

# SAMPLE FORMS AND GAL REPORTS



[REDACTED] PLLC  
Attorneys at Law  
[REDACTED]

August 1, 2017

**Guardian Ad Litem Report**

Re: [REDACTED]

Case No: [REDACTED]

I was appointed as GAL to investigate whether [REDACTED] is in need of a guardian is necessary based on the petition filed by Nancy [REDACTED] a social worker from Fraser Villa. In accordance with my duties as GAL I have reviewed the petition and all accompanying documentation; my report is as follows:

I met with [REDACTED] and Nancy [REDACTED] at Fraser Villa Nursing Facility located at 33300 Utica Rd., Fraser, MI 48026 on Monday, July 31, 2017.

Nancy [REDACTED]

I spoke with Nancy [REDACTED] over the telephone on July 28, 2017 to obtain background on this file and then again when I met her at Fraser Villa on July 31, 2017. Nancy is the petitioner in this case as well as being the social worker for the facility where [REDACTED] has resided since March of 2016 until present.

Nancy stated to me that her main concerns and reasons for filing the petition is that there is a large outstanding bill, Medicaid had not been obtained for Leon and that when they have tried to reach the family (son) they were not getting any responses in return.

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Nancy went on to state that ██████ is very social at Fraser Villa and attends all the activities that are offered. Although he does not get visitors, he does talk to someone (believed to be his wife) nightly.

Nancy and I was able to explain to me, per typical Alzheimer's patients, ██████ has his good days and his bad days with lucidity. When ██████ is asked questions with a definitive answer, he will generally answer without delay; however, if ██████ is asked questions that are remotely abstract in anyway, he tends to get distracted, irritated and is unable to provide appropriate response.

We went on to speak regarding the bills that were due and Susan (financial department) joined into this part of the conversation. She stated that just recently ██████ Medicaid was approved after two failed attempts by Leon Jr. At that point, Leon Jr. obtained an attorney in order to obtain these benefits for his father. Further, she explained to me that ██████ bill at the facility was \$96,396.08 (see attached Exhibit A) and with the Medicaid three (3) month adjustment, the balance due and owing would decrease to \$83,861.08. However, it should be noted that although ██████ was accepted for the three (3) month adjustment level of care assessment was not done timely, due to the lack of communication between the facility and Leon Jr., and those benefits may be lost. However, the facility is working diligently to fix that concern.

Lastly, it is noteworthy to share with this court that the staff was absolutely wonderful. I have been to many facilities in my line of work and I cannot say enough ██████ for this staff. Each staff member made sure to stop and acknowledge any/all residents. Nancy was very careful to approach ██████ before I entered to make sure he felt comfortable and explain who I was and my purpose. The staff truly seemed to take pride in their work and to not only provide the medical

support needed, but they seemed to provide the emotional support and comfort that very often is lacking in nursing facilities.

██████████

Next, I spoke with ██████████ whereby I explained his rights as a potential ward. ██████████ was dressed appropriately, showered, and well groomed. He was in the dining area when I arrived socializing; however, we did take him into an office to conduct my interview.

██████████ explained that he ended up moving into Fraser Villa because he took a fall in his home March of 2016 and the medics that were called felt it necessary to take him into the hospital. From there, he was transported to Fraser Villa where he continues to reside. He does have goals of moving back home some day; however, he is well aware that at this time, he would not be able to manage his own affairs. ██████████ stated to me that he absolutely knows that he needs assistance with remembering to take his medications and conduct daily life. He also stated to me that that his son takes care of him but was unable to explain what that meant. When asked when the last time he saw or talked with his son was, ██████████ stated that it has been 3-4 months since he had talked with his son, Leon Jr.

██████████ expressed to me that he previously worked for ARA Vending as well as a container company making cardboard boxes for 18 years. He also explained to me that he had been drafted but he never saw active duty which is significant for potential Veteran Benefits which he unfortunately will not be entitled to.

Further, as we began talking, ██████████ stated to me that he is married and that he talks to his wife daily. She is living in a home alone and she recently took a fall herself and she would not be able to help support Leon in any way. Additionally, ██████████ stated to me that his youngest son had passed away due to heart complications, his son Tim also has heart problems, ██████████ is the

CEO at a large company, and he has one daughter who was diagnosed with breast cancer (further discussion to come).

██████ was able to be very clear about his past, he seemed to get very flustered when I asked questions such as, what is your plan for safety if you were to go home, how would you ensure that you took all your medications daily, what are your finances and how would you pay bills? ██████ would immediately get frustrated and try to answer the question but would ultimately shut down and give an answer that wasn't a responsive answer to the proposed question. Again, ██████ did state to me that he knows that he needs support or a "guardian;" however, he believes that Leon Jr. is able to provide that for him without the court intervention. Leon does not wish to be at the hearing.

Fran ██████:

Fran, is ██████'s wife, I had the pleasure of speaking with her on July 31, 2017. Fran expressed to me that she and ██████ had been separated for over 30 years and although they are friends, their relationship is in no way husband and wife. Fran also shed some light on their children. Fran expressed to me that their daughter, whom ██████ believes to be alive, has actually passed away and although ██████ has been told, he doesn't seem to retain that information.

Leon ██████ (JR.):

I contacted Leon Jr. on July 31, 2017, he is the Durable Power of Attorney (see attached Exhibit B). It was quite clear that he is not happy about the court's involvement or about me asking questions. He did express to me that he had applied for Medicaid twice and was rejected; therefore, the last time, he hired counsel to handle the Medicaid application process. To say he was not pleased with the Medicaid department is an understatement.

Upon questioning Leon Jr. regarding his father's finances, he stated to me that he paid the facility \$30,000 cash when his father moved into the facility. He also stated that his father receives approximately \$900.00 per month in social security benefits and that he has less than \$1,000.00 in his bank account at Best Bank at this time. When asked what the funds had been used for since March of 2016 (facility move-in date), [REDACTED] got irritated with me stating that he wasn't going to tell me that amount he spent obtaining the Medicaid attorney; however, he has heard they can charge up to \$5,000. However, upon contacting the attorney that handled the Medicaid matter, his bill was only \$2,000.00. (see attached Exhibit C) Using the provided number and calculating the 16 months at \$900.00, I asked what the additional \$9,400.00 was spent on. To which, Leon Jr. changed the subject, said he used it for the attorney and miscellaneous bills and quickly moved the conversation forward stating that it was all irrelevant because his Medicaid attorney stated that his mother, as his wife, was entitled to all of the money anyway. Although his statement is true if [REDACTED] were to die, [REDACTED]'s money is to be used for his benefit during his lifetime which was explained to Leon Jr.

Lastly, upon expressing the concerns of the facility not being able to reach Leon Jr., he brushed my concerns off completely. When I told him that it might be in the best interest of his father to call the facility and speak with the hospital to ensure Medicaid was moving forward and that he was being well taken care of, Leon Jr. was not at all receptive to this idea.

### RECOMMENDATION

#### Concerns:

Although the court is to give great weight to estate planning documents that were drafted prior to any finding of lacking mental capacity, I fear that this may be an exception to the rule. Given the dismissive behavior of Leon Jr. as to the care of his father, the lack of communication

with the facility and the disregard for any suggestions that might be in his father's best interest, I do not feel that the Power of Attorney is an appropriate choice at this time. Also, I have great concern as to the ward's finances. If the facility bill isn't being paid, there are no other known assets for which the funds should have been expended to my knowledge based on the conversations I have had. In fact, it appears to me that there is a lack of explanation for missing funds. Also, Leon Jr.'s dismissive attitude toward my suggestions to contact the facility to ensure his father is getting the utmost care was quite alarming.

Lastly, although it was expressed to the petitioner, at this time, I believe there to be a lack of valid service on all interested parties. As it has been discovered, ██████'s wife and other living son, Tim, do need to be served.

Conclusions:

Based on the conversations I have had with everyone and the reports submitted, **I would recommend that the court appoint a public guardian for ██████████**. It is clear, by his own admissions that ██████████ cannot care for himself. Although he does get around in his wheelchair quite well, he cannot ambulate nor take care of himself physically. His memory and cognitive abilities prevent him from being able to make any decisions regarding his financials or his medical treatment. From my observations and conversations, it does not seem that he wants to contest the petition but however, his choice (which provides writer with great concern) is for the appointment of his son.

Warmest Regards,

**Boroja, Bernier & Associates PLLC**

  
Tarra Brown, Esq.

Approved, SCAO

STATE OF MICHIGAN  
PROBATE COURT  
COUNTY OF

ACCEPTANCE OF APPOINTMENT AND  
REPORT OF GUARDIAN AD LITEM OF  
ALLEGED INCAPACITATED INDIVIDUAL

FILE NO.

[Redacted]

GA

In the matter of [Redacted], alleged incapacitated individual

- 1. I have been appointed by the court as guardian ad litem, and I accept this appointment.
- 2. I have performed the duties required by statute (see reverse side for list of duties).
- 3. I visited the alleged incapacitated individual on 9/27/16 at Arden Courts Memory Care

and, to the extent that the individual could comprehend, explained the nature, purpose, and legal effects of a guardian's appointment and otherwise complied with each provision of MCL 700.5305(1).

I report to the court as follows:

- a. the alleged incapacitated individual wishes to:
  - have limits placed on the guardian's powers.
  - contest the petition.
  - object to the appointment of the nominated guardian.
  - have an attorney appointed.
- b. There is a disagreement or dispute related to the guardianship, namely \_\_\_\_\_

I believe it  might  will not be resolved through court-ordered mediation.

- c. There is one or more appropriate alternative to a full guardianship, namely:
  - 1) appointment of a limited guardian with the following powers: \_\_\_\_\_
  - 2) appointment of a conservator or a written protective order.
  - 3) the alleged legally incapacitated individual executing one of the following:
    - a patient advocate designation
    - a durable power of attorney
    - a do-not-resuscitate declaration
- d. The alleged incapacitated individual wishes to be present at the hearing.
- e. I believe it is in the best interests of the individual to have legal counsel because \_\_\_\_\_

The individual will retain legal counsel.  I recommend the court appoint legal counsel.

- 5.  One or more of the items in item 4a above is demanded. (no further report or recommendation is required)
- OR
- None of the items in item 4a above is demanded. My report to the court and recommendations are attached.

Date: 10/5/16  
 Name (type of agent): [Redacted]  
 Address: St. Clair Shores, MI 48082  
 City, state, zip: \_\_\_\_\_ Telephone no.: [Redacted]

SEE SECOND PAGE FOR DUTIES OF GUARDIAN AD LITEM

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.

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Hearing Date: October 19, 2016

STATE OF MICHIGAN  
IN THE PROBATE COURT FOR THE COUNTY OF MACOMB

IN THE MATTER OF: [REDACTED]

Hon. [REDACTED]

File No. [REDACTED]-GA

[REDACTED], Legally Incapacitated Individual. /

GAL [REDACTED]  
[REDACTED]  
[REDACTED]

**REPORT OF GUARDIAN AD LITEM ON  
PETITION FOR APPOINTMENT OF GUARDIAN OF INCAPACITATED  
INDIVIDUAL**

I, [REDACTED] the duly appointed Guardian Ad Litem by the Court, for JOHN [REDACTED], a legally incapacitated individual, and all persons who may become interested although unborn, undetermined, not ascertained or contingent, do hereby accept the Trust imposed upon me as Guardian Ad Litem with reference to the Petition seeking the Appointment of a Guardian filed herein by, DIANA [REDACTED] niece, wherein she prays for the appointment of herself as Guardian.

The Petition for Appointment of Guardian alleges that JOHN [REDACTED] is eighty three (83) years of age born on or about [REDACTED] 1933, and that he needs a Guardian because he suffers from Alzheimer's and dementia.

MCL 700.1105(a) of the Estates and Protected Individuals Code defines an incapacitated individual as a person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication, or other cause, not including minority, to the extent of lacking sufficient understanding or capacity to make or communicate informed decisions.

MCL 700.5305(1) defines the duties of a Guardian Ad Litem as including all of the following:

- (a) Personally visiting the individual.
- (b) Explaining to the individual the nature, purpose and legal effects of a guardian's appointment.
- (c) Explaining to the individual the hearing procedure and the individual's rights in the hearing procedure, including, but not limited to, the right to contest the petition, to request limits on the guardian's powers, to object to a particular person being appointed guardian, to be present at the hearing, to be represented by legal counsel, and to have legal counsel appointed for the individual if he or she is unable to afford legal counsel.
- (d) Informing the individual of the name of any person known to be seeking appointment as guardian.
- (e) Making determinations, and informing the Court of those determinations, on all of the following:
  - (i) Whether there are 1 or more appropriate alternatives to the appointment of a full guardian. Before informing the court of his or her determination under this subparagraph, the guardian ad litem shall consider each of the following alternatives.
    - (A) Appointment of a limited guardian, including the specific powers and limitation on those powers the guardian ad litem believes appropriate.
    - (B) Appointment of a conservator or another protective order under part 4 of this article.
    - (C) Execution of a patient advocate designation, do-not-resuscitate declaration, or durable power of attorney with or without limitations on purpose, authority or duration.
  - (ii) Whether a disagreement or dispute related to the guardianship petition might be resolved through court ordered mediation,
  - (iii) Whether the individual wishes to be present at the hearing.
  - (iv) Whether the individual wishes to contest the petition.
  - (v) Whether the individual wishes limits placed on the guardian's powers.
  - (vi) Whether the individual objects to a particular person being appointed guardian.

Your Guardian Ad Litem visited the proposed ward on Tuesday, September 27, 2016 at Arden Courts Memory Care Center, 11095 E. Fourteen Mile Road, Sterling Heights, Michigan 48312, and does confirm that he is currently suffering from Alzheimer's and dementia. JOHN [REDACTED] was not oriented as to date and time. He did not know his age and date of birth. He did know that he was born in the month of January. He did not think he had any children. At the time of my visit, JOHN [REDACTED] was eating lunch in the dining room. He was dressed in his own clothes and his face appeared clean and refreshed.

I informed JOHN [REDACTED] of his legal rights, and of the proceeding taking place in the Probate Court. I explained to him the nature, purpose and legal effects of the appointment of DIANA [REDACTED] as his Guardian. JOHN [REDACTED] does not object to having a guardian

appointed. He wants his niece, DIANA [REDACTED], to be appointed his Guardian. He also informed me that he does not want to be present at the hearing.

JOHN [REDACTED] receives social security monthly in the amount of [REDACTED] per month. He receives a monthly pension in the amount of [REDACTED]. He has the following accounts through Comerica Bank: 1. Checking- balance \$ [REDACTED]; 2. Time Deposit Account- balance [REDACTED]; 3. Money Market Account- balance [REDACTED] and IRA- balance [REDACTED]. He has no other assets that I am aware of and does not own any property. He has health insurance through Medicare and Blue Cross/Blue Shield.

I explained to JOHN [REDACTED] his right to request limits on a guardian's powers, including a limitation on their authority to execute a DNR order on his behalf and informed him that if a guardian is appointed, they may have the authority to execute a DNR order on his behalf. JOHN [REDACTED] objects to the execution of a DNR order.

I interviewed Petitioner, DIANA [REDACTED] and she indicated that she wants to ensure that her uncle is properly cared for. I attempted to contact JOHN [REDACTED] children, JOHN [REDACTED], KURT [REDACTED] and LINDA [REDACTED] by phone. I did not receive a return phone call from any of them.

In preparing this report, I interviewed JOHN [REDACTED] (alleged legally incapacitated person) and DIANA [REDACTED] (Petitioner). JOHN [REDACTED] was given a copy of PC 626.

WHEREFORE, I recommend that the Petition for Guardianship be granted and that DIANA [REDACTED] be appointed Guardian. The ward understands the nature, purpose and legalities of the Petition and wishes for it to be granted.

MCPC  
File #

GA

MACOMB COUNTY PROBATE COURT  
FINANCIAL REVIEW

Name John

**\*\*DO NOT INCLUDE ACCOUNT NUMBERS FOR ANY INCOME/ASSETS REPORTED\*\***

INCOME:		AMOUNT	
SOURCE			
social security pension		[redacted] month / month	
ASSETS:			
BANK ACCOUNTS	INSTITUTION	TYPE OF ACCOUNT	BALANCE
[redacted] Checking Time Deposit Account	[redacted]	Checking Deposit	3 [redacted]
REAL PROPERTY ADDRESS	SEV		
STOCKS (Individual/brokerage acct.)	MARKET VALUE		
[redacted] - Money Market	\$ [redacted]		
LIFE INSURANCE POLICIES:		CASH SURRENDER VALUE (Y/N)	
COMPANY	TYPE OF POLICY		
IRA's, 401K's, ETC.:		VALUE	
CUSTODIAN			
IRA		\$ [redacted]	
DATE: 10/5/16			
INTERVIEWER:			
PROBATE FILE # [redacted] GA			

*Pool Report*

PCS CODE: AGL  
TCS CODE: AGL

Approved, SCAO

STATE OF MICHIGAN  
PROBATE COURT  
COUNTY OF *MACOMB*

ACCEPTANCE OF APPOINTMENT AND  
REPORT OF GUARDIAN AD LITEM OF  
ALLEGED INCAPACITATED INDIVIDUAL

FILE NO.

[Redacted] CA

In the matter of [Redacted], alleged incapacitated individual  
First, middle, and last name

1. I have been appointed by the court as guardian ad litem, and I accept this appointment.

2. I have performed the duties required by statute (see reverse side for list of duties).

3. I visited the alleged incapacitated individual on 7-17-17 at Martini Berry Medical Facility  
Date Location

and, to the extent that the individual could comprehend, explained the nature, purpose, and legal effects of a guardian's appointment and otherwise complied with each provision of MCL 700.5305(1).

4. I report to the court as follows:

a. the alleged incapacitated individual wishes to:  
have limits placed on the guardian's powers.  object to the appointment of the nominated guardian.  
contest the petition.  have an attorney appointed.

b. There is a disagreement or dispute related to the guardianship, namely \_\_\_\_\_

I believe it  might  will not  be resolved through court-ordered mediation.

c. There is one or more appropriate alternative to a full guardianship, namely:

1) appointment of a limited guardian with the following powers: \_\_\_\_\_

2) appointment of a conservator or a written protective order.

3) the alleged legally incapacitated individual executing one of the following:  
a patient advocate designation  a do-not-resuscitate declaration  
a durable power of attorney

d. The alleged incapacitated individual wishes to be present at the hearing.

e. I believe it is in the best interests of the individual to have legal counsel because \_\_\_\_\_

The individual will retain legal counsel.  I recommend the court appoint legal counsel.

5. None of the items in item 4a above is demanded. My report to the court and recommendations are attached.

Date 7-17-17  
[Redacted]  
Signature [Redacted]  
Name (type or print) [Redacted]  
Address St. Clair Shore, MS 49080  
City, state, zip [Redacted]  
Telephone no. [Redacted]

SEE SECOND PAGE FOR DUTIES OF GUARDIAN AD LITEM

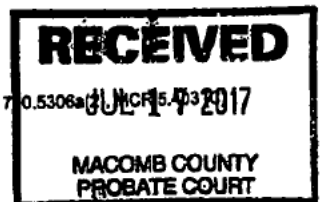
USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.  
Do not write below this line - For court use only

*Handwritten:* Aug 7/17/17 @ 1:30pm

PC 627 (9/16) ACCEPTANCE OF APPOINTMENT AND REPORT OF GUARDIAN AD LITEM  
OF ALLEGED INCAPACITATED INDIVIDUAL

MCL 700.5305, MCL 700.5306a(3), MCL 700.5305(1)

*Handwritten:* George



STATE OF MICHIGAN  
IN THE MACOMB COUNTY PROBATE COURT

In the matter [REDACTED]  
An Alleged Incapacitated Person,

File No.: 2017-[REDACTED]

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**REPORT OF GUARDIAN AD LITEM**

[REDACTED] having been appointed by this Court as Guardian Ad Litem visited the Ward, [REDACTED] on July 17, 2017, at the Martha T. Berry Medical Facility located in Mt. Clemens, Michigan.

Upon arriving, I had a conference with Mary [REDACTED]. She was not able to communicate her financial information and kept pointing to James [REDACTED] name on the petition for me to contact. She represented that she needs help with her financial affairs.

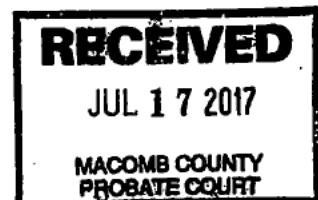
Ms. [REDACTED] was in good spirits and was well groomed. She seemed well cared for in the facility. The nurse on duty stated that Ms. [REDACTED] could not be left alone and when I was done speaking with her I needed to buzz for her.

I explained to Ms. [REDACTED] her rights and she seemed to understand her rights. Ms. Herec did not express a desire to attend the hearing when asked.

**RECOMMENDATION**

It is my recommendation that under the circumstances explained above, the petition be granted as it is in the best interest of the ward.

Respectfully Submitted:



The Law Office of [REDACTED] PLLC

DATED: July 17, 2017

[REDACTED]  
[REDACTED]  
Attorney for Plaintiff  
[REDACTED]  
[REDACTED]