STATE OF MICHIGAN

COURT OF APPEALS

In re Guardianship and Conservatorship of LARRY JOHN POBANZ.

CHRISTOPHER L. POBANZ, Guardian and Conservator of LARRY JOHN POBANZ, a legally incapacitated person,

Appellant.

UNPUBLISHED
December 9, 2021

No. 356546
Huron Probate Court
LC Nos. 19-041808-GA;
19-041809-CA

Before: RICK, P.J., and RONAYNE KRAUSE and LETICA, JJ.

PER CURIAM.

Petitioner, as conservator and guardian of Larry J. Pobanz,[1] appeals as of right the order of the probate court requiring the payment of filing fees, an account filing fee, and guardian ad litem fees. We affirm in part and reverse in part.

I. RELEVANT FACTS

On November 6, 2019, petitioner filed a petition for guardianship and a petition for conservatorship for his father, Larry. The petitions alleged that Larry recently suffered a stroke, could not move his right arm or leg, and could not speak. The petition for conservatorship alleged that Larry could not enter rehab without certain paperwork that could not be completed by petitioner without a court order. Judge David B. Herrington signed two orders granting a temporary conservatorship and temporary guardianship of Larry to petitioner.

[1] We refer to Larry Pobanz by his first name in this opinion to avoid confusion with petitioner.

On November 15, 2019, Judge David L. Clabuesch entered an order appointing a guardian ad litem (GAL) for Larry. On November 18, 2019, the GAL filed a written report that stated that he attempted to talk to Larry at the hospital, but could not communicate with him. The GAL recommended that both petitions be granted on the basis of the medical reports, the contents of the petition, and his personal observations of Larry. On December 3, 2019, the trial court held a hearing on the petitions. Also on December 3, 2019, Judge Clabuesch entered orders appointing petitioner to be the conservator and guardian of Larry and an order for the Huron County Probate Court to pay the GAL $234 for his services.

According to petitioner's brief on appeal, the trial court sent him a statement in mid-November 2020 stating that Larry owed $584 in court fees. Specifically, Larry owed $150 in filing fees and $25 for electronic filing fees for the guardianship, $150 for filing fees and $25 for electronic filing fees for the conservatorship, and $234 to reimburse the court for the fees it paid to the GAL. On January 28, 2021, petitioner filed an account for the conservatorship with the trial court, and he states in his brief on appeal that the court clerk did not collect the $20 filing fee for the filing of the account.

On February 2, 2021, the trial court moved sua sponte to hold a hearing to allow petitioner to address his grievances against the Huron County Probate Court. On February 18, 2021, the trial court held a hearing on its sua sponte motion. Petitioner argued that the trial court did not have jurisdiction because it did not collect the filing fees when he filed the petitions. The trial court informed petitioner that it had a longstanding policy of waiting to collect the guardianship and conservator fees. Petitioner also told the trial court that he did not agree to pay the GAL fees. The trial court determined that the GAL fees were fair and reasonable. Petitioner argued that the GAL was required to comply with MCL 700.3505(1) and that because the GAL did not comply with statutory requirements, the court could not compensate him. The trial court asked the GAL if it was his practice to ask wards in Larry's condition about their assets, and the GAL responded:

> Not at all, your Honor. My main concern is to find out what their level of competency is and then if they are able to talk to find out what the wishes are about whether they want to have a guardian and conservator. And if they do, who they want it to be. I couldn't get to any of those levels with [Larry] at that time.

The GAL also stated that petitioner was not present when he interviewed Larry. The trial court ordered "[petitioner], conservator for Larry J. Pobanz," to pay the $604 court fees.

II. ANALYSIS

A. JURISDICTION

Petitioner argues that the probate court lacked jurisdiction because it did not collect the filing fees for the conservatorship or guardianship at the time of filing. However, petitioner has not provided any authority that supports his argument that the probate court's failure to collect the filing fees deprived it of jurisdiction. "It is not enough for an appellant in his brief simply to announce a position or assert an error and then leave it up to this Court to discover and rationalize the basis for his claims, or unravel and elaborate for him his arguments, and then search for

authority either to sustain or reject his position." *Mitcham v Detroit*, 355 Mich 182, 203; 94 NW2d 388 (1959). Because petitioner has failed to adequately brief this issue, it is abandoned. See *Id*.

Further, petitioner's argument is meritless. We review de novo whether a court had jurisdiction. *Schaaf v Forbes (On Remand)*, ___ Mich App ___, ___; ___ NW2d ___ (2021) (Docket No. 343630); slip op at 4. "Because the jurisdiction of the probate court is entirely a matter of statute, the question of the scope of the probate court's exclusive jurisdiction is an issue of statutory interpretation, calling for review de novo." *Id*. "[A] court must have jurisdiction over the person and jurisdiction over the subject matter." *Sovereign v Sovereign*, 354 Mich 65, 71; 92 NW2d 585 (1958). The probate court "is a court of limited jurisdiction, deriving all of its power from statutes." *Manning v Amerman*, 229 Mich App 608, 611; 582 NW2d 539 (1998).

First, the probate court had personal jurisdiction. Personal jurisdiction is "a court's power to bring a person into its adjudicative process." *Foster v Wolkowitz*, 486 Mich 356, 367 n 22; 785 NW2d 59 (2010) (cleaned up). MCL 700.5301b provides, in relevant part:

> (1) The court has jurisdiction over the appointment of a guardian under this part if any of the following apply:
>
> (a) The individual for whom a guardian is sought resides in this state.

MCL 700.5402a provides, in relevant part:

> (1) The court has jurisdiction over the appointment of a conservator or the issuance of a protective order in relation to an individual's estate and affairs under this part if any of the following apply:
>
> (a) The individual for whom a conservator or protective order is sought resides in this state.

In this case, Larry resided in Michigan. Therefore, the probate court had personal jurisdiction over Larry under MCL 700.5301b(1)(a) and MCL 700.5402(1)(a).

Second, the probate court had subject-matter jurisdiction. "Subject-matter jurisdiction refers to a court's power to act and authority to hear and determine a case." *Usitalo v Landon*, 299 Mich App 222, 228; 829 NW2d 359 (2012). In addition, "Jurisdiction over the subject matter is the right of the court to exercise judicial power over that class of cases; not the particular case before it, but rather the abstract power to try a case of the kind or character of the one pending[.]" *Id*. (cleaned up). When a court lacks subject matter jurisdiction, "any action with respect to such a cause, other than to dismiss it, is absolutely void." *Schaaf*, ___ Mich App at ___; slip op at 4 (cleaned up).

As stated previously, the probate court is a court of limited jurisdiction and derives its power from statutes. *Manning*, 229 Mich App at 611. MCL 600.841 provides, in relevant part:

> (1) The probate court has jurisdiction and power as follows:

> (a) As conferred upon it under the estates and protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8206.

MCL 700.1302, located in the Estates and Protected Individuals Code (EPIC), provides, in relevant part:

> The court has exclusive legal and equitable jurisdiction of all of the following:
>
> * * *
>
> (c) Except as otherwise provided in section 1021 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1021,[2] a proceeding that concerns a guardianship, conservatorship, or protective proceeding.

Because this case involved a guardianship and conservatorship proceeding, the probate court had exclusive legal and equitable jurisdiction under MCL 700.1302(c).

Finally, the trial court was not divested of jurisdiction because the filing fees were not paid when the petitions were filed. Under MCR 5.101(B), a probate court proceeding is commenced "by filing an application or a petition with the court." Filing fees are not required to commence a probate court proceeding. The payment of the filing fees is *not* a jurisdictional requirement for probate cases.[3] Therefore, the probate court had jurisdiction over this case.

B. FILING FEES AND ACCOUNT FEE

Petitioner argues that the trial court erred by failing to collect the filing fees when he filed the guardianship and conservatorship petitions and by requiring that Larry pay the filing fees and account fee. We disagree.

Generally, appeals from the probate court are limited to the record and are not reviewed de novo. MCL 600.866(1). However, this Court reviews de novo issues of statutory interpretation. *In re Nale Estate*, 290 Mich App 704, 706; 803 NW2d 907 (2010). In addition, petitioner did not preserve his argument that the account filing fee should be paid by petitioner. This Court reviews unpreserved issues for plain error. *In re Sanborn*, ___ Mich App ___, ___; ___ NW2d ___ (2021) (Docket Nos. 354915; 354916), slip op at 1. There are three requirements to avoid forfeiture under the plain error rule: "1) error must have occurred, 2) the error was plain, i.e., clear or obvious, 3)

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[2] Under MCL 600.1021(2)(a), the family division of circuit court has ancillary jurisdiction over "[c]ases involving guardians and conservators as provided in article 5 of the estates and protected individuals code, 1998 PA 386, MCL 700.5101 to 700.5520," that commenced on or after January 1, 1998.

[3] In contrast, see, e.g., MCR 7.204(B)(2) (requiring the payment of the entry fee, within the time for taking an appeal, in order to vest the Court of Appeals with jurisdiction over an appeal of right).

and the plain error affected substantial rights." *Id*. (cleaned up). An error has affected substantial rights if it affected the outcome of the proceedings. *Id*.

MCL 600.880(1) provides, "Except as otherwise provided in this section and section 880a, at the time of commencing a civil action or proceeding in the probate court, the party commencing the civil action or proceeding shall pay a $150.00 filing fee to the probate court register."[4] MCL 600.880a(1) provides, "Except as otherwise provided in this section and section 880, at the time of commencing a guardianship or limited guardianship proceeding in the probate court, the party commencing the proceeding shall pay a $150.00 filing fee to the probate register."

MCL 600.1986 provides, in relevant part:

> (1) Beginning March 1, 2016, if a fee for commencing a civil action is authorized or required by law, in addition to that fee, the clerk shall also collect an electronic filing system fee, subject to section 1993,[5] as follows:
>
> (a) For civil actions filed in the supreme court, court of appeals, circuit court, probate court, and court of claims, $25.00.
>
> * * *
>
> (2) Subject to section 1991,[6] the clerk shall collect the electronic filing system fee listed under subsection (1) from the party at the time the civil action is commenced, whether or not the document commencing the civil action was filed electronically.

As indicated, a proceeding in the probate court "is commenced by filing an application or a petition with the court." MCR 5.101(B).

This Court's task when interpreting a statute is to "discern and give effect to the Legislature's intent as expressed in the words of the statute." *Guardian Environmental Servs, Inc v Bureau of Constr Codes & Fire Safety*, 279 Mich App 1, 6; 755 NW2d 556 (2008) (cleaned up). When the plain and ordinary meaning of the statutory language is clear, judicial interpretation is

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[4] The phrase "[e]xcept as otherwise provided in this section and section 880a" does not refer to an alternative deadline for paying a filing fee. Instead, MCL 600.880(2) states that the filing fee for a proceeding under MCL 700.3982 is $25. MCL 600.880(3) provides that a fee shall not be charged for a proceeding under a provision of the mental health code. MCL 600.880(4) and MCL 600.880a(2) provide that the attorney general, department of treasury, family independence agency, state public administration, administrator of veterans affairs of the United States veterans administration, or an agency of county government are not required to pay a fee.

[5] MCL 600.1993 provides, "A clerk shall not collect an electronic filing system fee under [MCL 600.1986(1)] after February 28, 2031."

[6] MCL 600.1991 discusses the procedure for a court to apply to the Michigan Supreme Court for access to and use of the electronic filing system.

unnecessary. *Id*. "Judicial construction of a statute is proper only where reasonable minds could differ about the meaning of the statute." *Id*.

1. TIME OF PAYMENT

Petitioner argues that the trial court erred by failing to collect the original filing fees until several months after the commencement of the proceedings. However, petitioner has not provided any authority to support his argument that the trial court did not have the authority to waive the filing fees until November 2020. Petitioner cites only *Manning*, 229 Mich App at 611, for the proposition that the probate court "is a court of limited jurisdiction, deriving all of its power from statutes." The *Manning* Court discussed the difference between the *jurisdiction* of circuit courts, which are courts of general jurisdiction, and probate courts, which derive their jurisdiction from statutes. See *id*. at 610-611. It did not discuss a probate court's ability to waive filing fees. See *id*. Because petitioner has failed to adequately brief this issue, it is abandoned. See *Mitcham,* 355 Mich at 203. Additionally, MCL 600.880(1) and MCL 600.880a(1) imposes the burden of payment on the commencing party and the statutes do not clearly state that payment is *required* to commence a case. See MCR 5.101(B). Nonetheless, as discussed earlier, the probate court had jurisdiction to hear the case regardless of whether it collected the fees under MCL 600.880(1) and MCL 600.880a(1).

Further, there is no statute or court rule that prohibits a probate court from waiving or postponing the payment of a filing fee. Under MCL 660.880(1), MCL 600.880a(1), MCL 600.1986, and MCR 5.101(B), petitioner was required to pay the filing and electronic filing system fees for the guardianship and conservatorship when he filed the petitions on November 6, 2019. However, MCL 600.880d provides, "A judge of probate shall order that the payment of any fee required under this chapter be waived or suspended, in whole or in part, upon a showing by affidavit of indigency or inability to pay." It does not state that the probate court may *only* waive or suspend a fee if an individual is unable to pay, and it does not prohibit the probate court from waiving or suspending the fee in other circumstances. Similarly, MCR 2.002 discusses the requirements for an individual *to request* waiver of fees on the basis of indigency, but it does not include any provision prohibiting a court from waiving fees sua sponte. The trial court did not err by postponing the collection of the filing fees until November 2020.

2. PERSON RESPONSIBLE FOR PAYMENT

Petitioner argues that he was required to pay the filing fees and account fee, and that the trial court erred by requiring *Larry* to pay the fees. We conclude that the trial court did not err by ordering "[petitioner], conservator for Larry J. Pobanz," to pay these fees.

MCL 600.880(1) provides, in relevant part, "[A]t the time of commencing a civil action or proceeding in the probate court, *the party commencing the civil action or proceeding* shall pay a $150.00 filing fee to the probate court register." (Emphasis added.) Similarly, MCL 600.880a(1) provides, in relevant part, "[A]t the time of commencing a guardianship or limited guardianship proceeding in the probate court, *the party commencing the proceeding* shall pay a $150.00 filing fee to the probate register." (Emphasis added.) Under MCR 5.101(B), a probate proceeding is "commenced by filing an application or a petition with the court." Petitioner was required to pay the filing fees and electronic filing fees because he filed the petitions for the conservatorship and

guardianship, which commenced the proceedings. Petitioner's argument lacks a factual basis because this is what the probate court ordered.[7]

Petitioner also argues that the trial court erred by ordering that Larry pay the account filing fee. MCL 600.880b(1) provides, "Except as otherwise provided by law, after the commencement of a civil action or proceeding in the probate court, *a party filing a[n] . . . account* . . . shall pay a $20.00 motion fee to the probate register." (Emphasis added.) Petitioner filed the account. Therefore, he was responsible for paying the $20 fee under MCL 600.880b(1), which, again, is precisely what the probate court ordered.[8]

C. GUARDIAN AD LITEM FEES

Petitioner argues that the trial court erred by ordering that the GAL fees be paid because the GAL did not perform his statutory duties. We agree.

We review for an abuse of discretion a trial court's decision to award attorney fees. *Doe v Boyle*, 312 Mich App 333, 343; 877 NW2d 918 (2015). A trial court abuses its discretion when its decision falls outside the range of reasonable and principled outcomes. *Id*.

"The general rule in Michigan is that absent authorization by statute, court rule, or contract, attorney fees are not recoverable." *In re Temple Marital Trust*, 278 Mich App 122, 129; 748 NW2d 265 (2008). MCL 700.5305 provides, in relevant part:

> (1) The duties of a guardian ad litem appointed for an individual alleged to be incapacitated include all of the following:
>
> * * *

[7] We note that MCL 700.5423(2) provides, in relevant part:

> Acting reasonably in an effort to accomplish the purpose of the appointment and without court authorization or confirmation, a conservator *may* do any of the following:
>
> * * *
>
> (v) Pay a tax, assessment, conservator's compensation, or other expense incurred in the estate's collection, care, administration, and protection. [Emphasis added.]

[8] We note that petitioner raises no argument that payment of these fees was improperly ordered under MCL 600.880b(3) or (4). In any event, because any error in this regard was not clear or obvious, the trial court cannot be said to have plainly erred. See *Sanborn*, ___ Mich App at___, slip op at 1.

(g) Asking the individual and the petitioner about the amount of cash and property readily convertible into cash that is in the individual's estate.

(h) Making determinations, and informing the court of those determinations, on all of the following:

(*i*) Whether there are 1 or more appropriate alternatives to the appointment of a full guardian or whether 1 or more actions should be taken in addition to the appointment of a guardian. Before informing the court of his or her determination under this subparagraph, the guardian ad litem shall consider the appropriateness of at least each of the following as alternatives or additional actions:

* * *

(B) Appointment of a conservator or another protective order under part 4 of this article. In the report informing the court of the determinations under this subdivision, the guardian ad litem shall include an estimate of the amount of cash and property readily convertible into cash that is in the individual's estate.

* * *

(2) The court shall not order compensation of the guardian ad litem unless the guardian ad litem states on the record or in the guardian ad litem's written report that he or she has complied with subsection (1).

MCL 700.5413 provides, "If not otherwise compensated for services rendered, a . . . guardian ad litem, . . . appointed in a protective proceeding, is entitled to reasonable compensation from the estate."

Petitioner argues that the trial court should not have compensated the GAL because he did not comply with MCL 700.5305(1)(g) or MCL 700.5305(1)(h)(*i*)(B). Although the GAL stated that he performed the duties required by statute in his written report, there is evidence that the GAL failed to ask Larry or petitioner about Larry's assets. Further, the GAL did not provide that information in his written report. At the motion hearing, the GAL told the trial court that he was not able to communicate with Larry when he interviewed Larry, and that it was not his practice to inquire about the assets of wards when they were in Larry's condition. Further, petitioner asserted that the GAL never asked him about Larry's assets, as required by MCL 700.5305(1)(g). The GAL admitted to the trial court that he had "no idea about their financial situation" and had "no clue" what Larry's assets were. Because the GAL failed to fully comply with MCL 700.5305(1), the trial court should not have ordered compensation. MCL 700.5305(2). In any event, the trial court erred by ordering petitioner to pay the GAL fees because it had already compensated the GAL. Under MCL 700.5413, "[i]f *not otherwise compensated for services rendered*, a . . . guardian ad litem, . . . appointed in a protective proceeding, is entitled to reasonable compensation from the estate." (Emphasis added.) Because the trial court ordered the Huron County Probate Court to pay $234 for the GAL's services, the GAL was not entitled to reasonable compensation from Larry's estate.

D. DUE PROCESS

Petitioner argues that the trial court violated his due-process rights because it did not give him notice that it was attempting to collect the fees. We disagree.

This Court reviews de novo whether a person has been afforded due process. *Elba Twp v Gratiot Co Drain Comm'r*, 493 Mich 265, 277; 831 NW2d 204 (2013). However, this Court reviews unpreserved constitutional issues for plain error. *Sanborn*, ___ Mich App at ___; slip op at 1.

Under both the United States Constitution and the Michigan Constitution, a person may not be deprived of life, liberty, or property without due process of law. US Const, Am V; US Const, Am XIV; Const 1963, art 1, § 17. "Due process in civil cases generally requires notice of the nature of the proceedings, an opportunity to be heard in a meaningful time and manner, and an impartial decisionmaker." *Hinky Dinky Supermarket, Inc v Dep't of Community Health*, 261 Mich App 604, 606; 683 NW2d 759 (2004) (cleaned up). The notice must be "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Elba Twp*, 493 Mich at 287-288 (cleaned up).

Petitioner argues that there was no notice because the notice for the sua sponte motion did not state that the trial court was going to use the motion to collect past fees. However, the trial court was not required to specifically identify all the issues it was going to address at the motion hearing. Instead, notice must be "*reasonably calculated, under all the circumstances*, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Id*. (cleaned up; emphasis added). The record indicates that petitioner knew that the trial court intended to address the fees at the hearing. Petitioner filed grievances with the State Court Administrative Office (SCAO) against the probate court regarding the fees. Subsequently, the trial court provided petitioner a notice for a hearing for petitioner to air his grievances. The trial court did not violate petitioner's due-process rights because he had notice that the trial court would address the fees and he was given the opportunity to be heard at the motion hearing. See *Hinky Dinky Supermarket, Inc*, 261 Mich App at 606.

E. JUDICIAL ASSIGNMENT AND AUTHORITY

Petitioner argues that Judge Clabuesch was not the proper judge to address his grievances or to enter dispositional orders. We disagree.

"The construction and interpretation of court rules present a question of law that this Court reviews de novo." *ISB Sales Co v Dave's Cakes*, 258 Mich App 520, 526; 672 NW2d 181 (2003). However, this Court reviews unpreserved issues for plain error. *Sanborn*, ___ Mich App at ___; slip op at 1.

Petitioner argues that Judge Herrington was the proper judge to address petitioner's grievances against the probate court because Judge Herrington is the chief judge of the Huron County Probate Court and he filed grievances against the probate court with the SCAO. However, petitioner has not provided any authority to support his contention that the chief judge is required

to address grievances against the probate court. Therefore, petitioner has abandoned this issue by failing to adequately brief it. See *Mitcham*, 355 Mich at 203.

Further, petitioner's argument is meritless. Petitioner cites only MCR 8.110(C), which outlines the duties and powers of the chief judge. MCR 8.110(C) provides, in relevant part:

> (2) As the presiding officer of the court, a chief judge shall:
>
> * * *
>
> (c) initiate policies concerning the court's internal operations and its position on external matters affecting the court;
>
> * * *
>
> (e) represent the court in its relations with the Supreme Court, other courts, other agencies of government, the bar, the general public, and the news media, and in ceremonial functions[.]

MCR 8.110(C) does not state that the chief must address all grievances against the court.

Petitioner argues that the rule provides that the chief judge "shall" represent the court in its relations with the Supreme Court and with the general public, and preside over meetings of the court. Although SCAO is an administrative agency of the Michigan Supreme Court,[9] this case did not involve relations between SCAO and the probate court. Rather, it involved petitioner's complaints about the probate court. In addition, the requirement that a chief judge represent the court in its relations with the *general public* does not require a chief judge to address petitioner's grievances that were related to this case. Petitioner was not acting as a member of the general public. Rather, he filed a complaint with SCAO in the proceedings involving Larry, his ward. In addition, the motion hearing was not a meeting of the court.

Petitioner also argues that Judge Clabuesch could not enter dispositional orders because he was not the assigned judge. MCR 8.111 provides, in relevant part:

> (B) Assignment. All cases must be assigned by lot, unless a different system has been adopted by local court administrative order under the provisions of subrule 8.112. Assignment will occur at the time the case is filed or before a contested hearing or uncontested dispositional hearing in the case, as the chief judge directs. Civil actions must be assigned within appropriate categories determined by the chief judge. The chief judge may receive fewer assignments in order to perform the duties of chief judge.

[9] Michigan Courts, State Court Administrative Office <https://courts.michigan.gov/administration/scao/pages/default.aspx> (accessed August 25, 2021).

(C) Reassignment.

(1) If a judge is disqualified or for other good cause cannot undertake an assigned case, the chief judge may reassign it to another judge by a written order stating the reason. To the extent feasible, the alternate judge should be selected by lot. The chief judge shall file the order with the trial court clerk and have the clerk notify the attorneys of record. The chief judge may also designate a judge to act temporarily until a case is reassigned or during a temporary absence of a judge to whom a case has been assigned.

Petitioner contends that Judge Herrington was the assigned judge because he signed the temporary guardianship and conservatorship orders, and that there is no written transfer order in the record. Although Judge Herrington did sign the temporary guardianship and conservatorship orders, it does not appear that he was assigned to this case. The register of actions for File No. 19-041808-GA and File No. 19-041809-CA indicate that Judge Clabuesch was the assigned judge. There is no evidence that Judge Herrington was ever the assigned judge. Instead, it appears that Judge Herrington signed the temporary guardianship and conservatorship orders because of the time-sensitive nature of the petitions. Petitioner alleged in the petition for conservatorship that Larry could not complete paperwork for medical insurance without a court order or Larry's consent, and that Larry could not speak. This is supported by the fact that Judge Herrington signed the temporary orders *on the day that petitioner filed the petitions*. Because this case was not originally assigned to Judge Herrington, Judge Clabuesch had the authority to enter dispositional orders. See *Schell v Baker Furniture Co*, 461 Mich 502, 515; 607 NW2d 358 (2000) (concluding that the chief judge should not have entered dispositional orders because the cases were assigned to other judges and there was no reassignment order).

We reverse the portion of the probate court's order requiring payment of the GAL fees. In all other respects, we affirm.

/s/ Michelle M. Rick
/s/ Amy Ronayne Krause
/s/ Anica Letica