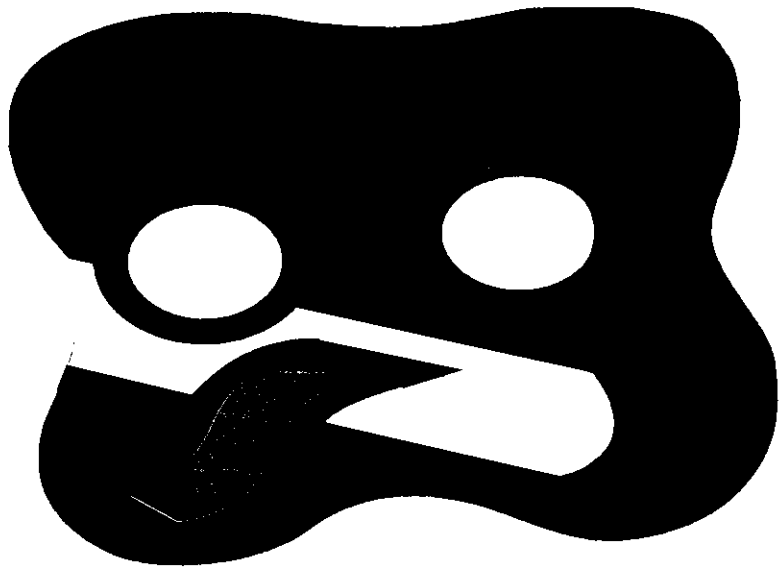
HANDBOOK FOR GUARDIANS OF ADULTS



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MICHIGAN CENTER FOR LAW AND AGING

Handbook for Guardians of Adults

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INTRODUCTION

You may be considering whether to become a guardian for another individual, or you may have been appointed by the court as guardian. Whether you are a relative, a volunteer, or a professional guardian, this is an important job. There is potential for invaluable contribution to the welfare of the individual and personal satisfaction for you.

Being a guardian is not a simple role, but one demanding responsibility, patience, compassion and sensitivity. There are a number duties you owe to the person you have agreed to assist. There are also duties you owe to the court.

Historically, guardianship developed as an exercise of *parens patriae* - the state as protector of its citizens. Under Michigan's guardianship reform law, the court must balance that goal with values of personal independence and self-determination. Under the law, guardianship should only be imposed when there is no alternative.

Since the abilities and disabilities of each person differ, when guardianship is appropriate the powers of the guardian should be tailored to the needs of the individual. To avoid labels, this booklet refers to a person for whom a guardian has been appointed as an "individual."

In any guardianship, there are certain powers you have as guardian, and certain rights kept by the individual. It is important to be familiar with your powers, and to respect and advocate for the individual's rights. You should also recognize the impact of guardianship upon an individual's outlook, and try to minimize negative effects.

To help you in your new and challenging role, this booklet has been prepared to answer questions you may have. The information is based on Michigan law and court rules, and on federal law.

Please realize that although probate courts throughout the state operate under the same laws and rules, there can be significant differences in procedure and practice from court to court and from judge to judge.

An important topic of this book is the powers you have as guardian. Realize even if you have legal authority, there may be practical problems you encounter in exercising that authority. For example, although you may have power to consent to medical treatment, it may be difficult to convince the individual to go to the doctor.

This handbook focuses on guardianships for adults under the Michigan law known as the *Estates and Protected Individuals Code*. If an adult suffers from a developmental disability, somewhat different provisions of the *Mental Health Code* apply. One difference is the requirements for an evaluation known as a *612 Report* under the Mental Health Code. A second, a *partial guardianship* expires after five years. Third, a guardian under the Mental Health Code must have explicit court authority to choose a nursing home as the individual's residence.

Entirely different procedures and forms apply to guardianship for individuals under age 18.

The book makes reference to certain court forms used in guardianship proceedings. Each type of court form has a number, such as PC 625, found at the bottom left-hand corner. Not every form is used in every case.

Blank forms should be available from the probate court office or can be copied on-line: www.michigan.gov. Click on Michigan Government on the top left of the screen, then on Judicial Branch in the drop down menu. Click on Administration of the Courts (listed under Michigan Courts Website). Click on Resources at the top of the page and and on Court Forms in the drop down menu. Scroll down to the last section and click on Conservator and Guardian.

If questions arise in the future about your duties to the individual or to the court, you can contact the probate court. For more information about programs and services available to the individual, please call upon the community agencies listed in Chapter 14,

Thank you to Kathryn L. Cook for guiding me through the labyrinth of Medicaid, to Sarah J. Slocum for her continued support, and to Irene M. Kazieczko for 34 years of inspiration.

1. GUARDIANSHIP AND ALTERNATIVES

What is a guardian?

A guardian is a person appointed by a probate court and given power and responsibility to make certain decisions about the care of another individual.

What types of powers might a probate court grant a guardian?

These powers can include consenting to medical treatment, determining where the individual lives, handling the individual's income and property, and arranging for appropriate services.

Upon whom may a court impose a guardianship?

The individual must be an *incapacitated individual* **and** imposition of guardianship must be *necessary* to provide for the individual's care.

Who is an incapacitated individual?

An incapacitated individual is an adult who -

> is impaired by reason of mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication, or other cause ... to the extent of lacking sufficient understanding or capacity to make or communicate informed decisions.

How is *informed decision* defined?

An individual makes an informed decision when she or he realizes the choices available, and understands the consequences of each choice.

A choice may be informed even if other people feel is is not the best decision, or is not a responsible decsion.

What are some circumstances when guardianship might not be necessary?

An individual may have signed a durable power of attorney for health care, appointing a patient advocate. The patient advocate has authority to make health care and personal care decisions when the individual is unable to participate in those decisions.

If an individual is enrolled in Medicaid, or is terminally ill, a close relative may be authorized to make medical decisions if the individual is unable to make those decisions.

Are there circumstances when there is a more appropriate legal proceeding than guardianship?

Yes. For example, if the individual can make informed medical and personal care decisions, but is unable to manage her or his financial affairs, seeking a *conservator* and not a guardian is appropriate.

What is a conservator?

A conservator is a person or financial institution appointed by the probate court to handle an individual's property and financial affairs. Sometimes the same person serves as both guardian and conservator.

There are separate court petitions for guardianship and for conservatorship.

Are there other circumstances when there is a more appropriate legal proceeding?

Yes. If an individual needs inpatient mental health treatment, but refuses to agree to go into the hospital, it is better to seek *civil commitment* through the probate court.

Without a commitment order, a guardian cannot force an individual to undergo such inpatient treatment if the individual resists.

What else might I consider in petitioning for guardianship?

There is a difference between what the court can empower you to do, and the practical exercise of that power. For instance, the court order may provide you can make medical decisions for one of your parents. You parent might still refuse to go see the doctor, even if you make the appointment.

2. PROCESS OF APPOINTMENT

What initial steps are followed in guardianship proceedings?

1. A petition is filed in probate court by a person interested in the individual's welfare. Though not required in most courts, the petition can include a letter or a court form completed by a doctor offering a diagnosis of the individual's condition and an opinion whether the individual can make informed decisions.

The court form is shown on the next page.

2. The court sets a date for a court hearing.

3. The petitioner notifies the individual by handing the petition and notice of hearing to the individual at least 7 days before the hearing. The petition includes a list of the individual's rights in the process.

4. The petitioner notifies *interested persons*, such as family members, in person or by mail. If notice is by mail, it must be sent at least 14 days before the hearing.

5. The court appoints a *guardian ad litem.*

PC 625 Petition for Appointment of Guardian

PC 630 Report of Physician or Mental Health Professional

PC 626 Notice to Individual of Rights

How much is the filing fee?

The fee is $150.00. If an emergency petition is brought, the fee is $170.00 in some counties. The court can waive this fee if the petitioner cannot afford it. If the petitioner pays the fee, he or she can be reimbursed from funds of the individual if a guardianship is established.

Approved, SCAO JISCODE:ROP/ROM

STATE OF MICHIGAN PROBATE COURT COUNTY OF	REPORT OF PHYSICIAN OR MENTAL HEALTH PROFESSIONAL	FILE NO.

In the matter of _____, alleged incapacitated individual

1. I am a licensed ☐ physician. ☐ mental health professional. My speciality is _____ (If any)
2. I last examined the individual on _____
3. Based on that examination and her/his medical record, the individual suffers from the following physical or psychological infirmities:

_____

_____

_____

4. These infirmities interfere in the following ways with the individual's ability to receive or evaluate information in making decisions:

_____

_____

_____

5. The following is a list of all medications the individual is receiving, the dosage of each medication, and a description of the effects of each medication upon the individual's behavior:

_____

_____

_____

6. I believe the individual, due to these described conditions, is not presently able to make informed decisions in the following areas:
   check all that apply
   ☐ determining where to live.
   ☐ handling personal financial affairs.
   ☐ consenting to supportive services.
   ☐ authorizing or refusing medical treatment.
7. The prognosis for improvement in the individual's conditions is _____.
   My recommendation for the most appropriate rehabilitation plan is attached.

☐ 8. Further comments are attached on a separate sheet.

_____
Date

_____ _____
Signature Address

_____ _____
Name (type or print) 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.

Do not write below this line - For court use only

How does the process differ in emergencies?

In an emergency, interested persons need not receive notice. The individual still receives notice and a hearing **must** be held. If an emergency petition is granted, the court appoints a *temporary guardian.* A second hearing with notice to all interested persons must occur within 28 days.

What is an emergency?

An emergency is a crisis from the perspective of the individual, for instance, when a health care decision must be made in a life and death situation. It is not an emergency when a hospital wishes to discharge an individual to a nursing home.

Does the guardian ad litem have any power to make decisions for the individual?

No. Although there is often confusion over the role, a guardian ad litem does not have authority to make decisions for the individual. It is accurate to think of the guardian ad litem as an investigator.

What is the role of the guardian ad litem?

The initial duty of the guardian ad litem is to visit the individual who is subject of the petition and to explain to her or him the nature of guardianship and her or his rights in the process.

The guardian ad litem must explore whether there is an alternative to guardianship, and whether *mediation* might be helpful.

The guardian ad litem must ask the individual if he or she wishes to be at the hearing. The individual has a right to be at the hearing, even if the court needs to change the site of the hearing to a nursing home or hospital.

Does the guardian ad litem have other duties?

Yes. One of the more important duties is to determine if the individual objects to appointment of a guardian, objects to the individual seeking to be appointed, or wants limits placed on the guardian's powers.

What if the individual objects to guardianship?

The guardian ad litem reports this in writing to the court. By law, the court **must** appoint a lawyer to represent the individual at this point. The role of the guardian ad litem ends upon appointment of a lawyer. She or he reports nothing further to the court and does not appear at the court hearing.

What is the role of the lawyer?

The role of the lawyer is to vigorously advocate for the wishes of the individual, even if those wishes are at odds with the petitioner or anyone else.

If the individual does not object to guardianship, what further does the guardian ad litem determine and report?

The issues include –

- Is guardianship warranted?
- Is the person seeking guardianship an appropriate person to serve?
- What powers should the guardian have?
- Should the guardian have authority to sign a do-not-resusciate order?
- Does the individual have sufficient income and assets so that a conservatorship is needed?

What happens upon the guardian ad litem reporting to the court?

The court appoints a lawyer to represent the individual if the individual requests a lawyer or objects to any aspect of the guardianship petition.

A hearing is held, usually at the courthouse At the hearing, the petitioner presents examples of the individual's behavior and any other relevant evidence. If there is still a guardian ad litem, the guardian ad litem presents her or his report.

If instead the individual is represented by a lawyer, the lawyer can present evidence and cross-examine the petitioner's witnesses. The individual has the same procedural rights even if she or he decides not to have a lawyer.

What happens at the end of the hearing?

After hearing all testimony, the judge determines if there is clear and convincing evidence to merit appointment of a guardian. The judge can then issue a court order appointing a guardian and setting forth powers of the guardian. In the aternative, the judge can dismiss the petition.

Do all guardians have the same powers?

No. By law, the judge must tailor each guardianship to the needs of the individual, and cannot grant a guardian power over areas where an individual can still make informed decisions. For example, an individual may not be able to participate in medical treatment, but still be able to decide where to live.

A guardian with fewer than all powers a guardian may have is known as a *limited guardian.* Under the law, the judge must first consider appointing a limited gurardian. Only if that is inadequate is the judge permitted to appoint a *full guardian.*

What happens when the judge appoints a guardian?

If the judge appoints a guardian, the judge issues a *court order.* The guardian then files an *acceptance of appointment* with the court. Finally, the court issues *letters of guardianship* to the guardian.

PC 631 Order Appointing Guardian

How does the judge decide who should serve as guardian?

The judge is required by law to honor certain priorities. Unless a guardian has already been appointed in another state, first priority is a person selected by the individual, him or herself, if that person is suitable and willing to serve.

Second priority is a family member, if there is one who is suitable and willing to serve. If there is family disagreement, mediation should be considered.

Only if the individual indicates no preference and there is no family to serve, can the judge appoint a professional guardian.

What is an *acceptance of appointment*?

An acceptance of appointment is a document you sign when appointed by the court, in which you agree to serve as guardian and perform the required duties.

PC 571 Acceptance of Appointment

What are *letters of guardianship*?

Letters of guardianship serve as proof of your authority to act, and set forth the powers you have as guardian. You will receive a certified copy of the letters of guardianship from the court. Read it carefully.

PC 633 Letters of Guardianship

When would I use letters of guardianship?

For example, if you set up a bank account, the bank will need a copy of your letters. If you are to make a medical treatment decision, the doctor or hospital will likely want to see a copy.

For most purposes, showing an agency or person the certified copy, then giving them a photocopy for their files, will be sufficient.

What if I need more certified copies than the one I have received?

Additional certified copies of letters of guardianship are available from the probate court at a cost of $12.00 per copy, a cost payable from the resources of the individual.

Do I have access to the probate court file?

Yes. You may review the file at any time the probate court office is open. It is a good idea to keep a copy of all forms you send to the court, and a copy of any other important papers in the court file.

3. VISITING THE INDIVIDUAL

What should I do upon being appointed guardian?

Visit the individual as soon as possible and try to explain your function. Ask the individual about her or his wishes, and what you can do to help him or her. Observe living conditions. Talk with staff if the individual lives in a nursing home, adult foster care home, home for the aged or other group living situation.

Determine what you must do to meet the immediate needs of the individual - for clothing, food, shelter, health, dental and personal care, and to meet longer term needs.

May I seek a professional assessment of the individual's physical, mental health and social needs?

Yes.

How often am I to visit the individual?

You are required by law to visit the individual at least once every three months. This is true if you are family or if you are a professional guardian.

Should I visit more often than that?

The number of times you should visit the individual is dependent on the needs of the individual. Factors include whether the guardianship is limited, the living situation of the individual, his or her health, the need for decisions. the effectiveness of telephone contact, and the incidence of visits by others the individual knows.

For some individuals, one visit each week would be appropriate; for others, once a month might suffice.

How long should each visit last?

Again, this depends on the needs of the individual. Some individuals may prefer shorter visits, occurring more often. Others may need time to emerge from being withdrawn.

Although there is no minimum time required, you cannot simply stick your head in a nursing room door and say "hello."

What are some purposes of visits?

One purpose is to ensure the daily needs of the individual are met. This is important both for individuals living in their own homes and for those in nursing homes or adult foster care homes. Staff may be more attentive to the needs of an individual who has visitors.

During the visit, you can observe the physical appearance and frame of mind of the individual, listen for any complaints from the individual, check on his or her possessions, and consult with staff.

Are there other reasons to visit?

Yes. Visits are also a means to develop a relationship of trust and to learn more about the wishes of the individual.

A visit is social contact for the individual. For some, a guardian will be the only visitor he or she has, the only link to the community.

Finally, if communication is possible, you have a legal obligation to consult with the individual before making a major decision affecting him or her.

May I take the individual on outings?

Yes, although this is not a requirement. As guardian, you should be aware of what you must do and what you can do. Without efforts by the guardian, the individual may be unable to enjoy a ride in the sunshine, a restaurant meal, an opportunity to shop.

Should I arrange visits in advance?

You should honor the wishes of the individual in this regard. Either way, to respect the individual's privacy, you should always knock on the individual's door before entering.

Need I inform a nursing home in advance of a visit?

No. Indeed, for purposes of judging the care an individual is receiving, it is better if the nursing home does not know of a visit in advance.

Can a nursing home restrict my access to the individual?

No.

Should I keep a record of visits?

Yes. Note in a diary the date of a visit, the amount of time spent, any contacts with staff, and your observations.

In your annual report to the court you will need to note the dates of your visits, and the report needs to be accurate.

4. GENERAL POWERS AND DUTIES

What are powers a court can grant to a limited guardian or full guardian?

A court can grant the following powers to a guardian:

- Determine where the individual lives
- Make provision for his or her care and comfort, including food, clothing and shelter
- Apply for benefits such as Medicaid for which the individual is eligible
- Obtain services to achieve the best possible state of well-being
- Return the individual to self-management, if and when possible
- Authorize or refuse medical treatment
- Sign a do-not-resucitate order applicable in non-hospital settings
- Take care of clothing, furniture, vehicles and other belongings
- If a *conservator* is not appointed, receive money due the individual and use it for his or her needs.

How do I know what powers I have?

Your powers should be listed on your letters of guardianship. If not, you should request the judge detail them in the court order and in the letters of guardianship.

If the judge or probate staff just check off the box on the court order, "full guardian," and your letters of authority merely state, "full guardian," you will have less adequate information about the extent of your powers.

What is a conservator?

A conservator is a person or financial institution appointed by the probate court to handle an individual's property and financial affairs. Sometimes the same person serves as both guardian and conservator.

Once appointed, a conservator takes title to and manages the individual's assets.

In exercising powers, should I as guardian consider the wishes of the individual?

Yes. A guardian should be guided by the known wishes, likes and preferences of an individual, whether expressed before the guardianship was established or currently.

If an individual can understand a major decision is to be made, a guardian must by law confer with him or her before acting. Whenever possible, the individual should be presented with choices. These are important aspects of independence and dignity.

Are the powers of a full guardian unlimited?

No.

What rights does an individual retain under guardianship?

First, any power not given the guardian remains with the individual. For example, if the guardian only has power to make medical treatment decisions, the individual can still decide where to live.

Second, an individual always retains the right to contact the probate court to request a modification or termination of the guardianship, and to hire a lawyer to assist in this task. A resident of a licensed long term care facility always has the right to contact the *State Long Term Care Ombudsman Program* for assistance in exercising her or his rights.

Third, unless specifically restricted by the probate court, an individual retains the right to practice his or her religion, to receive and send mail unopened, to use the telephone, to subscribe to and read the newspaper, to receive visitors of her or his choice, and to maintain membership in civic organizations.

The individual always retains the protection of state and federal laws such as the *Nursing Home Reform Law*, *Americans with Disabilities Act* and other civil rights statutes.

Can the individual vote in local, state and federal elections?

Yes. A guardian or another person may read and explain the ballot to the individual, but may not vote for the individual.

The individual may vote by absentee ballot if he or she is physically unable to attend the polls; or is at least 60 years old; or will be away from home during election day.

Can the individual still drive an automobile?

The Michigan Secretary of State has the right, upon notice and re-examination, to suspend or revoke the driver's license of an individual who is not able to drive a motor vehicle safely.

As guardian, you may contact the Secretary of State.

Do I have a responsibility to inform the individual of my role as guardian and of his or her rights?

Yes. You should do this as soon as possible after you are appointed.

5. Handling Finances and Property

To what extent do I have control over the individual's finances?

If a conservator is not appointed, and you are granted financial powers by the court, you control the monthly income of the individual and the money in his or her bank account. You also have an obligation to safeguard personal property and real estate.

In controlling money and property, what are my obligations?

You owe the individual what is known as a *fiduciary duty,* one of care, confidence and trust. You must be careful.

You must not intermingle the individual's money with your own. You cannot use the money for your own needs, including a loan. You should not buy anything from, or sell anything to, the individual without prior court approval.

You must keep records so you can account to the court for all money received and all money spent each year.

Do I have other duties?

Yes. If you discover the individual has assets of such value as to require financial management, you have an obligation to petition the probate court for appointment of a conservator.

Therefore, a first step is to determine what the individual owns and its approximate value: real estate, bank accounts, stock, automobile, personal property. If you have doubt whether a conservator is needed, it is best to contact the probate court.

PC 639 Petition for Appointment of a Conservator

Am I responsible for using my own money to pay for needs of the individual?

No. Your obligation is to use the individual's funds for her or his benefit.

Should I keep a record of all the property for which I am responsible?

Absolutely. You want to protect yourself against claims you lost or misused any of the individual's property and belongings.

What else should I do upon being appointed guardian?

If there is no conservator appointed, set up a bank account.

How should I choose a bank?

If the individual does not presently have a bank, consider convenience, services charges, and reputation for service.

What information will the bank need?

The bank will want to see, and perhaps keep, a certified copy of your letters of authority. The bank will need proof of your identity, such as a driver's license, and the social security number of the individual.

What type of account should I set up?

You will likely want a checking account, or both a checking and a savings account. Use the individual's social security number. Do not create a joint account. The account name should read,

Individual's Name by: Guardian's Name
GUARDIAN

Once the account is established, what do I do?

Transfer money from existing accounts of the individual to the guardianship account. Maintain a separate account if the individual is going to control part of his or her money.

What will happen to Social Security checks that were directly deposited into the previous account?

Monthly Social Security or Supplemental Security Income (SSI) checks could continue to go directly to the bank, deposited into the guardianship account. Notify Social Security of the change in account number; the bank may have the necessary form.

How do I handle an account that is joint between the individual and another person?

Request a determination by the probate court what part of the money belongs to each of the joint owners. If the account is joint between the individual and her or his spouse, ensure the spouse has access to funds for her or his needs.

What if the individual has always received Social Security checks at home?

If the individual receives either Social Security or SSI checks at home, apply at the nearest Social Security office to become *representative payee.* Bring a copy of the petition for guardianship and your letters of guardianship.

What will happen if I am appointed representative payee?

Upon your appointment, the monthly checks will come directly to you, or you can arrange for *direct deposit* into the guardianship account.

For those funds, you will have to file an annual account known as a *Represenative Payeee Report* with the Social Security Administration. You can file online at www.social security.gov/payee.

What if the individual receives Veterans Benefits?

Through the Veterans Administration, a person can become *custodian* of pension or disability funds of an individual. A VA field representative visits to determine whether you are appropriate to be custodian. The representative conducts periodic reviews of your performance, eliciting information about how money was spent, your visits, and any medical treatment the individual received.

You must inform the VA if the individual goes into a VA hospital.

What are my priorities in using the individual's income and bank funds?

First, pay for present needs of the individual. Ensure payments are made for a home mortgage, taxes, and homeowners insurance.

Second, if there are sufficient funds to pay for present needs, satisfy past debts.

Third, conserve excess funds for future needs.

Should I pay bills and other expenses by check or in cash?

Use the new checking account to pay for purchases and bills. The monthly statement and cancelled checks available to you provide a convenient record of income and expenses. If you do pay cash, make sure you keep a receipt.

Should I notify utility companies to send bills directly to my address?

It may be helpful to have utility and tax bills come directly to you.

What if I am unsure a past bill is valid?

Do not pay a bill if you question its validity. You can also negotiate a settlement of valid, past debts, assuming there are sufficient funds.

Might the court authorize the individual to handle part of his or her money or other property?

Yes. To encourage self-reliance and independence, the court may put this in its order. The court might or might not specify an amount.

Can I give individual control of some of her or his money if the court order is silent on the issue?

Yes. You should do this if at all possible. You might maintain a separate checking or savings account in the individual's name alone, or give the individual amounts of cash to spend as he or she wishes. Keep a record of these cash outlays.

Should I discuss financial matters with the individual?

Yes, if possible. A person who no longer has control of his or her money may feel others are stealing or otherwise misusing it. You should try to allay those fears.

Can I make large gifts to relatives of the individual?

No. And you do not have authority to change the beneficiary of a life insurance policy or change the provisions of a will.

Can I sell or mortgage real estate?

No. You must first go to probate court and seek appointment as a temporary conservator or conservator. A temporary conservator is known as a *special conservator*.

There will be court hearing after notice to interested persons. You must prove the sale is for fair market value, and that the sale is in the best interests of the individual. An individual's home does not need to be sold in order for an individual to be eligible for Medicaid. This issue is discussed in the next chapter.

Can I write a will for the individual or change the provisions of a will?

Neither a guardian nor a conservator has this power. A conservator, but not a guardian, has the right to review the contents of the individual's will in order to honor its provisions to the extent possible.

Do I have authority to sign a tax return?

Yes, if you file a Form 56 with the Internal Revenue Service. The form is entitled, *Notice Concerning Fiduciary Relationship.*

Do I have the power to arrange for a funeral and burial and pay for them in advance?

Yes. If the individual has not made arrangements, try to determine her or his wishes. If you pay in advance, make sure the cost of the arrangements will not disqualify the individual for any public benefit programs he or she may need.

Should I keep financial records?

Yes. It is best to keep a log showing the date and amount of all income received, and the date, amount, and purpose of all expenses, particularly those paid in cash. At the end of each month, total the expenses in categories, such as-

- food
- clothing
- shelter, including utility bills
- health and dental care
- insurance for health, life, homeowners
- other

Keep all bills, receipts, income statements and insurance reimbursement records, and store them separately from your own papers.

How long do I need to keep old records?

Keep records for at least three years.

Is there an initial record I should make?

Yes. It is a good idea to compile a "face sheet" with important information you will need in the future. The face sheet can be the first page of a diary, as shown at the end of this handbook.

How are my responsibilities as guardian different when the court also appoints a conservator?

If a conservator is appointed, you would inform the conservator about the cost of housing, health, food and services needed by the individual. The conservator might pay these expenses directly or give you sufficient money to cover them. In the latter case, you would provide receipts to the conservator for funds spent.

If you continue to receive income of the individual directly, turn over to the conservator any amount in excess of that required to meet current expenses of the individual.

When a conservator is appointed it becomes the conservator's responsibility to file an initial *inventory* of assets and to file *annual accounts* with the court of income and expenses.

Where can I find out more information about the role of a conservator?

You can obtain a free copy of the booklet, *Handbook for Conservators of Adults*, by requesting it through e-mail at tennisplayer55@netzero.net.

What if the conservator will not cooperate with me?

It remains the responsibility of the guardian to see the individual's daily needs are met. If there are differences of opinion between you and the

conservator that cannot be resolved, contact the probate court. A guardian can compel a conservator to pay for support of the individual.

6. Obtaining Income for the Individual

What steps should I take?

When you are appointed guardian, the individual may not be receiving all financial benefits to which he or she is entitled. It is part of your responsibility to seek out such assistance.

May I sign an application for benefits on behalf of the individual?

Yes.

What are some retirement and disability programs for which the individual may be eligible?

- Social Security Retirement and Social Security Disability
- Supplementary Security Income (SSI) and SSI Disability
- Veterans Administration Disability and Aid and Attendance
- Railroad Retirement
- Workers Compensation
- Black Lung
- Pension from public or private employer

What do I have to find out about each program?

1. What benefits are available?

2. What are the eligibility criteria - age, income, assets, work record?

3. Where does one apply?

4. What information/proof is required?

Where do I apply for programs?

Apply to the local Social Security office for Social Security and SSI benefits. Call the Veterans Administration Office for VA benefits. Contact the individual's previous employer or employers about a pension.

Once the individual is receiving a benefit, what is my responsibility?

A number of programs, such as SSI, have asset limits; if the individual exceeds these limits, he or she becomes ineligible. By effectively managing finances through paying for current needs or wants of the individual, you may be able to maintain his or her eligibility.

What are my duties to the agency providing the benefit?

Depending on the program, you may have an obligation to keep the agency informed of changes in the individual's address, living situation, income, value of assets, and whether the individual becomes hospitalized.

7. Paying for Medical Care

What is *Medicare*?

Medicare is a federally-funded program that covers part of the cost of hospital and doctor care. People are eligible if age 65 or older, or *permanently and totally disabled*, or receiving kidney dialysis.

Does Medicare pay for all of an individual's medical expenses?

No. Although Medicare has been expanded to cover preventive care such as an annual check-up, some services such as hearing aids and eyeglasses are not covered.

How much does an individual have to pay out of pocket for covered services?

A premium is subtracted each month from the individual's Social Security check. There is an annual deductible, and there are co-payments for most covered services.

How are Medicare services classified?

There are several "parts" to Medicare. In general, Part A covers hospital charges, Part B covers physician expenses, and part D covers prescription drugs. Home health benefits are also available through Medicare.

When should application for Medicare be made?

Contact the Social Security office a month before the individual turns 65, or earlier if the individual is permanently and totally disabled. For permanently

and totally disabled individuals, Medicare is available two years after disability is determined.

Where can I find more information about Medicare coverage?

You can obtain a copy of the booklet, *Medicare and You*, from the Social Security office, or online, www.medicare.gov/publications/pubs/pdf/10050.pdf.

If you have specific questions, you can get free information from the *Medicare and Medicaid Assistance Program.* Call 1-(800)-803-7174. You can also ask your doctor or other health care provider which services are covered.

Does Medicare cover nursing home care?

Medicare covers skilled nursing home care for a limited time, and only in certain circumstances. The individual must first be admitted to the hospital for 3 or more days, then need skilled care for the same condition.

Medicare does not cover nursing home care if an individuual only needs *basic care*: assistance with activities such as bathing, dressing and eating.

Medicaid does cover both skilled and basic care.

What is *Medicaid?*

Medicaid is a program funded jointly by the federal government and Michigan, administered by the county office of the Michigan Department of Human Services. Eligibility depends on an individual's age, marital status, income, assets, and in some cases, amount of medical bills. Eligibility is reviewed once a year.

Reimbursement is always made directly to the health care provider.

Can an individual be enrolled in both Medicare and Medicaid?

Yes. And an individual can have private health insurance in addition to Medicare and Medicaid.

Depending on an individual's income and assets, Medicaid may be available to pay the Medicare monthly premium, or the premium plus Medicare deductibles and co-insurance.

Can Medicaid cover hospital and physician expenses?

Yes.

Where can I find out more information about eligibility for Medicaid coverage of long term care?

You can obtain a free copy of the booklet, *Medicaid and Long Term Care*, by requesting it through e-mail at tennisplayer55@netzero.net.

Are there special Medicaid eligibility rules if an individual in a nursing home has a spouse at home?

Yes. There are complicated rules designed to prevent *spousal impoverishment.* There is more information in the booklet mentioned above.

If an unmarried individual is on Medicaid, will all of his or her income go to the nursing home?

No. He or she can often retain $60 a month for personal needs.

Income can also be used for medical services not covered by Medicaid, and pay monthly premiums for private health insurance.

An additional $60 per month can go to you as your guardian fee. You cannot use the individual's personal needs funds to pay for your guardianship fee or your expenses.

What if the individual is likely to return home after a short stay in a nursing home?

The individual's income can be used for up to 6 months to pay housing expenses such as mortgage payments, utlitity bills and taxes. A doctor must determine that the individual is likely to return home within 6 months.

Can the individual have money in the bank and still be eligible for Medicaid?

Yes. The individual can have up to $2,000 in *countable assets* and still be eligible for Medicaid.

Does an individual have to sell his or her home to be eligible for Medicaid?

No. An individual's home with equity under $543,000 is an *exempt asset*, and is not considered in determining initial eligibility or continued eligibility for Medicaid. This is true whether or not the individual is still in the home or lives in a different setting.

Are there ways I can help an individual become eligible?

There may be. For instance, if an individual's assets exceed the program maximum, you could spend the excess on the individual's needs such as a wheelchair ramp, a television, a computer, medical services not covered by Medicaid, or a prepaid funeral.

Beware of rules prohibiting *divestment,* giving away assets or selling them for less than their value.

Are there other services Medicaid can cover?

Yes. There are a number of home-based services covered by Medicaid. These services, which can be critical to enabling an indidivual to remain in her of his home, are discussed in the next chapter.

Will an individual who receives Medicaid have to pay money back?

Under federal law, each state must have a system of *estate recovery.* After a recipient's death, the state may claim reimbursement for Medicaid benefits received when an individual is age 55 or older.

In Michigan, reimbursement can only be sought from the individual's *probate estate*. The probate estate does not include certain assets, such as jointly held property.

If the individual is married at the time of death, any payment will not be due the state until the spouse's death.

What are some other resources that can help with medical expenses?

- Community Mental Health Agency
- Veterans Administration
- Private Insurance

What benefits are available through a Veterans Hospital?

An eligible veteran can receive hospitalization, outpatient care, prescription drugs and "aid and attendance." The VA also contracts with nursing homes for long term care. Contact the Veterans Administration for more information.

If the individual has been paying premiums for private insurance, should I continue to pay?

Consider keeping private insurance.

The individual may have a Medicare supplemental policy, which can be valuable in filling some coverage gaps in Medicare. If the individual has Medicaid but not Medicare, she or he may have better access to care with private health insurance.

You may have to complete paperwork to make a claim for benefits under the policy. Check with the health care provider.

8. Determining Place of Residence

What should I do upon being appointed guardian?

If the individual is living at home, it is likely her or his strong wish is to remain there. You should explore what financial programs and services are available to help reach that goal.

Are there some services available regardless of an individual's income and assets?

Yes. For example, home-delivered meals are available to any individual age 60 or older who is homebound and can not prepare her or his meals.

Home health care is a Medicare benefit.

A number of services are supported through Area Agencies on Aging, Community Action Agencies, and county Departments on Aging. These can include home weatherization, snow removal, yard work and transportation to medical appointments.

A list of Area Agencies on Aging can be found in Chapter 14.

What is *Home Help?*

Home Help is a Medicaid program administered by the Michigan Department of Human Services. Application for Medicaid must be made through the county DHS office. A list of those offices is in Chapter 14.

What services are available through Home Help?

One set of services is assistance with activities of daily living, including bathing, toileting, eating and transfering from bed to chair.

Other services include meal preparation, medication management, light house cleaning, laundry and shopping.

Who is eligible?

First, you must need help with *an activity of daily living*. The relatively simple, additional application for Home Help must be accompanied by a brief medical form signed by a qualified medical professional. The individual will then be visited by an adult services worker who will do an assessment to determine the type of help the individual needs – which services and how many hours per week for each service.

What are the financial eligibility criteria?

The individual must be enrolled in Medicaid, for which non-exempt assets cannot exceed $2,000. Exempt assets include one's home and a car.

Countable income must be equal to or less than the federal poverty limit set by the federal government. If an individual's income exceeeds this amount, she or he will have a *spend-down.*

Who performs the services the individual needs?

You and the individual can choose the provider. The Department of Human Services office sets the amount the provider gets paid.

Is there a waiting list to receive Home Help services?

No.

What is *MI-Choice*?

MI-Choice is also known as the *Home and Community Based Waiver Program*, or more simply, the *Waiver Program*. The program is designed for

individuals who need a *nursing home level of care*, but who can live at home with services paid through Medicaid.

What services are available through the Waiver Program?

Examples are personal care; meal preparation and home delivered meals; private duty nursing and specialized durable medical equipment; respite care and non-medical transportation; home modifications and housekeeping-type chores.

You can chooose the service providers or have the *waiver agent* arrange for providers.

Will the Waiver Program or the Home Help program cover rent for the individual?

No.

Can an individual receive Home Help services and Waiver Services at the same time?

No.

What is the *Nursing Facility Transition Initiative (NFTI)***?**

NFTI is part of the Waiver Program. NFTI is designed to help nursing home residents move back to the community, with supportive servives.

Where can nursing home residents move to, and be eligible for Waiver services?

A nursing resident can move back to his or her home, an apartment, an adult foster care home, a home for the aged or to other assisted living.

Is there a waiting list for NFTI?

Although there can be a long waiting list for Waiver Services, individuals already in a nursing home have priority, and should be served relatively promptly.

Who determines eligibility?

As mentioned, the individual must need a nursing home level of care, but be able to live in the community, and need at least one waiver service on a continual basis. This determination is made through an evaluation by a waiver agent. A list of waiver agents is in Chapter 14.

If an individual is in a nursing home, how would she or he become connected to the NFTI program?

Federal law requires nursing home staff to annually do a general assessment of each resident. As part of that assessment, known as the *Minimum Data Set (MDS)*, residents must be asked if they are interested in moving back to the community.

If the individual expresses a desire to move to the community, the nursing home has an obligation to contact the waiver agent. The waiver agent visits to assess whether a move to the community is possible.

As guardian, can I prevent the nursing home staff from asking the resident about her or his wishes, or prevent an waiver agent's assessment?

No. A nursing home is to first question the resident.

If the resident is interested in moving from the nursing home, you should cooperate with the waiver agent. As guardian, you have a responsibility to obtain services to bring the individual back to the degree of self-care possible. This includes moving to a less restrictive environment.

Is it my decision whether the individual moves from the nursing home?

Yes, if you have been granted the power by the probate court to determine where the individual lives.

For an individual still in the community, who decides if she or he is eligible financially for the waiver program?

She or he must be already enrolled in Medicaid, or apply for and be found eligible for Medicaid by the Department of Human Services. She or he may be living in any setting.

What are the financial eligibility criteria?

Non-exempt assets cannot exceed $2,000. Countable income must be no higher than $2,130 per month for an umarried individual. Different limits apply to a married person.

When should I apply?

Since there is a waiting list for waiver services, it is a good idea to apply as soon as it appears the individual may need a nursing home level of care. You can apply for waiver services even before you apply for Medicaid.

What if I feel the individual can no longer safely remain in his or her house, even with services?

Discuss the situation with the individual, if possible. Lay out choices available. You might want to broach this subject before the need arises; there may be waiting lists for certain housing alternatives.

What appropriate housing options might be available?

- Apartment
- Assisted living
- Continuing care facility
- Adult foster care
- Home for the aged
- Nursing home

What should I do before choosing any new residence?

Before making any final decision in changing a residence, visit the prospective setting. Have the individual visit to gauge his or her feelings. Be sensitive to the tremendous upheaval any such change will bring.

Might subsidized apartments be available?

Yes. There may be government subsidies available, such as *Section 8*. Under these programs, the individual pays a set percentage of her or his income as rent, and the program pays the difference between that and the full rental cost.

What is an *adult foster care home*?

Adult foster care is a type of residence offering room, board, supervision and sometimes personal care, for a monthly fee. There are about 4,500 adult foster care homes licensed by the state.

Are there different types of adult foster care homes?

Yes. There are family homes, small group homes, large group homes and congregate homes. The difference depends on the number of adults living in the home, and whether the owner of the home lives there.

How much does it cost to live in an adult foster care home?

The adult foster care home owner sets the rate. There are some owners who accept an individual's Supplemental Security Income (SSI) as full payment.

What is a *home for the aged*?

Homes for the aged serve individuals 60 or older, and generally have more residents than do adult foster care homes. Services provided may be quite similar to those in an adult foster care home. But there is no requirement, as there is for adult foster care homes, that services be available 24 hours a day for at least five days a week.

How do I go about choosing an adult foster care home or home for the aged?

Consider the convenience of the individual in staying close to family, friends and community activities. Also consider the size of the home, and how comfortable the individual will be in that setting.

There is a county-by-county list of homes at the following website: www.dleg.state.mi.us/brs_afc/sr_afc.asp.

What care is provided in a nursing home?

A nursing home is a licensed facility that provides 24-hour supervision; room and board; assistance with activities of daily living and medical care to residents.

How do I choose a nursing home?

You need to first determine whether the individual needs basic care or skilled care in the nursing home.

What is the difference between basic care and skilled care?

Basic care is for individuals who only need assistance with activities of daily living, such as dressing, bathing and eating.

Skilled care can only be provided by, or under the supervision of, doctors and licensed nurses. It may include administration of intervenous medication, diagnostic tests and rehabilitative services such as physical therapy, speech therapy, occupational therapy, and ventilator care.

What do I do next?

Obtain a list of nursing homes in your county or area, by going to the following website: www.medicare.gov/nursinghomecompare/search.html

The website also has information about the comparative quality of care of each nursing home.

What factors should I consider?

Look at ratings concerning quality of care. Consider how close the home is to the individual's friends and family. A husband and wife may wish to live together.

Do not choose a nursing home merely because its location is convenient to you. And avoid any nursing home offering you money; nursing homes are prohibited by law from making kickbacks.

Should I visit homes that look promising?

Yes. Get an impression of the cleanliness, ambiance, activities and quality of care. Does the home provide the services the individual needs? Ask yourself if this is a place where you would feel comfortable living.

Check whether the home has available beds, and how the beds are certified. Ideally, you want to find a bed that is *dually certified*, that is, approved for both Medicare and Medicaid.

If a home has an appropriately certified bed available, must it accept an applicant?

No. Unfortunately, nursing homes can refuse to admit an applicant based on the nursing home's perception of the individual's income and assets or because the nursing home only wants short-term residents in need of rehabilitation.

Can a nursing home force an applicant to promise to pay privately for a specified time before applying for Medicaid?

No. Such agreements, known as *duration of stay contracts,* violate federal and state law.

Can I sign the nursing home admissions agreement on behalf of the individual?

Yes. But be careful. Read the admissions contract thoroughly. On the signature line, cross out any reference to "responsible party" and sign only as "guardian."

You can add a statement to the contract, "I sign as guardian and I only agree to pay any nursing home expenses from the individual's funds, not from my own funds."

What rights does an individual in a nursing home have?

Both federal and state law provide a long list of rights of nursing home patients. These include the right to-

- Dignity, and safety from harm
- Appropriate care
- Information on one's condition and treatment
- Freedom from unnecessary restraints
- Privacy in communication
- Notice of room or roommate changes
- Complain, without fear of retaliation

What is my role as guardian?

Federal law provides a guardian has authority to enforce a resident's rights. You have an obligation to see rights are not violated and that the individual receives the services she or he needs. To help accomplish these goals, it is useful to visit the individual often and to advocate with staff.

Do I have the right to file a formal complaint with the State of Michigan about the quality of care or a violation of the resident's rights?

Yes. To file a complaint with the *Michigan Bureau of Health Systems*, call 1-(800)-882-6006. BHS staff will visit the nursing home and conduct an investigation to determine if the complaint is substantiated.

If the complaint is *substantiated*, the Bureau of Health Systems will issue one or more *citations* to the home. Citations are graded according to severity of harm and the number of residents potentially affected.

May I rely on the nursing home to see the individual's needs are met?

No. You have an important role to monitor the quality of care and scope of services the individual is receiving. And it is your decision, not the nursing home's, whether the individual remains a resident at the home.

If the individual is to move to another nursing home, be aware of the ill effects that can have on the individual. The nursing home should prove counselling to minimize the possibility of *transfer trauma*.

Is there a resource I can contact to learn more about resident rights and to help me advocate for residents?

Yes. The *Michigan Long Term Care Ombudsman Program* receives federal and state funds to advocate to improve the quality of care and quality of life for residents of nursing homes, homes for the aged and adult foster care homes. The program has local offices throughout the state. Call 1-(866)-485-9393.

The Long Term Care Ombudsman Program is also available to help residents resolve disputes with guardians.

What should I do upon a change in the individual's residence?

If the individual moves, whether by his or her choice, or by yours, you have an important obligation to inform the court within 14 days of the move. You may use the form on the next page if you wish.

You also have an obligation if you move to inform the court of your new address.

NOTICE OF CHANGE OF RESIDENCE

STATE OF MICHIGAN PROBATE COURT COUNTY OF	NOTICE OF CHANGE OF RESIDENCE	FILE NO.

In the matter of _____, a legally incapaciated person.

1. I, _____, am the guardian of the above named adult.
   Name (type or print)

2. The new address of the adult is - _____

_____

3. The new telephone number of the adult is - _____

4. The adult's residence is -

- ☐ own home/apartment
- ☐ nursing home
- ☐ foster or boarding home
- ☐ guardian's home/apartment
- ☐ hospital or medical care facility
- ☐ relative's home _____ Relationship
- ☐ other: _____

5. The name of the facility is - _____

6. The reason for the change of residence is - _____

_____

_____

Date

Address

Signature

City, state. zip

Telephone number

Do not write below this line - For court use only

NOTICE OF CHANGE OF RESIDENCE MCL 700.5314; MSA 27.15314

9. Medical Treatment Decisions

What is a *durable power of attorney for health care*?

An adult of *sound mind* may, in writing, voluntarily choose another adult to make medical treatment and personal care decisions for him or her in the event he or she becomes unable to participate in such decisions. The person chosen is known as a *patient advocate.*

What if I discover the individual has a patient advocate?

Bring the durable power of attorney for health care document to the attention of the probate court. If the patient advocate is still available and willing to perform her or his duties, the court must romove your power to make medical treatment decisions.

If an individual has both a guardian and a patient advocate, it is the patient advocate who makes medical treatment decisions.

What is a *living will*?

A living will is a document in which an adult expresses his or her wishes about medical treatment, in the event he or she should become terminally ill or permanently unconscious, and unable to participate in treatment decisions.

Are living wills binding in Michigan?

There is no state statute in Michigan providing for living wills. Whether binding or not, these documents may provide strong evidence of an individual's wishes.

As guardian, can I sign a durable power of attorney for health care, or a living will for the individual?

No. But you should respect the wishes expressed in these documents that were signed by the individual before she or he had a guardian.

Where can I find more information about durable powers of attorney and living wills ?

You can obtain a free copy of the booklet, *Advance Directives: Planning for Medical Care in the Event of Loss of Decision-Making Ability*, by requesting it through e-mail at tennisplayer55@netzero.net.

In general, what powers concerning medical care does a guardian have?

If the court grants you power to make medical treatment decisions, you have the right to authorize or refuse procedures for the diagnosis and treatment of injury or illness. This includes physical examinations, tests, shots, dental work, medications, therapy, non-surgical treatment and surgery.

What should I do upon being appointed guardian?

If the individual has a personal physician, let her or him know you have been appointed guardian. Find out whether the individual is undergoing any treatment, including taking prescription medication. Ask how often the doctor wants to see the individual.

If the individual doesn't have a doctor, may I choose one?

Yes. The individual should then undergo a comprehensive examination, including a review of all prescription medications the individual is taking.

Do I have the right to change doctors?

Yes. Certainly if you feel the doctor is not well serving the individual, you have an obligation to find another doctor. In other circumstances, consider how the change will affect the individual. If you do change, make sure the new doctor gets a copy of all current medical records.

What should I do next?

One important issue is to determine whether the individual needs any adaptive devices: a new prescription for eyeglasses, a hearing aid, a wheelchair.

What steps should I take in making treatment decisions?

Speak with the doctor about treatment options, side effects and prognosis. Elicit the doctor's recommendation. You can get a second opinion if this is a major decision.

Try to follow the individual's present or prior wishes, if known.

How do I determine the individual's wishes?

Talk with the individual. Review any documents in which the individual may have expressed her or his wishes. Contact close friends and relatives about previous statements the individual may have made.

Make sure the doctor knows the wishes of the individual.

Should I speak with other family members before making a major treatment decision?

Yes. Even more important, you have an **obligation** to consult with the individual if communication is possible.

What if there is no evidence of previously expressed wishes or current wishes?

For any treatment decision, if there is no evidence of the individual's wishes, you must act on what you believe to be the best interests of the individual, based on the information available to you.

If you are guardian for more than one individual, what is best for one individual may not be best for another. You cannot, for example, have a policy that no individual ever receives hospice care.

Do I have access to medical records?

Yes. You may review the individual's medical records, whether they be in the doctor's office, a nursing home or the hospital. Medical records can be quite difficult to understand; ask for help if you need it.

May I take the individual to medical appointments?

Yes. You can drive the individual or arrange for transportation.

May I authorize transportation by ambulance if necessary?

Yes. Have an emergency plan ready before an emergency occurs.

Do I have power to authorize mental health treatment?

A guardian may arrange for outpatient counselling or therapy, and consent to psychotropic medication. A guardian cannot authorize inpatient psychiatric treatment if the individual objects, but must instead petition the probate court and request a *commitment order*.

What type of counselling might the individual need?

An individual might need treatment for depression, bi-polar disorder or other mental illness; counselling for grief or substance abuse.

The individual may be eligible for services through the local commuity mental health agency.

What are *psychotropic medications*?

Psychotropic medications are drugs that are intented to address mental conditions such as intense mood swings, hallucinations, bizarre or suicidal thoughts, and paranoia. An individual for whom these drugs are prescribed might be be diagnosed as having *bipolar disorder, severe depression, schizophrenia* or other serious mental illness.

What should I know before authorizing psychotropic medication?

First, know that these medications can be overused, particularly for residents in nursing homes. Too often, the medications are prescribed not for symptoms of mental illness, but due to "behaviors" of individuals diagnosed with dementia.

The *off label* use of these medications can have dangerous side effects, including an increased risk of falling with consequent broken bones. And the medications can cause excessive drowsiness.

Second, it is best if these medications are prescribed by a psychiatrist or another physican who is knowlegeable in this area.

Third, you have the right to seek a second opinion as to proper medication, proper dosage and drug interactions.

Finally, medications affect individuals differently, and some of these medications have not been thoroughly tested on older adults. It is important for the physician to closely monitor changes in behavior.

Can I authorize surgery?

Yes. Indeed, it may be your duty to consent to surgery depending on its risk and the benefit to the individual. For example, cataract surgery can greatly improve an individual's quality of life, with little risk of a bad outcome.

Do I have the authority to arrange for hospice services if the individual is terminally ill?

Yes.

What is a *do-not-resuscsitate order*?

A do-not-resuscitate order under the Michigan Do-Not-Resuscitate Procedure Act is a document an individual voluntarily signs indicating that if her or his heart and breathing stop, she or he does not want resuscitation attempted.

Who else can sign a do-not-resuscitate order?

An individual's patient advocate can have authority to sign a do-not-resuscitate order.

The probate court can give authority to a guardian to sign a do-not-resucitate order. The issue should be addressed in your letters of guardianship.

What do I do if I have authority and I think it is appropriate at some point?

You have an obligation to speak to the individual within 14 days of signing the order, to see if she or he expresses wishes on the matter. Do not sign a do-not-resuscitate order if the individual objects.

The individual's attending physician must also sign the order.

If I sign a do-not-resuscitate order, can the individual later revoke it?

Yes.

In what settings is this document applicable?

A do-not-resuscitate order applies when the individual is living in a house or apartment, in assisted living, an adult foster care home, home for the aged or nursing home.

It is not applicable when an individual is in a hospital.

Does a guardian have authority to make the individual a *no code* when the individual is in the hospital?

A no code is a notation in an individual's hospital chart. If the individual's heart beat or breathing stops, no effort is made to revive him or her.

Judges differ as to whether a guardian has this authority. Some judges treat family guardians differently from professional guardians in this regard.

If the issue arises, it is best to seek guidance from the probate court as to your authority. The same is true if doctors suggest the withholding or withdrawal of antibiotics, a respirator or tube feeding.

What should I know before going to probate court?

Learn all you can about the individual's medical condition, treatment and prognosis.

See if there is any oral or written evidence of the individual having expressed her or his wishes. Speak with all family members. Attempt to communicate with the individual about the decision to be made. Give him or her an opportunity to express any current wishes.

What else might the probate court want to know?

- Present level of awareness and functioning of the individual
- Amount of pain from the condition, the treatment and from withdrawal of treatment
- Loss of dignity from the condition
- Life expectancy with and without treatment
- Risks and side effects of treatment

How do I petition the court?

To petition, request a hearing date from the court, and send a *notice of hearing* and a copy of the petition to *interested persons.* Notice should be sent to interested persons at least 14 days before the hearing, and personally delivered to the individual at least 7 days before the hearing.

PC 586 Petition and Order

PC 562 Notice of Hearing

Who are interested persons?

- The individual
- The individual's spouse and adult children
- If no living spouse, child or parent, the nearest relatives
- If no known relatives, the state Attorney General

What do I do after delivering the copies?

File a *proof of service* with the court.

PC 564 Proof of Service

10. Responding to Changed Circumstances

A. Termination or Modification of Guardianship

How long will the guardianship last?

Some individuals may need a guardian for a relatively short time, perhaps as they recover from a stroke or an automobile accident. Other individuals may suffer from a degenerative condition such as Alzheimers Disease, and need a guardian for the rest of their lives.

A *partial guardianship* under the Mental Health Code can last no longer than 5 years.

What if the individual for whom I am guardian regains the ability to make informed decisions?

You should petition the court for termination of the guardianship.

What if I am limited guardian but the individual's mental condition deteriorates?

You can petition the court for modification of your powers. The procedure will be much the same as in the initial petition for guardianship, with notice to interested persons and a hearing.

A guardian ad litem will be appointed. The individual has the same procedural rights as in an initial petition for the appointment of a guardian, including the right to object and the right to be at the hearing.

PC 638 Petition to Terminate or Modify Guardianship

What if the individual wants me to have fewer powers or wants the guardianship terminated?

The individual has the right to petition the court or to contact the court by informal letter to terminate the guardianship, reduce the guardian's powers or to replace the guardian with another person.

You are prohibited from interfering with transmittal of such a letter or petition. Upon receipt of a petition or letter, the court **must** appoint a lawyer for the individual.

B. Delegation of Powers

What should I do if I plan a short vacation?

Make sure the doctor, the nursing home and others have your telephone number so they may reach you in an emergency.

If I go on a long vacation, can I make arrangements for the individual?

You may sign a *power of attorney,* a document transferring your authority as guardian to another person for a period up to six months.

What powers may I delegate?

You may delegate any of your powers, whether they concern the care, the custody or the property of the individual.

To whom should I transfer my authority?

You should choose a person you trust, who is able to handle the task and who is willing to serve.

What should I do upon signing the power of attorney?

Inform the individual for whom you are guardian that another person will have temporary authority to make decisions. Share a copy of the document with the bank and health care providers. Make sure they will honor the document.

Should I notify the probate court?

Yes. You have an obligation to contact the court within 7 days, providing the court with the name, address and telephone number of the person who will be acting in your stead. It is a good idea to send a copy of the power of attorney to the court.

The court may require the person to sign an Acceptance of Appointment.

PC 571 Acceptance of Appointment

C. Resignation or Removal of Guardian

If I feel I can no longer handle the responsibilities, may I resign as guardian?

Yes.

How do I resign?

File a petition with the court. Include a final report, and a final account if you have control over the individual's finances.

PC 638 Petition to Terminate or Modify Guardianship

Is it necessary for me to find a replacement?

You may resign without finding a successor, although it will be helpful if you can find someone willing and able to serve.

What will happen upon my discharge as guardian?

If you control the finances of the individual, you will turn over all assets to the *successor guardian*. It will be helpful for you to meet with the successor to transfer assets, turn over important documents and discuss outstanding issues.

Under what circumstances might I be removed involuntarily?

The court can remove a guardian who fails to file annual reports, misuses the individual's funds, or does not perform his or her duties effectively. For example, if a guardian refuses to return telephone calls from health care providers or is otherwise unavailable when needed, the court can remove the guardian.

D. Appointing a Successor Guardian

May I choose a successor guardian?

If you are guardian for your spouse or your child of any age, you may in your will nominate a successor guardian. The successor guardian would take over the guardianship when you die. The individual would have opportunity to object to the court at the time.

Does this have to be done in a will?

No. You can appoint a successor in any document you sign and which is witnessed by two people.

E. Death of the Individual

What should I do upon the death of the individual?

First contact any family members. Notify the probate court and bring the court a certified copy of the death certificate, and the individual's will, if you know its location.

May I consent to an autopsy?

Yes.

May I follow through on organ or body donation according to written wishes of the individual?

Yes.

Can I arrange for the individual's funeral?

If there is no family, and the individual had not made any plans, you can make funeral and burial arrangements, paying with the individual's funds. If you do not have control of the funds, seek payment from the person who does.

What if the individual dies with no funds?

One or more of the following sources may be available to help pay the cost of funeral and burial:

- Department of Human Services
- Social Security death benefit
- Veterans benefits

What are my further responsibilities?

Notify Social Security and agencies or companies paying the individual a pension or other benefits. If a Social Security retirement check comes after death, note the fact and date of death on the back of the check and return it.

If you have possession of any assets of the individual, you would transfer them to the person appointed as *personal representative* for the estate.

What if no one petitions for ***probate of the estate*****?**

You can turn over to family any personal effects of the individual. If there is no family, you may donate clothes and furnishings as you believe the individual would have wished.

11. Liability

Might I be sued because of damages caused by the individual?

The law provides you are not financially responsible to other people due to acts of the individual.

What if I had an accident while transporting the individual?

You as driver and the individual as passenger would be covered by your automobile insurance policy to the limits of that policy.

Might I be sued by other family members for a medical decision I made?

A lawsuit will not succeed if you were acting within your authority, and you made the decision in good faith after consultation with medical personnel. If you are threatened with a suit about a proposed decision, contact the probate court.

Am I liable if a doctor is negligent in treating the individual?

No.

Are there any circumstances where I will be held liable?

Yes. You will be responsible if you deliberately misuse funds of the individual. You may also be liable if you act outside your authority or if you ignore your duties allowing for injuries to the individual.

What can I do to minimize the chance of a successful lawsuit?

Michigan Protection and Advocacy Service, a free program that advocates for individuals with a mental illness or developmental disability, suggests the following points:

- Know the limits of your authority
- If you have questions, ask
- Document your activities
- Keep the individual's money and property separate from your own
- Use your common sense

12. Charging for Your Services

May I charge for services as guardian?

Yes.

Should I charge a fee?

You must decide whether you feel comfortable charging a fee as guardian for a family member or friend.

How much can I charge?

Any fee a guardian charges is subject to probate court approval. A court may have a fee schedule, or decide in each case whether requested fees are reasonable.

What if the individual receives Veterans Benefits or is enrolled in Medicaid?

If an individual receives Veterans benefits, the fee cannot exceed 5% of the individual's income, without a court hearing with notice to the Veterans Administration.

If the individual is in long term care and enrolled in Medicaid, state law limits the amount a guardian may charge to $60.00 per month.

Where does money to pay the guardian come from?

Generally, money for fees and expenses comes from the individual's assets.

If an individual is on Medicaid, you **cannot** use the individual's personal needs allowance to pay your fee. Your fee will be deducted from the individual's spend-down, or patient pay amount due the nursing home.

Am I also entitled to reimbursement for expenses?

Yes. You are also entitled to reimbursement for out-of-pocket expenses, such as mileage, postage, xerox copies and long-distance telephone calls.

How do I get court approval of my fee?

The court may approve a fee arrangement in the initial guardianship order. If not, you should request approval at the time you file the annual report.

You should keep good records of time you spend on guardianship matters - the burden is on you to show you are entitled to the fees you request.

If I provide room and board to the individual, may I charge for these services?

If you, your spouse, or your child wish to charge for room and board, you must first get approval of the probate court or a separate conservator, if there is one. In either case, charges will only be approved if reasonable.

May I hire a lawyer to advise me as guardian and pay the lawyer from the individuals' funds?

Yes. It is important to have a written fee agreement between you and the lawyer. Interested persons can object to the court if the fee appears unreasonable.

How do I find a good lawyer to advise me?

There is no sure-fire way. Here are some suggestions:

1. If you have dealt with a lawyer in the past and were satisfied, go back to that person. If he or she does not handle the present type of problem, he or she can recommend someone who does.

2. Ask friends, neighbors or relatives for someone with whom they have been pleased.

3. Call the county or state bar referral service, which will provide you with the names of one or more lawyers who claim experience in this area of the law.

When should I consult with the lawyer?

If you have questions about your responsibilities or the individual's rights, you can contact your lawyer for advice.

13. Reporting to the Court

What are my obligations to report to the court?

A guardian must file a written report annually on a court form. A copy of the form is on pages 81 and 82.

PC 634 Annual Report of Guardian

When is my first annual report due?

The annual report is due within 56 days of the anniversary of your appointment. The due date for the report is important - write it down on your calendar each year.

What does the report include?

In the report, you must inform the court of the individual's -

- Living arrangement
- Physical and mental health, including any improvement
- Medical treatment
- Social activities
- Visits
- Need for continued guardianship

How might I make it easier to complete the report?

One good idea is to keep an informal diary, including dates of your visits, doctor appointments, services obtained and significant occurrences. You can then use information from the diary in completing your report. Accuracy is important.

If you wish to have a fee approved for your services, you should keep a record of the time you spend on guardianship matters, broken down into visits, appointments, errands and paperwork.

Is there a court fee for submitting the annual report?

No.

To whom must I send a copy of the report?

You should send a copy to each person who was listed on the petition to appoint a guardian. You should deliver a copy to the individual for whom you are guardian, in person.

Need my report include an *account*?

The law requires that if you control the income of the individual, you must account to the court as part of your annual report. Without an account, there is no way for the court or interested persons to know you have spent the individual's money properly.

There are judges who order some guardians, but not others, to file an account. If you have doubt whether to file an account, ask the probate court.

What is an account?

An account shows all money and property received during the year, and all expenses. Both receipts and expenses can be listed by category. For example, the total amount of Social Security checks received during the year, or the total amount paid for nursing home expenses can be listed on a single line.

An account also shows the value of all property left at the end of the account period. A copy of an account form is on pages 83 and 84.

PC 583 Account of Fiduciary

What if the individual receives benefits from the Veterans Administration?

If you control a benefit the individual receives from the Veterans Administration, send a certified copy of the account to the VA regional office.

What if there are other things I want to inform the court about?

You can include any information you feel would be helpful to the court on a separate piece of paper and attach it to the annual report.

What happens if I can't get my report in on time?

You may request an extension. If you fail to file a report, you can be suspended or removed as guardian.

What are purposes of the annual report?

The report provides feedback to the court on the condition of the individual and the performance of the guardian. As guardian, use the report as an opportunity to assess your role and performance as guardian.

Is there court oversight aside from the annual report?

Yes, one year after appointment of a guardian, and every three years thereafter, the court will appoint a person to visit and speak with the individual, to speak with the guardian, and to report back to the court.

How should I deal with the individual appointed by the court to assess the guardianship?

You should cooperate. Share any concerns you have. See this as an opportunity to get another perspective, and to get recognition for a job well done.

What will be in the report reviewing the guardianship?

The report should include observations of the individual's living situation, an opinion as to whether the individual's needs are being met, an assessment of the guardian's performance, and a recommendation whether there should be any changes in the guardianship.

Who will get a copy of the report?

Both you and the individual will receive a copy of the report.

PC 636 Report on Review of Guardianship

Approved, SCAO JIS CODE: AGW

STATE OF MICHIGAN PROBATE COURT COUNTY CIRCUIT COURT - FAMILY DIVISION	ANNUAL REPORT OF GUARDIAN ON CONDITION OF LEGALLY INCAPACITATED INDIVIDUAL ☐ FINAL REPORT	FILE NO.

NOTE: This report must be completed yearly by the guardian, or more often if directed by the court. The guardian must serve the completed report on the ward and all interested persons as required by Michigan Court Rules 5.105 and 5.125. Then the guardian must complete a proof of service (form PC 564) and file it and this report with the court.

In the matter of _____, a legally incapacitated individual

1. I, _____ (Name (type or print)) am the guardian of the adult named above and my annual report for the period of _____ (Date) to _____ (Date) is as follows.
2. Present age of the adult: _____ Date of birth: _____
3. **Living Arrangement**
   a. The current address and telephone number of the adult are: _____
   b. The name of the facility where the adult resides, if any: _____
   c. The adult's residence is:
      ☐ own home/apartment ☐ guardian's home/apartment ☐ other: _____ (boarding home, assisted living, etc.)
      ☐ nursing home ☐ hospital or medical facility
      ☐ foster home ☐ relative's home: _____ (Relationship)
   d. The adult has been in the present residence since _____ (Date). If moved within the past year, state the changes and the reasons for change.

      _____
   e. I rate the adult's living arrangement as ☐ excellent. ☐ average. ☐ below average. _____ (Explain)

      _____
   f. I believe the adult is ☐ content with the living situation. ☐ unhappy with the living situation.
   ☐ g. I recommend a more suitable living arrangement for the adult as follows: _____

      _____
4. **Physical Health**
   a. The adult's current physical condition is ☐ excellent. ☐ good. ☐ fair. ☐ poor.
   b. During the past year the adult's physical condition has
      ☐ remained about the same.
      ☐ improved. Explain _____
      ☐ worsened. Explain _____
   c. During the past year the adult received the following medical treatment (include check-ups and dental work):

Date	Ailment	Type of Treatment	Doctor's Name

(PLEASE SEE OTHER SIDE)

Do not write below this line - For court use only

MCL 700.5314(e), MCL 700.5317, MCR 5.409(A)

PC 634 (9/08) **ANNUAL REPORT OF GUARDIAN ON CONDITION OF LEGALLY INCAPACITATED INDIVIDUAL**

5. **Mental Health**
   a. The adult's current mental condition is ☐ excellent. ☐ good. ☐ fair. ☐ poor.
   b. During the past year, the adult's mental condition has
      ☐ remained about the same.
      ☐ improved. Explain _____
      ☐ worsened. Explain _____
   c. During the past year, treatment or evaluation by a psychiatrist, psychologist, or social worker ☐ was ☐ was not provided.

6. **Social Activities/Services**
   a. The adult's current social condition is ☐ excellent. ☐ good. ☐ fair. ☐ poor.
   b. During the past year, the adult's social condition has
      ☐ remained about the same.
      ☐ improved. Explain _____
      ☐ worsened. Explain _____
   c. During the past year, the adult has participated in the following activities:
      ☐ recreational _____
      ☐ educational _____
      ☐ social _____
      ☐ occupational _____
      ☐ No activities were available.
      ☐ The adult refused to participate in any activities.
      ☐ The adult was unable to participate in any activities.

7. **List of Visits**
   a. During the past year, I visited the adult as follows: _____
      List dates
   b. The average amount of time I spent on each visit was _____.
   c. The last time I visited with the adult was on _____.
      Date

8. **Activities**
   During the past year, I performed the following activities on behalf of the adult: _____

9. **Consultation**
   During the past year, I consulted with the adult before making the following decisions: _____

10. I believe the adult has the following unmet needs: _____

☐ 11. The guardianship ☐ should ☐ should not be continued because: _____

☐ 12. As guardian, I have been ordered by the court to file an annual account, which is attached.

_____ Date

_____ Signature

_____ Address

_____ City, state, zip Telephone no.

Approved, SCAO | JIS CODE: ACC

STATE OF MICHIGAN PROBATE COURT COUNTY OF	ACCOUNT OF FIDUCIARY, SHORT FORM ☐ _____ Annual ☐ Final ☐ Interim Number ☐ AMENDED	FILE NO.

In the matter of _____

In a guardianship or conservatorship, the ward's or protected individual's current address and telephone number are:

_____

1. I, _____ (Name), am the _____ (Title)

of the estate and submit the following as my account, which covers the period from _____ (Month, day, year)

to _____ (Month, day, year) (may not exceed 12 months).

COLUMN 1. INCOME, GAIN, AND OTHER RECEIPTS		COLUMN 2. EXPENSES, LOSSES, AND OTHER DISBURSEMENTS	
	$		$
Investment gain	0.00	Investment loss	0.00
Total Column 1 (Enter on line 2.b on page 2.)	0.00	**Total Column 2** (Enter on line 2.d on page 2.)	0.00

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

2. a. Balance on hand from last account, or value of inventory, if first account ..... $ _____

b. Enter Total Column 1, Income, Gain, and Other Receipts, from the other side of this form ..... $ 0.00

c. **Subtotal** (Add line 2.a to line 2.b and enter the amount here.) ..... $ 0.00

d. Enter Total Column 2, Expenses, Losses, and Other Disbursements, from the other side of this form $ 0.00

e. Balance of assets on hand (Subtract line 2.d from line 2.c and enter the amount here.) ..... $ 0.00
This line must equal the last line in item 3. (Itemize assets below.)

3. The balance of assets on hand are as follows:

ITEMIZED ASSETS REMAINING AT END OF ACCOUNTING PERIOD	
	$
Total balance on hand. This line must equal the last line in item 2.	$ 0.00

NOTE: In guardianships and conservatorships, except as provided by MCR 5.409(C)(4), you must present to the court copies of corresponding financial institution statements or you must file with the court a verification of funds on deposit, either of which must reflect the value of all liquid assets held by a financial institution dated within 30 days after the end of the accounting period.

4. The interested persons, addresses, and their representatives are identical to those appearing on the initial application/petition, except as follows: (For each person whose address changed, list the name and new address; attach separate sheet if necessary.)

5. This account lists all income and other receipts and expenses and other disbursements that have come to my knowledge.
6. ☐ This account is not being filed with the court.
7. ☐ My fiduciary fees incurred during this accounting period (including fees that have already been approved and/or paid for this accounting period) are $_____. Attached is a written description of the services performed.
8. ☐ Attorney fees incurred during this accounting period (including fees that have already been approved and/or paid for this accounting period) are $_____. Attached is a written description of the services performed.

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

Date

Attorney signature

Fiduciary signature

Attorney name (type or print) Bar no.

Fiduciary name (type or print)

Address

Address

City, state, zip Telephone no.

City, state, zip Telephone no.

(For accounts that must be filed with the court.)

NOTICE TO INTERESTED PERSONS

1. You must bring to the court's attention any objection you have to this account. Except in guardianships and conservatorships, the court does not normally review the account without an objection.
2. You have the right to review proofs of income and disbursements at a time reasonably convenient to the fiduciary and yourself.
3. You may object to all or part of an accounting by filing a written objection with the court before the court allows the account. You must pay a $20.00 filing fee to the court when you file the objection. (See MCR 5.310[C].)
4. If an objection is filed and is not otherwise resolved, the court will conduct a hearing on the objection.
5. You must serve the objection on the fiduciary or his/her attorney.

14. Agency Contact Information

A. Area Agencies on Aging

Counties or Cities Served

Area Agency on Aging 1-B

29100 Northwestern Hwy, Suite 400
Southfield, MI 48034 (248) 357-2255

Livingston, Macomb, Monroe, Oakland, St. Clair and Washtenaw

Area Agency on Aging of Northwest MI, Inc.

1609 Park Drive
P.O. Box 5946
Traverse City, MI 49686 (231) 947-8920

Antrim, Benzie, Charlevoix, Emmet, Grand Traverse, Kalkaska, Leelanau, Manistee, Missaukee, and Wexford

Area Agency on Aging of Western MI, Inc.

1279 Cedar NE
Grand Rapids, MI 49503 (616) 456-5664

Allegan, Ionia, Kent, Lake, Mason, Mecosta, Montcalm, Newaygo, Osceola

Branch-St. Joseph Area Agency on Aging

570 Marshall Road
Coldwater, MI 49036 (517) 278-2538

Branch, St. Joseph County

Detroit Area Agency on Aging

1333 Brewery Park Blvd, Suite 200
Detroit, MI 48207 (313) 446-4444

Cities of Detroit, the Grosse Pointes, Hamtramck, Harper Woods and Highland Park

Region II Area Agency on Aging

102 N. Main Street
Brooklyn, MI 49230-0189 (517) 592-1974

Hillsdale, Jackson, and Lenawee

Region 3-A Area Agency on Aging

3299 Gull Road
Nazareth, MI 49074 (269) 373-5147

Kalamazoo County

Region 3-B Area Agency on Aging

200 West Michigan Avenue, Suite 100
Battle Creek, MI 49017 (269) 966-2450

Barry, Calhoun

Region IV Area Agency on Aging, Inc.

2900 Lakeview Avenue
St. Joseph, MI 49085 (269) 983-0177

Berrien, Cass and Van Buren

Region IX Area Agency on Aging

Northeast MI Community Services Agency, Inc.

2375 Gordon Road
Alpena, MI 49707 (989) 356-3474

Alcona, Alpena, Arenac, Cheboygan, Crawford, Iosco, Montmorency. Ogemaw, Oscoda, Otsego, Presque Isle and Roscommon

Region VII Area Agency On Aging

1615 S. Euclid Ave
Bay City, MI 48706 (989) 893-4506

Bay, Clare, Gladwin, Gratiot, Huron, Isabella, Midland, Saginaw, Sanilac and Tuscola

Senior Resources

560 Seminole Road
Muskegon, MI 49444 (231) 739-5858

Muskegon, Oceana and Ottawa

The Senior Alliance, Inc.

3850 Second Street, Suite 201
Wayne, MI 48184 (734) 722-2830

Wayne County except for cities covered by
Detroit Area Agency on Aging

Tri-County Office on Aging

5303 South Cedar Street
Lansing, MI 48911-3800 (517) 887-1440

Clinton, Eaton and Ingham

U.P. Area Agency on Aging
UPCAP Services, Inc.

2501 14th Avenue, South
Escanaba, MI 49829 (906) 786-4701

All counties in the Upper Peninsula

Valley Area Agency on Aging

225 E. Fifth Street, Suite 200
Flint, MI 48502 (810) 239-7671

Genesee, Lapeer and Shiawassee

B. Michigan Waiver Agents

Counties or Cities Served

Detroit, the Grosse Pointes, Hamtramck, Harper Woods, Highland Park

Detroit Area Agency on Aging
Paul Bridgewater, Executive Director
Betty Rodgers, Senior Manager
1333 Brewery Park Blvd., Suite 200, Detroit, Michigan 48207
Tele: 313-446-4444

Wayne County except cities served by Detroit Area Agency on Aging

The Senior Alliance
Robert Brown Executive Director
EdTrinese Page, Program Director
3850 Second Street, Suite 201, Wayne, Michigan 48184-1755
Tele: 734-722-2830

or

The Information Center, Inc.
Edward D'Angelo, Executive Director
Kelly Faber, Program Director
20500 Eureka Road, Suite 110, Taylor, Michigan 48180
Tele: 734-282-7171

Hillsdale, Jackson and Lenawee Counties

Region 2 Area Agency on Aging
Ginny Broderick, Executive Director
Barbara Stoy, Waiver Services Manager

102 North Main Street , Brooklyn, Michigan 49230
Tele: 800-335-7881 x1901
517-467-2204

Livingston, Macomb, Monroe, Oakland, St. Clair and Washtenaw Counties

Area Agency on Aging 1B
Tina Abbate Marzolf, CEO
Kathleen Kueppers, Program Director
29100 Northwestern Highway, Suite 400, Southfield, Michigan 48034
Tele: 248-357-2255

or

Macomb-Oakland Regional Center, Inc.
Dennis M. Bott, Director
Marcia Marklin, Program Director
16200 Nineteen Mile Road, Clinton Township, Michigan 48038
Tele: 586-263-8953

Barry, Branch, Calhoun, Kalamazoo and St. Joseph Counties

Burnham Brook Center
Karla Fales, Executive Director
Linda Frost, Waiver Director
200 West Michigan Avenue, Suite 100, Battle Creek, Michigan 49017
Tele: 269-441-0976

or

Senior Services, Inc.
Robert W. Littke, Director
John Grib, Program Director
918 Jasper Street, Kalamazoo, Michigan 49001
Tele: 269-382-0515

Genesee, Lapeer, and Shiawassee Counties

Valley Area Agency on Aging
Kathy Boles, Director
Leah Mix, Waiver Director
225 E. Fifth Street, Flint, Michigan 48502
Tele: 810-239-7671

Berrien, Cass, and Van Buren Counties

Region IV Area Agency on Aging
Lynn Kellogg, Chief Executive Officer
Dawn Taylor, Waiver Director
2900 Lakeview Avenue, St. Joseph, Michigan 49085
Tele: 269-983-0177

or

Burnham Brook Center
Karla Fales, Executive Director
Linda Frost, Waiver Director
200 West Michigan Avenue, Suite 100, Battle Creek, Michigan 49017
Tele: 269-441-0976

Clinton, Eaton and Ingham Counties

Tri-County Office on Aging
Marion Owen, Director
Carleton Nogle, Program Director
5303 South Cedar Street, Lansing, Michigan 48911-3800
Tele: 517-887-1440

Bay, Clare, Gladwin, Gratiot, Huron, Isabella, Midland, Saginaw, Sanilac, and Tuscola Counties

A&D Home Health Care, Inc.
Roselyn Argyle, Director
David Benjamin, Program Director
3150 Enterprise, Suite 200, Saginaw, Michigan 48603
Tele: 1-800-884-3335

or

Region VII Area Agency on Aging
Andrew Orvosh, Executive Director
Kerry Williams, Program Director
1615 S. Euclide Avenue, Bay City, Michigan 48706
Tele: 989-893-4506

Allegan, Ionia, Kent, Lake, Mason, Mecosta, Montcalm, Newago, and Osceola Counties

Area Agency on Aging of Western Michigan, Inc.
Thomas Czerwinski, Director
Suzanne Filby-Clark, Program Director
1279 Cedar Street, N.E., Grand Rapids, Michigan 49503-1378
Tele: 616-456-5664

or

HHS, Health Options
Steven Velzen-Haner, Executive Director
Terry Gray, Clinical Manager
2100 Raybrook, S.E. Ste. 203 Grand Rapids, Michigan 49549
Tele: 800-447-3007

Upper Peninsula Counties

U.P. Area Agency on Aging (UPCAP)
Jonathan Mead, Director
Mark Bomberg, Program Director
2501 14th Avenue South, Escanaba, Michigan 49829
Tele: 906-786-4701

Alcona, Alpena, Arenac, Cheboygan, Crawford, Iosco, Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle, Roscommon Counties

Northeast Michigan Community Service Agency (NEMCSA)
John Swise, Director
Laurie Sauer, Program Director
2375 Gordon Road, Alpena, Michigan 49707
Tele: 989-356-3474

Antrim, Benzie, Charlevoix, Emmet, Grand Traverse, Kalkaska, Leelenau, Manistee, Missaukee, Wexford Counties

Area Agency on Aging of Northwest Michigan
Robert Schlueter, Executive Director
Denise Plakmeyer, SW Supervisor
1609 Park Drive, Traverse City, Michigan 49696
Tele: 231-947-8920

or

Northern Lakes Community Mental Health
Gregory D. Paffhouse, Director
Sherry Moesler, RN, Program Director
105 Hall Street, Suite D, Traverse City, Michigan 49684
Tele: 800-640-7478

Muskegon, Oceana and Ottawa Counties

Senior Resources
Pam Curtis, Executive Director
Katie Corbett, Care Connections Director
560 Seminole Road, Muskegon, Michigan 49444
Tele: 231-739-5858

or

HHS, Health Options, Inc.
Steven Velzen-Haner, Executive Director
Terry Gray, Clinical Manager
2100 Raybrook, S.E. Ste. 203 Grand Rapids, Michigan 49549
Tele: 800-447-307

C. Michigan Department of Human Services

Local Office Information

County Name	Director	Address	Phone
Alcona	John Keller, Acting	711 W. Chisholm St. Alpena MI 49707	989-362-0300
Alger	Doug York-Acting	101Court St. Munising MI 49862	906-387-4440
Allegan	Andrew Zylstra	3255 122nd Ste 300 Allegan MI 49010	269-673-7700
Alpena	John Keller, Acting	711 W. Chisholm Alpena MI 49707	989-354-7200
Antrim	Vicki Dahl, Acting	205 E. Cayuga St. Bellaire MI 49615	231-533-8664
Arenac	Kim Bejcek	3709 Deep River Road Standish MI 48658	989-846-5500
Baraga	Leonard Richards, Acting	108 Main Street Baraga MI 49908	906-353-4700
Barry	Tim Click, Acting	430 Barfield Drive Hastings MI 49058	269-948-3200

Bay	Kim Bejcek	1399 W. Center Rd. Essexville MI 48732	989- 895- 2100
Benzie	Kristine Lagios	448 Court Plaza Govt. Ctr Beulah MI 49617	231- 882- 1330
Berrien	Kathy A. Miller, Acting	401 Eighth Street Benton Harbor MI 49023	269- 934- 2000
Branch	Zoe Lyons, Acting	388 Keith Wilhelm Dr. Coldwater MI 49036	517- 279- 4200
Calhoun	Shaun Culp	190 E. Michigan Ave. Battle Creek MI 49016	269- 966- 1284
Cass	Cindy Underwood, Acting	325 M-62 Cassopolis MI 49031	269- 445- 0200
Charlevoix	Julie Sproul	827 S. Huron St. Cheboygan MI 49721	231- 627- 8500
Cheboygan	Julie Sproul	827 S. Huron St. Cheboygan MI 49721	231- 627- 8500
Chippewa	Christopher Stabile	463 East 3 Mile Rd. Sault Ste. Marie 49783	906- 635- 4100
Clare	Howard Sweeney	725 Richard Dr. Harrison MI 48625	989- 539- 4260

Clinton	Kenton Schulze	105 W. Tolles Rd St. Johns MI 48879	(989) 224-5500
Crawford	Cynthia Gill Pushman	230 Huron Grayling MI 49738	(989) 348-7691
Delta	Russell Sexton	2940 College Ave. Escanaba MI 49829	906-786-5394
Dickinson	Russell Sexton	1401 Carpenter Ave Ste A Iron Mountain MI 49801	906-779-4100
Eaton	Tim Click, Acting	1050 Independence Blvd. Charlotte MI 48813	(517) 543-0860
Emmet	Vicki Dahl, Acting	2229 Summit Park Drive Petoskey MI 49770	(231) 348-1600
Genesee	Sandi Mose	125 E. Union St. Flint MI 48501	(810) 760-2200
Gladwin	Kim Bejcek	250 N. State Street Gladwin MI 48624	989-426-3300
Gogebic	Scott Parrott	301 E. Lead St. Bessemer MI 49911	906-663-6200
Grand Traverse	Dawn McLaughlin	701 S. Elmwood Ste. 19 Traverse City MI 49684	(231) 941-3900
Gratiot	Kenton Schulze	201 Commerce Drive	(989) 875-

		Ithaca MI 48847	5181
Hillsdale	Zoe Lyons, Acting	40 Care Drive Hillsdale MI 49242-1096	517-439-2200
Houghton	Leonard Richards, Acting	200 Quincy St. Hancock MI 49930	(906) 482-0500
Huron	Irene Bazan Waller	1911 Sand Beach Rd. Bad Axe MI 48413	989-269-9201
Ingham	SuAlyn Holbrook	5303 S. Cedar St. Lansing MI 48911	517-887-9400
Ionia	Michelle Seigo	920 E. Lincoln Ionia MI 48846	(616) 527-5200
Iosco	Karin Hobbs	2145 E. Huron Rd. East Tawas MI 48730	989-362-0300
Iron	Scott Parrott	337 Brady Avenue Caspian MI 49915	(906) 265-9958
Isabella	Mark Stevens	1919 Parkland Drive Mt. Pleasant MI 48858	989-772-8400
Jackson	Jerome Colwell	301 E. Louis Glick Hwy. Jackson MI 49201	517780-7400
Kalamazoo	Robert Peck, Acting	322 E. Stockbridge Ave. Kalamazoo MI 49001	(269) 337-4900

Kalkaska	Dawn McLaughlin	503 North Birch Street Kalkaska MI 49646	(231) 258-1200
Kent	Nancy Marshall	121 Franklin Street, S.E. Grand Rapids MI 49507	616-248-1000
Keweenaw	Leonard Richards, Acting	3616 Highway US-41 Mohawk MI 49950	(906) 337-3302
Lake	Jim McCormick, Acting	5653 S. M-37 Baldwin MI 49304	231-745-8106
Lapeer	Irene Bazan Waller	1505 Suncrest Dr. Lapeer MI 48446	(810) 667-0800
Leelanau	Dawn McLaughlin	701 S. Elmwood Ste. 19 Traverse City MI 49684	(231) 941-3900
Lenawee	Timothy Kelly	1040 S. Winter St. Adrian MI 49221	(517) 264-6300
Livingston	Susan Fulton	2300 E. Grand River Howell MI 48843	517-548-0200
Luce	Christopher A. Stabile	500 W. McMillan Newberry MI 49868	(906) 293-5144
Mackinac	Christopher A. Stabile	199 Ferry Lane Saint Ignace MI	(906) 643-

		49781	9550
Macomb	Bernell L. Wiggins, Director	19700 Hall Rd., Ste. A Clinton Township 48038	586-412-6100
Manistee	Kristine Lagios	1672 US 31 South Manistee MI 49660	(231) 723-8375
Marquette	Doug York, Acting	234 W. Baraga Ave. Marquette MI 49855	(906) 228-9691
Mason	James H. McCormick	915 Diana St. Ludington MI 49431	(231) 845-7391
Mecosta	Lewis Roubal, Acting	800 Water Tower Rd. Big Rapids MI 49307	(231) 796-4300
Menominee	Russell Sexton	2612 10th St. Menominee MI 49858	(906) 863-9965
Midland	Mark Stevens	1509 Washington, Ste. A Midland MI 48641	(989) 835-7040
Missaukee	Howard Sweeney	10641 W. Watergate Rd. Cadillac MI 49601	(231) 779-4500
Monroe	Tim Kelly	903 S. Telegraph, Ste. A Monroe MI 48161	734-243-7200
Montcalm	Michelle Seigo	609 N. State Stanton MI 48888	(989) 831-

			8400
Montmorency	John Keller	11636 M-32, West Atlanta MI 49709	(989) 785-4218
Muskegon	Jane Johnson, Acting	2700 Baker St. Muskegon Heights 49444	(231) 733-3700
Newaygo	James H. McCormick	1018 Newell White Cloud MI 49349	231-689-5500
Oakland	Billy R. Holland, Acting	Oakland Towne Center 28 N. Saginaw St. # 1200 Pontiac MI 48342	248-975-4800
Oceana	Jane R. Johnson	4081 W. Polk Road Hart MI 49420	(231) 873-7251
Ogemaw	Karin Hobbs	444 E. Houghton Ave West Branch MI 48661	(989) 345-5135
Ontonagon	Scott Parrott	730 South 7th St. Ontonagon MI 49953	(906) 884-4951
Osceola	Lewis Roubal, Acting	800 Water Tower Rd Big Rapids MI 49307	(231) 796-4300
Oscoda	Cynthia Gill Pushman	200 W. Fifth St. Mio MI 48647	(989) 826-4000
Otsego	Cynthia Gill Pushman	1999 Walden Dr Gaylord MI 49735	(989) 732-

			1702
Ottawa	Michelle Martin, Acting	12185 James St., Ste. 200 Holland MI 49424	616-394-7200
Presque Isle	Julie Sproul	1242 W. Third St. Rogers City MI 49779	(989) 734-2108
Roscommon	Karin Hobbs	111 Union St. Roscommon MI 48653	(989) 275-5107
Saginaw	Rita Truss, Acting	411 E. Genesee Saginaw MI 48605	989-758-1100
St. Clair	Kay Andrzejak	220 Fort Street Port Huron MI 48060	810-966-2000
St. Joseph	Cindy Underwood, Acting	692 E. Main St. Centreville MI 49032	(269) 467-1200
Sanilac	Kay Andrzejak	515 S. Sandusky Rd. Sandusky MI 48471	(810) 648-4420
Schoolcraft	Doug York	300 Walnut St. Rm. 175A Manistique MI 49854	(906) 341-2114
Shiawassee	Susan Fulton	1720 E. Main Street Ste. 1 Owosso MI 48867	989-725-3200
Tuscola	Irene Bazan Waller	1365 Cleaver Rd. Caro MI 48723	989-673-9100

VanBuren	A. David Fernandez	57150 C. R. 681 Hartford MI 49057	269- 621- 2800
Washtenaw	Cynthia Maritato	22 Center St. Ypsilanti MI 48198	734- 481- 2000
Wayne	Dwayne Haywood	Cadillac Place 3040 W Grand Blvd - Suite 5-650 Detroit MI 48202	(313) 456- 1000
Wexford	Howard Sweeney, Director	10641 W. Watergate Rd. Cadillac MI 49601	231- 779- 4500

DIARY

I. FACE SHEET

Guardianship of _____
Address _____
(If address changes, you must notify probate court within 14 days)

Date of Birth _____ Telephone # _____

Date of Guardianship Order _____ Probate File # _____
(Annual report due w/i 56 days of anniversary)

Social Security # _____ VA Claim # _____
Medicare # _____ Medicaid # _____

Name of spouse _____
Address (If different from above) _____

Children's names Addresses

_____ _____
_____ _____
_____ _____

Closest relative (If no spouse or children)

_____ _____

Personal physician _____ Telephone # _____

Religious affiliation _____

Location of documents
Birth certificate, marriage license _____
Health care proxy, living will _____
Life, health, homeowners insurance _____
Military discharge papers _____
Deed to property, mortgage, lease _____
Funeral contract, deed to cemetery plot, letter of instructions _____
Other important documents _____
Location of safe deposit box _____

II. ACTIVITIES

From _____ to _____

(Use extra sheets as necessary)

1. Medical Treatment

(Include check-ups but not follow-up visits)

Date	Ailment	Type of Treatment	Physician/Hospital

2. Mental Health Services

Date	Type of Service	Provider

3. Social or Other Services

(If service occurs periodically, note frequency rather than each date)

Date	Type of Service	Provider

4. Recreational, educational and social activities

Activity	Frequency

5. Visits with individual

Month	# of visits	Time spent	Notes
January			
February			
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			

6. Activities on behalf of individual

Date	Person/Agency	Issue	Type of contact (Personal, mail, telephone)

III. FINANCES

From _____ to _____

(Use extra sheets as necessary)

1. Income

A. Direct deposit - Monthly bank statements provide record

B. Received other than by direct deposit

Date	Amount	Source

2. Outlays

A. Paid by check - Monthly bank statements provide record

B. Paid in cash

Date	Amount	Purpose (Product/Service/Given to Individual)

Date	Amount	Purpose (Product/Service/Given to Individual)

3. Expenses of guardian

Date	Amount	Purpose (Mileage, xerox, other)