no.

Address City State Zip Telephone no.

Do not write below this line - For court use only

STATE OF MICHIGAN PROBATE COURT COUNTY OF	PUBLICATION OF NOTICE OF HEARING	FILE NO.
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In the matter of _____

TO ALL INTERESTED PERSONS including:

whose address(es) is/are unknown and whose interest in the matter may be barred or affected by the following:

TAKE NOTICE: A hearing will be held on _____ at _____
Date Time

at _____ before Judge _____
Location Bar no.

for the following purpose:

Attorney name (type or print)	Bar no.	Date
Address		Petitioner name (type or print)
City, state, zip	Telephone no.	Address
		City, state, zip
		Telephone no.

PUBLISH ABOVE INFORMATION ONLY

Publish _____ time(s) in _____ in _____ County.
Name of publication

Furnish _____ copies to _____

Furnish affidavit of publication to the court.

Forward statement for publication charges to _____

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

Do not write below this line - For court use only

Approved, SCAO

Original - Court
1st copy - Applicant
2nd copy - Other party

3rd copy - Friend of the court
(when applicable)
PROBATE JIS CODE: OSF

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	WAIVER/SUSPENSION OF FEES AND COSTS (AFFIDAVIT AND ORDER)	CASE NO.
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Court address _____ Court telephone no. _____

Plaintiff's/Petitioner's name	v	Defendant's/Respondent's name
Plaintiff's/Petitioner's attorney, and bar no.		Defendant's/Respondent's attorney and bar no.
<input type="checkbox"/> Probate In the matter of _____		

Note: Requests for waiver/suspension of transcript costs or mediation fees must be made separately by motion.

AFFIDAVIT

1. I ask the court to waive/suspend fees and costs for the following reason: (Check either a or b or c)

a. I am currently receiving public assistance: My MDHHS case number is _____.

b. I receive public assistance from a source other than MDHHS. The type, source, and case number (if any) are:

c. I am unable to pay fees and costs because of indigency, based on the following facts:
My average gross income is about \$ _____ every week. two weeks. month.

I am receiving unemployment benefits.

I am not employed.

I have a vehicle: Year: _____ Make: _____ Model: _____ Amount Owed: \$ _____

The total amount in all my bank accounts is: \$ _____

Write down any other assets and how much they are worth. If you need more space, attach a separate sheet.

I pay \$ _____ in rent/mortgage every month. I pay \$ _____ in utilities (water, electricity, gas) every month. I pay \$ _____ for court-ordered child support. I pay \$ _____ for court-ordered _____.

Write down any other obligations and how much you pay. If you need more space, attach a separate sheet. Specify

2. The number of people living in my household is _____.

3. I am signing this affidavit for a person who is a minor. has the following disability _____.

Applicant signature _____ Name (type or print) _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Date Signature: _____
Deputy clerk/Register/Notary public

Notary public, State of Michigan, County of _____

ORDER

IT IS ORDERED:

4. The applicant has shown by ex parte affidavit that he/she is

a. receiving public assistance, and payment of fees and costs is waived/suspended pursuant to MCR 2.002(C).

b. indigent and payment of fees and costs is waived/suspended pursuant to MCR 2.002(D).

The applicant is required to notify the court if the reason for waiving/suspending the fees and costs no longer exists.

5. The application is denied.

Date _____ Judge _____ Bar no. _____

Note: This order must be served on the other party at the time the pleading is served.

INSTRUCTIONS FOR FORM MC 20, WAIVER/SUSPENSION OF FEES AND COSTS (AFFIDAVIT AND ORDER)

»» CAN I FILE MY LEGAL PAPERS WITH THE COURT FREE OF CHARGE?

When you file a legal paper with the court or are ordered to case evaluation, you are often required to pay certain fees. If you cannot afford these fees, you can ask the court to "waive" or "suspend" them using this form.

»» FILING AN AFFIDAVIT

1. Complete Form MC 20

After you prepare the legal papers you want to file with the court, complete form MC 20.

If you are receiving public assistance, check the box in front of item 1a or 1b. If you receive MDHHS benefits, check box 1a regarding MDHHS benefits and write your case number. If you receive another form of public assistance, check box 1b regarding other public assistance. Write what public assistance you receive and your case number if you have one.

If you are not receiving public assistance, check the box in front of item 1c. Check all the boxes that apply to you. If you are not employed, check that box. Write in all the requested information about your assets and obligations. An asset is something you own, such as money, a car, a house, or other property. An obligation is something you owe, such as rent, a loan payment, utilities, court-ordered child support, etc.

Do not sign the form until you are in front of a notary public or the clerk of the court.

2. Sign the Affidavit Under Oath

After form MC 20 is completed, sign it under oath in front of a notary public or a clerk of the court. You must bring your photo identification with you when you sign the affidavit. There may be a fee to have your affidavit signed in front of a notary public.

3. Make Copies

After you have signed the affidavit under oath, make a copy of the completed form for your records. If your court case is a domestic relations case, such as divorce, paternity, separate maintenance, etc., make another copy of the completed form for the friend of the court office. If you are at the court when you sign the affidavit, you can ask the clerk of the court to make copies for you. There may be a cost to make the copies.

4. File Form MC 20

Take or mail the original and all copies of this form to the clerk of the court along with any other legal papers you want to file. If your court case is a domestic relations case, such as divorce, paternity, separate maintenance, etc., include the friend of the court copy you made in step 4. If you mail the form, include a postage-paid envelope with your return address.

»» GETTING A SIGNED ORDER

When you file your affidavit with the court, the clerk of the court will give it to the judge. The judge will make a decision about your request. The clerk of the court will keep the original and return a signed copy to you. The clerk of the court will send a copy to the friend of the court if you filed that copy.

You are responsible for sending a copy of the signed order to the other parties involved in the case.

7. The welfare of the minor will be served by the appointment.

8. A proposed limited guardianship placement plan is attached.

REQUEST:

9. _____ whose address is _____
Name Address

City/Township State Zip Telephone no. be appointed limited guardian of the minor.

10. Other: _____

I declare under the penalties of perjury that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date

Signature of custodial father

Address

City, state, zip Telephone no.

Date

Signature of custodial mother

Address

City, state, zip Telephone no.

NOTE: If both parents have custody, each must sign.

11. I am 14 years of age or older. I nominate _____ as my guardian
Name
who lives at _____
Address City State Zip

Date

Attorney signature

Attorney name (type or print) Bar no.

Signature of minor

Address

City, state, zip Telephone no.

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

USE NOTE: If a parent is incarcerated and under the jurisdiction of the Michigan Department of Corrections, the petitioner must comply with MCR 2.004(B).

5. An action within the jurisdiction of the family division of circuit court involving the family or family members of the minor has been previously filed in _____ Court, Case Number _____, was assigned to Judge _____, and remains is no longer pending.

6. The minor is in need of a guardian because

- a. the parental rights of both parents or of the surviving parent have been terminated or suspended by
- death. a previous court order other than an order appointing a limited guardian of the minor.
 - disappearance. judgment of divorce or separate maintenance.
 - confinement in a place of detention. judicial determination of mental incompetency. **OR**
- b. the parent(s) permit(s) the minor to reside with another person and the parent(s) do/does not provide the other person with legal authority for the care and maintenance of the minor and the minor is not residing with a parent at this time. **OR**
- c. the biological parents of the minor were never married to each other and _____, the custodial parent died has disappeared since _____, and the other parent has not been granted legal custody by court order. The proposed guardian is related to the minor within the fifth degree by marriage, blood, or adoption.

7. A temporary guardian is necessary because _____

I REQUEST:

8. _____, whose address and telephone number are

Name _____

Address _____ City/Township _____ State _____ Zip _____ Telephone no. _____

be appointed guardian of the minor.

9. The court order the parent(s) to provide reasonable support for parenting time with contact with the minor.

I declare under the penalties of perjury that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date

Signature of petitioner

Address

City, state, zip Telephone no.

Date

Signature of petitioner

Address

City, state, zip Telephone no.

10. I am 14 years of age or older. I nominate _____ as my guardian,

Name _____

who lives at _____

Address _____ City _____ State _____ Zip _____

Date

Attorney signature

Attorney name (type or print) Bar no.

Signature of minor

Address

City, state, zip Telephone no.

STATE OF MICHIGAN PROBATE COURT COUNTY OF	PETITION FOR APPOINTMENT OF GUARDIAN OF MINOR INDIAN CHILD (INVOLUNTARY GUARDIANSHIP) PAGE 1	FILE NO.
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In the matter of _____ XXX-XX- _____
Name of minor Indian child Last four digits of SSN Name of tribe and identification no. (if one)

USE NOTE: If a parent is incarcerated and under the jurisdiction of the Michigan Department of Corrections, the petitioner must comply with MCR 2.004(B).

- I, _____, am interested in the welfare of the minor and make this
Name (type or print)
 petition as _____
Relationship to minor (i.e. grandparent, aunt or uncle, friend, limited guardian, etc.)
- This is not a voluntary guardianship under MCL 712B.13. The following active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family. (Specify efforts below. Attach separate sheet if needed.)

3. The minor was born _____, is female, male, is unmarried, resides in _____
Date County
 at _____
Address City/Township State Zip
 and is presently located in _____ at _____
County Address (if different than above)

City/Township State Zip
 The minor is a citizen of the following foreign country: _____

4. An action within the jurisdiction of the family division of circuit court involving the family or family members of the minor has been previously filed in _____ Court, Case Number _____, was assigned to Judge _____, and remains is no longer pending.

(SEE SECOND PAGE)

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

Do not write below this line - For court use only

STATE OF MICHIGAN PROBATE COURT COUNTY OF	PETITION FOR APPOINTMENT OF GUARDIAN OF MINOR INDIAN CHILD (INVOLUNTARY GUARDIANSHIP) PAGE 2	FILE NO.
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In the matter of _____
Name of minor Indian child

5. The persons interested in this proceeding are:

* Also list persons who had principal care and custody of the minor during the 63 days before filing the petition.

NAME	RELATIONSHIP	ADDRESS AND TELEPHONE NUMBER			
	Father/DOB _____	Street address			
		City	State	Zip	Telephone no.
	Mother/DOB _____	Street address			
		City	State	Zip	Telephone no.
	Conservator	Street address			
		City	State	Zip	Telephone no.
	Guardian	Street address			
		City	State	Zip	Telephone no.
	Person with care/ custody of minor*	Street address			
		City	State	Zip	Telephone no.

If neither parent is living, the names and addresses of the minor's grandparents and nearest of kin who are adults are:

NAME	RELATIONSHIP	ADDRESS AND TELEPHONE NUMBER			
		Street address			
		City	State	Zip	Telephone no.
		Street address			
		City	State	Zip	Telephone no.

None of these persons is under any legal incapacity except _____
Name, incapacity, and representative of the person, if any

6. The minor is in need of a guardian because

- a. the parental rights of both parents or of the surviving parent have been terminated or suspended by
 - death. a previous court order other than an order appointing a limited guardian of the minor.
 - disappearance. judgment of divorce or separate maintenance.
 - confinement in a place of detention. **OR**
 - judicial determination of mental incompetency. **OR**
- b. the parent(s) permit(s) the minor to reside with another person and the parent(s) do/does not provide the other person with legal authority for the care and maintenance of the minor and the minor is not residing with a parent at this time. **OR**
- c. the biological parents of the minor were never married to each other and _____, the custodial parent died has disappeared since _____, and the other parent has not been granted legal custody by court order. The proposed guardian is related to the minor within the fifth degree by marriage, blood, or adoption.

(SEE THIRD PAGE)

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF

PETITION FOR APPOINTMENT OF
GUARDIAN OF MINOR INDIAN CHILD
(INVOLUNTARY GUARDIANSHIP)
PAGE 3

FILE NO.

In the matter of _____
Name of minor Indian child

7. A temporary guardian is necessary because _____

REQUEST:

8. _____, whose address and telephone number are
Name

Address City/Township State Zip Telephone no.

be appointed guardian of the minor.

9. The court order the parent(s) to provide reasonable support for parenting time with contact with the minor.

I declare under the penalties of perjury that this petition has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date

Date

Signature of petitioner

Signature of petitioner

Address

Address

City, state, zip Telephone no.

City, state, zip Telephone no.

10. I am 14 years of age or older. I nominate _____ as my guardian,
Name

who lives at _____
Address City State Zip

Date

Signature of minor

Attorney signature

Address

Attorney name (type or print) Bar no.

City, state, zip Telephone no.

STATE OF MICHIGAN PROBATE COURT COUNTY OF	ORDER REGARDING APPOINTMENT OF <input type="checkbox"/> GUARDIAN <input type="checkbox"/> LIMITED GUARDIAN OF A MINOR INDIAN CHILD	FILE NO.
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In the matter of _____ XXX-XX- _____
Name of minor Indian child Last four digits of SSN Name of tribe and identification no. (if one)

1. Date of hearing: _____ Judge: _____ Bar no. _____

THE COURT FINDS:

2. Notice of hearing was given to or waived by all interested persons, venue is proper, and a qualified person seeks appointment.

3. The minor named above is not in need of a guardian.

4. The tribe has exclusive jurisdiction.

5. The minor named above is unmarried and is in need of a guardian because

a. parental rights of both parents or of the surviving parent have been

terminated suspended by

prior court order.

death.

disappearance.

judgment of divorce or separate maintenance.

judicial determination of mental incompetency.

confinement in a place of detention.

or b. the parent(s) permit the minor to reside with another person and do not provide the other person with the legal authority for the care and maintenance of the minor who was not residing with a parent when the petition was filed.

or c. the biological parents of the minor were never married to each other, the custodial parent has died, disappeared, and the other parent has not been granted legal custody by court order. The proposed guardian is related to the minor within the fifth degree by marriage, blood, or adoption.

6. The minor named above is unmarried and it is in the Indian child's best interests to order the guardianship.

a. The parent(s)/Indian custodian consented to the appointment of a limited guardian and voluntarily consented to suspension of parental rights. A limited guardianship placement plan has been filed and approved.

b. The parent(s)/Indian custodian consented to the appointment of a guardian under MCL 712B.13.

c. The parent(s)/Indian custodian has/have not consented to the appointment of a guardian under MCL 712B.13. Upon clear and convincing evidence, including testimony of at least one expert witness who has knowledge of child-rearing practices of the Indian child's tribe, active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family, those active efforts were unsuccessful, and the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. The active efforts took into account the prevailing social and cultural conditions and way of life of the Indian child's tribe. The placement requirements of MCR 5.404(C)(2) and (3) have been met.

7. The welfare of the minor will be served by the appointment,

and by payment of reasonable support. reasonable parenting time and contact by the parent(s).

8. There is no qualified, suitable individual willing to act as guardian, and the appointment of a nonprofit corporation as guardian is in the best interest of the minor. A personal bond must be filed.

(SEE SECOND PAGE)

Do not write below this line - For court use only

IT IS ORDERED:

9. The petition is granted. denied on the merits. dismissed/withdrawn.

10. _____, whose address and telephone number are
Name (type or print)

Address _____ City _____ State _____ Zip _____ Telephone no. _____

is appointed full limited temporary guardian of the minor named above, and an

acceptance of appointment shall be filed. Personal bond at \$ _____ must be filed.

The guardian is not permitted to act until letters of guardianship are issued. After qualification, the guardian shall comply with all relevant requirements under the law.

11. This appointment is regular. temporary, expiring on _____ Date

12. Parenting time shall be as stated in the placement plan.

13. Child support shall be paid as follows: as stated in the placement plan.

father: _____ mother: _____

14. Other:

Date

Judge

Attorney name (type or print) Bar no.

Address

City, state, zip Telephone no.