



Michigan Supreme Court

State Court Administrative Office

Field Services Division

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

Phone (517) 373-4835

Ryan P. Gamby
Field Services Director

August 18, 2022

TO: Michigan Court Forms Committee, EPIC Workgroup

FROM: Sheri D. Lankheet, Forms and Resources Analyst

RE: Agenda and Materials for **September 1, 2022 Meeting**

PLACE: Meeting to be held by Zoom

Below is the agenda for the September 1, 2022 meeting of the Michigan Court Forms Committee, EPIC Workgroup. The meeting will be held by Zoom and will begin at 9:30 a.m. and continue until all items have been addressed, but no later than 3:30 p.m. A half-hour break is planned for lunch at noon. We do ask that attendees appear on camera whenever possible so that all members easily know who is speaking.

Links to the relevant statutes, court rules, and forms are provided within this document. Draft documents are provided as attachments for reference. **Please do not distribute the drafts.** If needed, the links to the full online resources for Michigan statutes and the Michigan Court Rules are as follows:

- [Michigan Legislative MCL search page](#)
- [Michigan Court Rules](#)

1. Minor changes

[PC 555, Demand for Notice](#)

A request has been received to move the attorney information to the left side of the page. Subsequently, information for the person requesting notice would be on the right. The requestor indicates this would make the form consistent with other forms.

Upon further review, it was determined this change is no longer needed. A caption with contact information for the person making the demand and his or her attorney was added to comply with new form standards.

The address lines in item 4 will be removed and replaced with the following language:

“Notice should be mailed to me and/or my attorney at the addresses listed above.”

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

A suggestion was received to add numbers 4a. and 4b. to the tables in item 4. The suggestor indicates the lack of table titles/numbers makes it difficult to explain which table is being discussed.

Should the tables be numbered?

Public Comments:

- Yes – this will alleviate confusion.

Samuel A. Olsen
Genesee County Probate Court

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

The JIS code on PC 638a was corrected to OMG. The JIS code on PC 638b was corrected to OMD.

2. PC 551, Petition and Order to Open Safe Deposit Box to Locate Will or Burial Deed

A judge has suggested adding a checkbox to deny a petition and adding space to make findings, such as finding the petitioner is not an interested person.

An additional question was raised as to whether item 6 of this form should be rewritten to specifically reference form PC 552, Safe-Deposit Box Certificate and Receipt, rather than a “written statement.” The form currently states:

6. At the time of the opening of the safe-deposit box, all persons in attendance shall execute a written statement certifying whether a will and/or a deed to a

burial plot was found and that no other items were removed from the safe deposit box.

This language 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. PC 552 was specifically designed to be used as the required written statement.

Should a check box for the denial of the petition be added?

Should space for a detailed finding be added?

Should the reference to “written statement” in item 6 be replaced with a specific reference to form PC 552?

Please note that formatting changes will be made to this form to accommodate MiFILE. These changes will cause the form to become two pages. Since the form will already be two pages, a decision needs to be made whether to create separate forms for the petition and the order.

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

A probate register has suggested replacing the social security number on these forms with the date of death as the means of assisting in identifying the individual. This suggestion was prompted by the recent court rule change protecting certain personal identifying information (PII). The intent of the suggestion is to remove the need to manage the PII.

Should the social security number be removed from the order and replaced with the date of death?

Public Comments:

- YES – I fully support this suggestion to minimum administrative difficulties with the processing of orders for assignment.

Samuel A. Olson
Genesee County Probate Court

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

A suggestion was received from a probate register to include a checkbox to indicate when a copy of a will is to be admitted. The suggestor believes the intent is covered in item 8.c. but

is requesting the form be modified with a checkbox either in 8.a. or 8.c. to make the form more clear.

Should a checkbox be added?

5. PC 565, Testimony to Identify Heirs

A question was received regarding the necessity of a notarized signature on PC 565. It was suggested that the notarization component could be removed due to the new language regarding verification under MCR 1.109(D)(3).

MCR 5.302(B) states:

(B) Testimony Identifying Heirs Form. At least one completed SCAO-approved testimony identifying heirs and devisees must be submitted with the application or petition that commences proceedings. A testimony identifying heirs must be verified under MCR 1.109(D)(3).

MCR 1.109(D)(3) states:

(3) Verification. Except when otherwise specifically provided by rule or statute, a document need not be verified or accompanied by an affidavit. If a document is required or permitted to be verified, it may be verified by

(a) oath or affirmation of the party or of someone having knowledge of the facts stated; or

(b) except as to an affidavit, including the following signed and dated declaration:

“I declare under the penalties of perjury that this _____ has been examined by me and that its contents are true to the best of my information, knowledge, and belief.” Any requirement of law that a document filed with the probate court must be sworn may be also met by this declaration.

There is no statute that requires a testimony form be accompanied by an affidavit.

Should the notarization language be replaced with the verification language in MCR 1.109(D)(3)?

Public Comments:

- Yes – the notarization language should be replaced with the verification language in MCR 1.109(D)(3).

Samuel A. Olson
Genesee County Probate Court

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

A probate register suggested adding a mechanism to the form to discharge the personal representative to avoid preparing multiple documents.

Should an item be added to discharge the personal representative?

7. [PC 570, Bond of Fiduciary](#)

A suggestion was received to modify this form to add an option for security other than sureties on a bond, including a pledge of securities or a mortgage of land, as is allowed by statute.

MCL 700.5410(2) provides that "...[i]nstead of sureties on a bond, the court may accept other security for the performance of the bond, including a pledge of securities or a mortgage of land."

Should the form be modified to include language specifying that a pledge of securities or a mortgage of land is sufficient?

8. [PC 608o, Order to Change Venue](#)

A probate court supervisor suggested adding an acceptance of transfer section to the form. The purpose of the addition would be to provide a mechanism for the receiving court to let the transferring court know the case has been received. The suggestor noted that the acceptance section that is currently on [JC 29, Order to Transfer Case](#), is very helpful.

Should an acknowledgement of receipt section be added to the form?

9. [PC 617, Declaration of Intent to Give Notice by Publication](#)

A judge has suggested incorporating checkboxes for the following items on the form:

1. The petitioner has no knowledge of the person's whereabouts or anyone who has.
2. The petitioner does not know nor have any way of obtaining the person's address.
3. List the date and their last contact with the person.

The stated purpose for this change is to reduce the potential for abuse of this form by requiring the individual to be specific regarding their lack of knowledge of the person's whereabouts and potentially deter petitioners from misusing the publication process.

[MCR 5.105\(3\)](#) states:

An interested person whose address or whereabouts is not known may be served by publication if a declaration of intent to give notice by publication, verified under MCR 1.109(D)(3), is filed with the court. The declaration must set forth facts asserting that the address or whereabouts of the interested person could not be ascertained on diligent inquiry.

Should checkboxes requiring specific information from the petitioner be added? If so, how should the checkboxes be incorporated with the current design of the form and description of efforts to find the individual?

10. [PC 618, Personal Representative Notice to Friend of the Court](#)

A suggestion was received to remove the certificate of mailing from the bottom of this form. The suggestor noted that the form contains personal identifying information that is now protected by court rule (PPII). The intent of the form is that it be served on the Friend of the Court, where it will be held as a nonpublic document. The form is not designed to be filed in the probate court file. However, some personal representatives do file it with the probate court. Because of the inclusion of the PPII, the filer would need to redact all the PPII before filing or else it will not be protected. (See [MCR 1.109\(D\)\(9\)\(b\)\(iii\) and \(d\).](#)) The suggestion was therefore made that the certificate of mailing language be removed from the form to reduce the likelihood a personal representative would perceive the form must be filed with the court.

Should the certificate of mailing be removed from the form?

Public Comments:

- Yes – the certificate of mailing language should be removed.

Samuel A. Olson
Genesee County Probate Court

**11. [PC 654, Annual Report of Guardian on Condition of Minor](#)
[PC 663, Report of Guardian on Condition of Individual with Developmental Disability](#)**

A judge suggested adding the following language to PC 654 and PC 663:

If you no longer wish to serve, file a petition to modify guardianship.

The suggestor states that providing this instruction will reduce the number of delinquencies and help ensure that the ward's needs are met by beginning the process of obtaining a new guardian in a more expedited manner.

PC 654 currently has an item for the guardian to report whether they wish to continue serving or not. PC 663 does not address the issue of whether the individual wishes to continue serving.

By comparison, [PC 634](#), Annual Report of Guardian on Condition of Legally Incapacitated Individual, contains a note instruction that reads, “If you no longer wish to serve as guardian, you must file a petition to remove yourself.”

Should this language be added?

Public Comments:

- Yes – Language regarding the obligation to file a petition to modify should be included on the annual reports.

Samuel A. Olson
Genesee County Probate Court

12. New Form: Petition Regarding Funeral Arrangements and Disposition of Decedent

It has been suggested that a new form be developed to petition for the right to make decisions about funeral arrangements and the handling, disposition, or disinterment of a decedent under MCL 700.3207. The stated purpose of creating the form is to standardize what is currently being accomplished by local court forms. Multiple suggestions were received to create this form.

MCL [700.3207](#) states:

- (1) One or more of the following may petition the court to resolve a disagreement described in section 3206(5) or rebut the presumption under section 3206(1):
 - (a) An individual with the rights and powers under section 3206(1).
 - (b) A funeral establishment that has custody of the decedent’s body.
 - (c) An individual other than a person with priority under section 3206(3) to (5) or acting under section 3206(6), (7), (8), or (9).

MCL [700.3206\(5\)](#) states:

- (5) If 2 or more individuals share the rights and powers described in subsection (1) as determined under subsection (3) or (4), the rights and powers must be exercised as decided by a majority of the individuals who can be located after reasonable efforts. If a majority cannot agree, any of the individuals may file a petition under section 3207.

Should a new form be created?

Draft provided.

Public Comments:

- ABSOLUTELY – A new SCAO form should be created for the petition regarding funeral arrangements and disposition of decedent. This scenario has become quite common and such a form would be beneficial for the probate courts.

Samuel A. Olson
Genesee County Probate Court

13. New form – Petition for Authority to Release for Adoption or Consent to Adoption **New form – Order Regarding Guardian Authority to Release for Adoption**

These forms are being brought back to the committee for review of drafts that were modified pursuant to committee discussion in 2019. The forms were originally recommended by the committee at a previous meeting. At the 2019 meeting, the committee requested the drafts be modified to address issues that arose during committee discussion. Below is an excerpt of the 2019 meeting minutes:

The intent of the forms was to provide a mechanism for guardians to request authority to consent to the adoption of their ward pursuant to [MCL 710.43](#). During drafting, SCAO staff noted that [MCL 710.28](#) provides for the alternative situation of a guardian seeking to release a child for adoption. The option to release the child for adoption was therefore included on both the petition and the order.

The committee discussed the difference between a guardian releasing the child for adoption by someone else or consenting to the adoption. The committee also discussed a comment that had been received that the forms need to address situations where the parent of the child has a guardian and must consent. This includes situations where the parent is a minor child.

Drafts provided.

14. New form – Objection to Petition

A suggestion was received to create a parental objection to the appointment of a guardian for their child. The committee discussed the suggestion and recommended that a generic objection form be drafted instead. Below is an excerpt of the 2019 meeting minutes:

Members noted that the form should be generic, include a line for indicating the person's interest in the matter, and require the person objecting to specify his or her particular objections.

Draft provided.