



## **Michigan Supreme Court**

State Court Administrative Office

**Field Services Division**

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January 9, 2023

### **MICHIGAN COURT FORMS COMMITTEE**

Estates and Protected Individuals Code Forms Workgroup

Minutes of September 1, 2022 Meeting

Present: Ms. Susan Chalgian, Chalgian & Tripp Law Offices  
Ms. Kim Cramer, Michigan Legal Help  
Mr. Warren Krueger, SBA, Chair – Court Forms, Rules, & Proceedings  
Ms. April Maycock, Wayne County Probate Court  
Mr. Mike McClory, Wayne County Probate Court  
Honorable David Murkowski, Chief Judge, Kent County Probate  
Mr. Nathan Piwowarski, McCurdy Wotila & Porteous, PC  
Ms. Valerie Robbins, Mecosta County Probate Court  
Ms. Cindy Rude, Calhoun County Probate Court  
Ms. Nicole Shannon, Michigan Elder Justice Initiative  
Ms. Hayley Colosky, Judicial Information Services (Staff)  
Ms. Sheryl Doud, Field Services (Staff)  
Ms. Shayla Fletcher, Field Services (Staff)  
Ms. Sheri Lankheet, Field Services (Staff)  
Ms. Rebecca Schnelz, Field Services (Staff)  
Ms. Luciana Viramontes, Field Services (Staff)

Absent: Mr. Steve Marchlewicz, Ingham County MDHHS  
Ms. Maureen Nagy, Advent House  
Ms. Amy Byrd, SCAO MiFILE (Staff)

#### **1. Minor changes**

##### **[PC 555, Demand for Notice](#)**

The committee reviewed and approved a suggestion to modify the location of attorney contact information on PC 555. The committee also agreed to modify language in item 4 to reflect the new location of the attorney contact information.

The suggestor indicated that the location of the attorney information on the left side of the page was inconsistent with other forms where the attorney information is listed on the right side of the page. SCAO staff determined that new formatting standards requiring caption boxes at the top of the form resolved the issue of inconsistency because the attorney contact information is in the caption box on the right side of the page.

With the addition of the caption box to the form, SCAO staff suggested the language in item 4 be modified to read “Notice should be mailed to me and/or my attorney at the address(es) listed above.” Because the attorney information is no longer included in item 4, the current language, “Notice should be mailed to me and/or my attorney at: [space for address]”, is no longer appropriate. The committee expressed approval of this modification.

The form was approved as revised.

**PC 558, Application for Informal Probate and/or Appointment of Personal Representative (Testate/Intestate)**

The committee reviewed and approved a suggestion to add distinct designations to the tables in item 4 on PC 558 to make it easier to distinguish between the two.

SCAO staff presented a draft form with the tables renumbered as 4.a. and 4.b. Several members of the committee voiced strong support for this suggestion. There were no objections.

The form was approved as revised.

**PC 638a, Order Regarding Termination/Modification of Guardian for Minor/Guardian for LII/Conservator**  
**PC 638b, Order Regarding Termination/Modification of Guardian for Individual with Developmental Disability**

SCAO staff notified the committee of updates to the current JIS codes on PC 638a and PC 638b. The JIS code on PC 638a was updated to OMG. The JIS code on PC 638b was updated to OMD. This update did not affect the content of the form or any court process.

The form was approved as updated.

2. **PC 551, Petition and Order to Open Safe Deposit Box to Locate Will or Burial Deed**  
**PC 552, Safe-Deposit Box Certificate and Receipt**

*Denial checkbox and room for findings*

The committee discussed and approved a suggestion to add a denial checkbox and space for a finding on PC 551. A committee member commented that these petitions need to be denied on occasion and the lack of a denial option means the judge must write in information by hand. The committee agreed that a denial option would be helpful and requested both a “granted” and “denied” checkbox in the order section.

The committee also discussed adding space for a detailed finding after a petition is denied. Committee members noted that the reason given for the petition being denied will almost always be “they are not an interested person” but did not request this specific language on the form. During the discussion, a committee member commented that a reason should always be given when a petition is denied, and the other committee members agreed. The committee agreed to include space for a detailed finding.

STAFF NOTE: Item 5 was modified to include a checkbox. It was also renumbered as 5.a., 5.b., and 5.c. because these items are only applicable if the petition is granted. Item 6 was modified to include a checkbox and the following language “The petition is denied for the following reason(s).”

### ***Reference to form PC 552***

The committee discussed and approved a suggestion to modify item 6 by replacing “written statement” with “PC 552.” The committee discussed if it was appropriate to reference PC 552 on this form. SCAO staff noted that the current language on PC 551 tracks the language of [MCL 700.5217](#). However, [MCR 5.113\(A\)](#) states if the State Court Administrative Office has approved a form for a particular purpose, it must be used when preparing that particular document for filing with the court. The committee concluded that because PC 552 was specifically designed to be used as the required written statement, the language in item 6 should be modified.

The committee suggested replacing item 6 with the following language: “The individual permitted to open the safe-deposit box under this order must complete the Safe-Deposit Box Certificate and Receipt (PC 552) and file it with the probate court within 7 days of opening the box or determining that no safe-deposit box exists.”

STAFF NOTE: Item 6 was renumbered as 5.b. and 5.c. The language was modified as follows:

- 5.a. The petition is granted. The institution is ordered to permit \_\_\_\_ to examine the safe-deposit box described above in the presence of an officer or other authorized employee of the institution. Only a will of the decedent and/or a deed to a burial plot shall be removed from the box and shall be delivered by the person named above to the probate register or deputy register of this court.

- b. At the time of the opening of the safe deposit box, all persons in attendance shall execute a Safe-Deposit Box Certificate and Receipt (PC 552) certifying whether a will and/or deed to a burial plot was found and that no other items were removed from the safe-deposit box.
- c. The person named above shall file a PC 552 with the probate register or deputy register of this court within 7 days of opening the box. If no safe deposit box is located, the person named above shall file a PC 552 indicating that no box was found.

### *Use of institution instead of lessor*

The committee discussed and approved a suggestion to replace the term “lessor” with “institution” throughout PC 551 and PC 552 for the sake of clarity. SCAO staff noted that MCL 700.2517 uses the term institution to refer to a safe and collateral deposit company, trust company, corporation, bank, or other institution that leased or may have leased a safe-deposit box to the decedent. The committee agreed that it was best to match the language from the statute. A committee member also commented that the use of institution was more plain language and the committee agreed.

### *Form design*

The committee discussed the use of multipurpose versus separate forms and expressed a preference for multipurpose forms whenever possible.

It was noted that, in the past, the committee expressed a desire to have petitions and orders on separate forms. SCAO staff requested further committee input given that the new formatting would allow multipurpose forms to have the separate purposes on separate pages in some cases, thus eliminating the need to create separate documents.

SCAO staff noted that the version of the form being looked at was the revised version of PC 551 and noted that the new formatting standards cause the order portion of PC 551 to move onto a second page. Historically, PC 551 has been a multipurpose form because both the petition and order could fit onto one page. With the new formatting standards, two pages will be required.

A committee member explained that it is difficult to go back and amend a petition when it is time to enter an order. Having a separate petition and order eliminates the need to amend the petition.

SCAO staff explained that MiFILE will allow one copy of a document to be made. This means a copy of the petition can be made and subsequently entered as an order. SCAO staff

also noted that MiFILE can only make one copy of a document which means multipurpose forms can only have two purposes.

Another committee member commented that when an order references information in a petition that is separate from the order, certified copies of both the petition and the order must be provided when a certified copy of an order is required.

Committee members discussed the different amounts of work required by each type of form. They commented that multipurpose forms are less work for court staff because separate forms require information to be entered separately on each form. A committee member inquired about having two separate forms within the same PDF file which would eliminate the need to enter information more than once. SCAO staff noted that this is currently difficult to manage from a form creation standpoint.

Finally, a committee member expressed a preference to have all information on one form.

Committee members agreed with the preference to create multipurpose forms if they are compatible with MiFILE and do not create more work for court staff.

The form was approved as revised.

STAFF NOTE: On PC 552, items 1.a. and 1.b. were reformatted for consistency with other forms. The caption of the second signature line was modified by removing the word “bank” and adding the words “of institution” to make it consistent with the use of institution discussed above. Additionally, the caption in item 3 was modified to read “Person named in order to examine contents of box” to make it consistent with the caption in the first signature line.

### 3. [PC 556o, Order for Assignment](#)

#### *Social Security Number on Order*

The committee discussed and approved a suggestion to remove the social security number from PC 556o and replace it with the date of death to remove personal identifying information from the form. The suggestor indicated that date of death is an alternative means of ensuring the petition and order are referencing the same individual. The committee expressed support for the removal of the social security number from the order. They also suggested that removal of the social security number would allow for the petition and order to be recombined into a multi-purpose form. PII for the petition is collected on the MC 97. Without the social security number on the order, there would be no PII on the combined petition and order. Committee members further commented that combining the petition and order would clear up confusion about part 1 and part 2 and eliminate the need to create a second redacted copy.

### ***Recording requirements***

The committee discussed a suggestion to modify the Order for Assignment so it satisfies register of deed recording requirements. A committee member requested space on the order to include a real property description and addresses of the individuals receiving the property. They commented that the current order references the real property description in the petition. However, the petition is separate from the order. This means to register the order with the Register of Deeds, both the petition and order must be registered. SCAO staff questioned how frequently this form is filed with the Register of Deeds and committee members commented that it is used regularly, at least in part of the state. SCAO staff noted this suggestion is only relevant if the petition and order remain separate.

The form was approved as revised.

STAFF NOTE: The petition and order for assignment will be combined into multipurpose form PC 556, Petition and Order for Assignment.

#### **4. [PC 559, Petition for Probate and/or Appointment of Personal Representative \(Testate/Intestate\)](#)**

The committee discussed and approved a suggestion to modify item 8 to better indicate a copy of a will is being presented rather than the original will. Committee members commented that the form already allows for a copy of a will to be presented but agreed that modifying the form could make it clearer.

A committee member suggested checkboxes should be added to item 8 to help identify what is being used to prove the contents of the will. The committee agreed with the suggestion and requested to replace “The will is lost, destroyed, or otherwise unavailable, but its contents are [room to list contents]” with “The *original* will is lost, destroyed, or otherwise unavailable, but [ ] a copy of the will is attached. [ ] its contents are described below: [space for additional information].”

The form was approved as revised.

#### **5. [PC 565, Testimony to Identify Heirs](#)**

##### ***Affidavit***

The committee discussed and approved a suggestion to remove the affidavit from PC 565 because there is no statute requiring the testimony form to be accompanied by an affidavit. The committee took note that testimony identifying heirs must be verified under MCR 1.109(D)(3). Committee members agreed that the affidavit requirement should be

removed and replaced with the following language from MCR 1.109(D)(3): “I declare under the penalties of perjury that this [testimony] has been examined by me and that its contents are true to the best of my information, knowledge, and belief.”

### ***Attorney contact information***

The committee also discussed the appropriate location of attorney information on PC 565.

SCAO staff questioned if PC 565 required attorney contact information. A committee member noted that this form does not need to be completed by an attorney. However, if an attorney does complete the form, it is helpful for the courts to have the attorney’s contact information. SCAO staff noted that the attorney contact information is currently requested at the bottom of the form. Several committee members suggested PC 565 should include caption boxes at the top of the form to gather contact information. They noted including contact information at the top of the form would be consistent with other forms. The committee supported the use of caption boxes to collect information and noted the boxes should not request information from a “petitioner” or “applicant” because this form may be completed by someone other than a party to the case. A committee member suggested “filer” and “filer’s attorney” would be appropriate labels and the committee agreed.

SCAO staff expressed concern that including caption boxes would suggest the estate information (petitioner and petitioner’s attorney) is required on this form. However, the purpose of this form is to gather information and it may be completed by someone who is not a party to the case. A committee member also noted that estate information was not necessary on this form because the form is not filed on its own. Instead, it will always be filed with a petition or application that contains the estate information. Including information for non-parties in a form caption is inconsistent with other SCAO forms.

SCAO staff questioned who should sign the PC 565. Committee members agreed that both the individual completing the form and their attorney (if any) should sign at the bottom of the form.

The form was approved as revised.

STAFF NOTE: SCAO staff determined caption boxes were not appropriate for this form.

## **6. [PC 568, Register’s Statement](#)**

### ***Discharge mechanism***

The committee discussed and approved a suggestion to add a mechanism to the form to discharge a prior personal representative.

The committee received a suggestion to add a mechanism to the form to discharge a prior personal representative without having to prepare multiple documents. SCAO staff questioned how courts currently document the discharge of a personal representative whose duties have been terminated by operation of law. Committee members reported that some counties modify the PC 568 while other counties complete an order of discharge.

SCAO staff questioned the authority of the probate register to discharge a personal representative. Committee members determined there is no specific authority allowing a register to discharge a personal representative; however, the personal representative can be discharged by operation of law. The committee further clarified that discharge occurs when the personal representative's duties have been terminated by operation of law, discharging the personal representative's liability. Discharge is different than termination which occurs following a petition for removal for cause.

A committee member suggested adding a check box to the form with the following language "the authority of the prior personal representative has been terminated by death, resignation, or appointment of a conservator." The committee noted that selecting this item would indicate that a prior personal representative has been discharged by operation of law. A committee member questioned if the previous personal representative's name should be included on the form. The committee member agreed the name of the previous personal representative is not required.

### ***Attorney Contact Information***

A committee member requested that the attorney information be included at the top of the form to make it consistent with other forms. Another committee member noted that court issued forms do not have attorney contact information at the top but agreed that attorney contact information should be included somewhere on the form. SCAO staff noted the request.

The form was approved as revised.

STAFF NOTE: Due to space constraints, attorney information will remain at the bottom of the form. During typesetting, citations MCL 700.3609 and MCL 700.3610 were added.

## **7. PC 570, Bond of Fiduciary**

The committee discussed and did not approve a suggestion to add language about using a pledge of securities or a mortgage of land. The suggestion was to modify PC 570 by adding an option for security other than sureties on a bond, including a pledge of securities or a mortgage of land. This option is allowed under MCL 700.5410. Several committee members commented that it is very rare for someone to pledge securities or a mortgage of land. The committee agreed that the form did not require modification.



The form was not revised.

#### **8. PC 608o, Order to Change Venue**

The committee discussed a suggestion to add an acceptance of transfer section to PC 608o for the receiving court to verify receipt of the case. A committee member noted this would be a good addition because it would help keep a case out of limbo. Another committee member agreed with the suggestion and explained that there have been instances when neither the transferring court nor the receiving court is supervising a case because the transferring court assumed the receiving court accepted the case before the receiving court was informed of the transfer. A committee member articulated a best practice where the transferring court keeps jurisdiction until the case is received and accepted by the other court. The committee agreed that it would be helpful if the transferring court sent a form with the file that included an option to accept or reject the file. This form would get returned to the transferring court.

A committee member also noted that the acceptance section on [JC 29, Order to Transfer Case](#), is very helpful. SCAO staff noted there is statutory authority for the acceptance section on JC 29. However, there is no statutory authority requiring courts to acknowledge receipt of a probate case or notify the transferring court of such an acknowledgement. SCAO staff took the recommendation under advisement and will continue to review.

STAFF NOTE: During typesetting, the codes on PC 608o and PC 608p were updated to the current JIS codes.

#### **9. PC 617, Declaration of Intent to Give Notice by Publication**

The committee discussed and approved a suggestion to include checkboxes indicating what efforts were taken to locate an individual for the purpose of collecting more specific information about efforts undertaken to locate interested parties.

The suggestor recommended incorporating the following language: “The petitioner has no knowledge of the person’s whereabouts or anyone who has.”; “The petitioner does not know nor have any way of obtaining the person’s address.”; and “List the date and their last contact with the person.”

A committee member noted that MCR 5.105(3) does not specify the requirements for a diligent inquiry. Furthermore, there is no statutory authority for the list the suggestor recommended. However, the committee agreed that providing some guidance about a diligent inquiry would be helpful in reducing the number of deficient notices and would also reduce the amount of time spent explaining the requirement to filers. A committee member suggested adding the following checkboxes after “I intend to publish notice on this individual because his/her address or whereabouts are unknown. I have made the following diligent

efforts to ascertain his/her address or whereabouts”: [ ] searched the following websites;; [ ] completed public records search.; [ ] interviewed other interested persons.; [ ] other.

The form was approved as revised.

STAFF NOTE: During typesetting, “Declaration of Intent to Give Notice by Publication” was added before (PC 617). Additionally, “PC 564 (Proof of Service)” was changed to “Proof of Service (PC 564). These changes were made for the sake of consistency. After review by administrative counsel, it was determined there is no statutory authority to include the list recommended by the committee.

#### **10. PC 618, Personal Representative Notice to Friend of the Court**

##### ***Certificate of Mailing***

The committee discussed and approved a suggestion to remove the certificate of mailing from the bottom of PC 618 to reduce the likelihood a personal representative would perceive the form must be filed with the court.

The suggestor noted that the form contains personal identifying information that is now protected by court rule (PPII). Members of the committee clarified that PC 618 is served on the friend of the court, where it is held as a nonpublic document. However, when a personal representative files the form with the court, the form becomes part of the probate file where it is a public document. A committee member noted that when the PC 618 is filed with the court, the PPII would need to be redacted in order to remain protected pursuant to [MCR 1.109\(D\)\(9\)\(b\)\(iii\) and \(d\).](#)

A committee member questioned if instructions should be included to direct that a proof of service must be filed with the court. The committee agreed that there was no requirement to file a proof of service with the court and that instructions directing individuals to do so would not be appropriate. The committee agreed that it would be appropriate to remove the certificate of mailing from the form.

##### ***Formatting***

A committee member suggested reformatting this form to include caption boxes at the top of the form and the committee agreed.

The form was approved as revised.

STAFF NOTE: The lines for attorney and personal representative addresses were removed because this information is now included in the caption boxes. Additionally, in the Instructions to Personal Representative, the word “should” was changed to “must” because it more accurately reflects the requirements of the statute.

**11. PC 654, Annual Report of Guardian on Condition of Minor  
PC 663, Report of Guardian on Condition of Individual with Developmental Disability**

The committee discussed and approved a suggestion to add language about how to modify a guardianship if someone no longer wishes to serve as guardian.

The committee received a suggestion to add the following language to item 10 on PC 654: “If you no longer wish to serve, file a petition to modify guardianship.” The suggestor also recommended modifying PC 663 by adding the following language as a new item after item 16: “I [ ] am [ ] am not willing to continue to serve as guardian. If you no longer wish to serve, you must file a petition to modify guardianship.”

A committee member noted that providing this instruction will reduce the number of delinquencies and help ensure a ward’s needs are met by beginning the process of obtaining a new guardian in a more expedited manner. The committee enthusiastically agreed with the suggestion.

A committee member suggested the appropriate form number for the petition to modify guardianship should also be included. SCAO staff suggested the following language and the committee agreed:

- PC 654, #10: “If you no longer wish to serve, you must file a Petition to Terminate/Modify Guardianship (PC 675).”
- PC 663, New #17: “I [ ] am [ ] am not willing to continue to serve as guardian. If you no longer wish to serve, you must file a Petition to Terminate/Modify Guardianship for Developmentally Disabled Individual (PC 677).”

SCAO staff noted the remaining items on the form will be renumbered.

The form was approved as revised.

STAFF NOTE: During typesetting, PC 654 was further modified by adding “NOTE:” before “If you no longer wish to serve, you must file a Petition to Terminate/Modify Guardianship (PC 675).” Item 17 on PC 663 was also modified by adding “NOTE:” before “If you no longer wish to serve, you must file a Petition to Terminate/Modify Guardian for Developmentally Disabled Individual (PC 677).”

**12. \*NEW FORM\* PC 691, Petition and Order Regarding Funeral Arrangements and Disposition of Body**

The committee discussed and approved creation of a new form to petition for the right to make decisions about funeral arrangements and the handling, disposition, or disinterment of a

decedent under MCL 700.3207. This form will standardize what is currently being accomplished by local court forms.

The committee received multiple suggestions to develop a new form titled Petition and Order Regarding Funeral Arrangements and Disposition of Body. Multiple committee members noted they have seen an increase in requests for this form and strongly supported the suggestion. SCAO staff presented a draft form for the committee to review.

A committee member requested the following language be added to the draft form: “The order is [ ] granted [ ] denied for the reasons stated on the record.” The committee agreed with this suggestion.

A committee member suggested adding a line to item 4 to indicate the relationship to the decedent of the person whose right to make decisions was being challenged. The suggestion was to change the language from “I am challenging the right and power of: \_\_\_name\_\_\_ to make decisions about the funeral arrangements and the handling, disposition, or disinterment of the decedent’s body.” to “I am challenging the right and power of: \_\_\_ name\_\_\_, whose relationship to the decedent is \_\_\_, to make decisions about the funeral arrangements and the handling, disposition, or disinterment of the decedent’s body.” The committee discussed this suggestion and agreed that it was not necessary because this relationship hasn’t been specified on other forms.

SCAO staff questioned if the form title should be “Petition Regarding Funeral Arrangements and Disposition of Body” or “Petition Regarding Funeral Arrangements and Disposition of Remains.” Committee members noted that the statute says body and recommended the form title also use body. The recommended title is “Petition Regarding Funeral Arrangements and Disposition of Body.”

The form was approved as revised.

STAFF NOTE: Staff will continue to review this form to determine if it should be a multipurpose form with a combined petition and order or if a separate order should be created.

**13. \*NEW FORM \* PC 692, Petition for Guardian Authority to Release for or Consent to Adoption**  
**\*NEW FORM\* PC 693, Order Regarding Guardian Authority to Release for or Consent to Adoption**

The committee reviewed requested modifications to previous draft forms and approved the forms as revised.

The committee reviewed two draft forms that were brought back to the committee after being modified pursuant to committee recommendations in 2019. In 2019, the committee requested the draft forms be modified to accommodate situations where the parent of a child being released for adoption is also a minor. SCAO staff modified draft PC 692 by adding checkboxes to item 1 with choices for “the above named minor child” and “a parent of the above named child.” Similarly, draft PC 693 was modified by adding checkboxes to item 1 with choices for “guardian(s) of the minor child” and “guardian(s) of the minor child’s parent \_\_\_\_name of parent\_\_\_\_.”

The forms were approved as revised.

STAFF NOTE: On PC 692, “unmarried” was added to the first line of item 3 to match statutory language. On PC 693, checkboxes were added to item 1 to identify if the request is for a consent or release.

#### **14. \*NEW FORM\* PC 694, Objection**

The committee discussed and approved a generic objection form to be used in probate cases.

The committee reviewed a draft form that was created pursuant to previous committee suggestions. The original suggestion was to create a form for objection to the appointment of a guardian of a minor child. Following discussion at a previous meeting, the committee recommended a general objection form that could be used in multiple scenarios. SCAO staff questioned if the form should be titled “Objection to Petition” or “Objection.” Several committee members expressed concern that the title “Objection to Petition” would imply attorneys must use the form whenever they are objecting to a petition due to the requirement to use SCAO forms in MCR 5.113. Other committee members commented that attorneys would not be required to use the form. The committee agreed that “Objection” was sufficient and requested that the title of the form be “Objection.”

A committee member noted that captions should include the person objecting on the left and the attorney for the objecting party on the right.

A committee member questioned how open-ended the form should be. One committee member suggested the form should include a list of parameters. Another committee member noted they have used a similar, open-ended form for quite a while without issue and recommended the following language: “I received the following document: \_\_\_\_document title\_\_\_\_.” And “I object because: \_\_\_\_reason for objection\_\_\_\_.” The committee agreed to leave the form open ended and approved the suggested open-ended language.

A committee member also noted that any form that directs a party to file an objection should be amended to include this form number and title in the instruction.

The form was approved as revised.