

Attention: PROFESSIONAL GUARDIANS/PUBLIC ADMINISTRATORS

RE: Fiduciary Best Practices in GA/CA files

Macomb County Probate Court Policy and Procedure bulletin

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As a fiduciary you are appointed per Court Order either at the request of a petitioner, by the Bench after a hearing, or at the time of a modification petition. The Macomb Probate Court bench and administration has determined that there are certain best practice guidelines the Court would like to see fiduciaries follow in these appointments.

These best practice guidelines include:

- (1) In conjunction with taking control over ward's assets and personal effects fiduciaries should make concerted efforts to take photos and/or videos to identify the personal effects of the ward, including jewelry;
- (2) Within 72 hours of the fiduciary's appointment the fiduciary shall ascertain the estate of the ward and take reasonable steps to protect and preserve the estate; See also 700.5314 (b);
- (3) When real property is to be sold or personal property is to be sold or disposed of, the fiduciary should have a personal visit with the ward to disclose such plans to sell the real property and/or sell, dispose of the personal property and obtain and evaluate ward's response to the proposed sale. The fiduciary should be sensitive to personal property disposal and its effects on the ward;
- (4) Fiduciaries handling monetary assets of ward need to be cognizant of ward's estate planning along with life expectancy and consider those factors in decision making regarding liquidation of assets to meet ward's needs and/or also preserving assets for expected life of ward;
- (5) Fiduciaries will itemize services rendered to separate the administrative/ministerial services, from fiduciary services, and/or attorney services and provide appropriate reasonable hourly rates for each category;
- (6) Fiduciaries who are attorneys shall follow the most recent Michigan State Bar practice guidelines for hourly rates for attorney services;
- (7) Fiduciaries when given a choice to provide services for the ward should use best efforts to opt for a service provider who provides those services at a lesser rate than what the fiduciary would charge for such service;

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- (8) Fiduciaries should make their best efforts in placing ward near family when placing ward in a facility away from ward's home;
- (9) Fiduciaries employing third parties to benefit the ward should bring statements of services rendered by those parties to accountings filed with the Court;

These are suggested best practice guidelines that the Court and Administration would like to see our Professional Guardians/ Public Administrator's follow. Any questions on this Bulletin and guidelines can be addressed to Director of Legal Services, Bob Szalka or Probate Register, John Brennan at 586-469-5290.

11/15/18