

## **NOTICE REGARDING LIMITED GUARDIANSHIPS OF MINORS**

Under the Estates and Protected Individuals Code, a guardian is defined as "a person who has qualified as a guardian of a minor or a legally incapacitated individual under a parental or spousal nomination or a court appointment and includes a limited guardian". In minor guardianship cases, the court uses the standard of whether or not the guardianship serves the welfare of the minor.

Important factors which are of concern to the court are whether the initial appointment of a guardian and the continuation of a guardianship are in the minor's best interests or serve the welfare of the child. The goal of a limited guardianship is to reunify the parent(s) with the child within a reasonable time. The Probate Court does not have resources available, such as no-cost parenting classes, counseling, appointment of an attorney, and substance abuse treatment, in order to accomplish this goal. The court depends on the guardian and the parents to use their best efforts and cooperation toward reunification.

The Limited Guardianship Placement plan which is in the packet of forms to be filed for a limited guardianship, is used to set forth the conditions that the parties intend to be satisfied in order to terminate the guardianship. Both the custodial parent and the proposed guardian will be required to sign this plan and it must be approved by the Court. The Court requires the parent and the proposed guardian to carefully go through the Limited Guardianship Placement Plan and consider the goal of reunification in developing the plan and completing the form.

In cases where the goal appears to be unattainable within a reasonable time or if the parent demonstrates, or is expected to demonstrate, little or no compliance with the plan, there are other options that the Court would expect the limited guardian to pursue. These options are open to a guardian, Children's Protective Services, or a parent and may require the retention of an attorney.

These options include but are not limited to the following:

1. Children's Protective Services may file a petition in the juvenile division of the Circuit Court for neglect and/or abuse of a minor. The involvement of Children's Protective Services makes available services and provides these services, at no cost to the family, for attaining the goal of reunification.
2. In the Circuit Court a Juvenile Guardianship may be ordered under MCL 712(A).19a. The minor would remain a ward of the Juvenile Court until the age of 18 or terminated by court order. If the minor qualifies, the Department of Health and Human Services can provide services.
3. A Guardian may begin an action in the Circuit Court to obtain a custody order and/or support order.
4. A Guardian may consider adoption or custody as an alternative to guardianship of a minor, particularly where the minor is of a younger age, and the guardianship is expected to last throughout the minor's childhood.
5. A Guardian may file a petition in the juvenile division of the Circuit Court to terminate the parental rights of the parents so that the limited guardian can proceed to adopt the minor.
6. A Guardian may consider signing a Power of Attorney with the parent(s) as an alternative to guardianship.
7. In some cases where a Guardian has been appointed, the guardianship may not be working out for the parties involved. In cases such as these, the guardianship could be modified or terminated by the filing of a Petition to Modify Guardianship or a Petition to Terminate Guardianship.

If you have any questions or need legal advice regarding these options, you should consult with a private attorney. Employees of the Macomb County Probate Court are not allowed to give legal advice.

The Macomb County Probate Court has the authority to review a minor guardianship as it considers necessary. Under certain circumstances, the court may, on its own motion, schedule a guardianship for a Placement Plan Review Hearing. The Court may order the guardianship supervisor or Children's Protective Services to conduct an investigation and report to the Court prior to the Placement Plan Review Hearing. At a Placement Plan Review Hearing the Court will examine and inquire into the progress being made by the parties toward the goal of reunification.