

PROBATE COURT POLICY AND PROCEDURES REVIEW

- A. Filing Documents for matters already set for hearing:
1. All filing of probate documents as a general rule are to be filed on 5th floor, Macomb Court building, 40 North Main, Mt. Clemens, MI **(Area B)**.
 2. Documents presented on the day of hearing for the matter to be heard can be presented and filed with the court analysts who check parties in for hearing (Area A) (i.e. proofs of service, orders, appearances, and responses). This procedure is allowed but not suggested. **The court prefers to have all documents associated with a hearing filed at least the day before the hearing, if not sooner.**
 3. Accounts that are being filed will be set for hearing by the analysts. These accounts need to be audited prior to the hearing. The auditing process requires supporting documentation of income and expenses. Account hearing days as a general rule are Tuesday mornings, Thursday mornings, and Thursday afternoons. These hearings are placed on court attorney non-appearance docket where orders are entered allowing accounts without required appearances. If objections are filed to the account the hearing will be adjourned and placed on Judge docket for hearing and resolution.
 4. Requests for adjournments of hearings set before respective judges require: (a) approval of the respective Judge's secretary (**Kelly for Judge Schimke, Gail for Judge Harrison**) and (b) an order for adjournment (prepared by petitioner and/or their attorney). Exception for account hearings which require the order for adjournment to be sent to court analysts (fax no. 586-783-0929).
- B. Filing new matters (guardianships, conservatorships, decedent's estates, civil matters, trust files, protective orders, motions).
1. All new filings are done at Area B counter, 5th floor of Macomb County Court building, 40 North Main, Mt. Clemens, MI.
 2. The deputy register who is taking in such filings will set the hearing date and return one set of filed documents to the party filing the new matter.
 3. Petitioner is responsible for serving interested persons as determined by M.C.R. 5.125 and providing proper proof of service to the court prior to the hearing.
 4. Attorney conferences: set by court with Director of Legal Services or one of the other Court Attorneys for failure to file necessary inventory, account, receipt, proof of deposit, restricted account agreement, failure to allow guardianship review, failure to file annual report, etc. This procedure is used in lieu of setting Show Causes. After the attorney conference, the court may extend the time to file necessary documents based on the facts of the case, may suspend and appoint a special fiduciary and or temporary guardian, or may administratively close the file. Attorney conferences are not adjourned. Conferences that are held result in a Memorandum of Conference to Correct Deficiency prepared by Court and made part of Register of Actions.

5. **Emailing and faxing of pleadings as general rule is not allowed in Macomb Probate Court.**
6. **Petitioner and/or their attorney are responsible for presenting proposed order on date of hearing. Computers are available for preparing yellow orders if necessary on date of hearing.**
7. **PC 1033 Notice of Early Scheduling Conference has following statement:**
 - The following must be prepared and submitted to the Court on or before the Early Scheduling Conference:
 1. A statement of issues involved, stating concisely and without repetition the issues to be decided in the trial or evidentiary hearing, followed by your answers to each issue. The statement must also address all other matters set forth in MCR 2. 401 (B)(1) (a)-(r). The Court will attach this statement and the Discovery plan to the Early Scheduling Conference Order at the conclusion of the conference.
 2. A proposed Discovery Plan. MCR 2.401 (C) (1).
8. To re-open an estate that was administratively closed, the applicant/petitioner must file PC 607, Application/Petition to Reopen Estate, and pay \$175.00 filing fee and \$100.00 penalty fee, if appropriate. In a guardianship or conservatorship that is administratively closed, a new petition to appoint guardian or conservator must be filed with \$175.00 filing fee and \$100.00 penalty fee, if appropriate.
9. Written notice of the death of a ward must be provided to the court within 14 days of the death of the ward (see MCR 5.409(F)), and if accounts are required, the accounts must be filed within 56 days of date of death.
10. A helpful guide to the Macomb County Probate Court has been prepared and is available as a handout at the court (a two-sided document). It is also available on the Macomb County Probate Bar website and as a link on the Court website.
11. **Remember that all parties appearing for a hearing must sign in at the analyst area (Area A), and wait to be called or sent into the appropriate courtroom.**
12. Parties can start signing in for morning hearings at 8:00 a.m. at Area A on the 5th floor.
13. Objections filed on the day of hearing require a filing fee of \$20.00 to be paid at the cashier's office (Area B) and objections then given to court analyst.
14. Use a good diary system (electronic or manual). Do not rely on court staff to send you a notice of deficiency or notice of attorney conference to trigger some action by your office.
15. Be respectful to opposing counsel, the Judges, your clients, witnesses, and most of all court staff. It only makes for a better court experience. It also may put a smile on someone's face.
16. Acknowledge good quality service by court staff, and conversely inform court management of poor or discourteous service.
17. The court appointed counsel for ward in petition to terminate guardianship is responsible for presenting the necessary medical documentation to support the

- termination. If condition is a psychological condition, medical from a psychologist/psychiatrist is necessary. If medical issue, letter from treating doctor would be suggested and/or warranted.
18. Know the Probate Code Rules, especially the definition of Interested Persons. Know the Estate and Protected Individuals Code MCL 700.1100 et seq.
 19. You must use the Petition and Order for Discovery (PC 556a) when value of assets unknown for Petition for Assignment (PC 556m).
 20. Know the best practices and related transactions policy the court has adopted (on Court website)
 21. If doing gal investigation be aware of Elder Abuse and Vulnerable Incident Report as guideline.
 22. SCAO forms must be always used if available and must always use most updated SCAO form.

ROBERT SZALKA

Director of Legal Services, MCPC

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