FOR INDIVIDUALS WITH A DEVELOPMENTAL DISABILITY

Guardianship for an individual with a developmental disability must be brought under the Mental Health Code. For this type of guardianship, a report containing a current evaluation of the individual's mental, physical, social, and educational condition, adaptive behavior, and social skills must accompany the petition. The evaluations must have been performed within the last year and one of the individuals who conducted the evaluations must be a physician or psychologist who is competent in evaluating individuals with developmental disabilities. In addition, one of the individuals who completed the report **must** testify at the court hearing.

SECURING AN EVALUATION

If you have not secured an evaluation as stated above and you need assistance in doing so, please contact Community Mental Health at 517-546-4126 to see if they can assist. You may use your own private physician but please remember that they will need to testify in court.

FORMS NEEDED FOR FILING

-Petition for Appointment of Guardian, Individual with Alleged Developmental Disability (PC 658). There is no filing fee for this petition.

-Protected Personal Identifying Information (MC 97)

-Report to Accompany Petition to Appoint, Modify, or Discharge Guardian of Individual with Developmental Disability (PC 659)

- Completed by a physician or psychologist who, by training or experience, is competent in evaluating individuals with developmental disabilities. This physician or psychologist MUST testify at the hearing.

-Acceptance of Appointment (PC 571)

- This form is to be signed by the nominated guardian and any nominated standby guardian.

-Addendum to Protected Personal Identifying Information (MC 97a)

-Records Check Release Form

- This form is to be signed by the nominated guardian and any nominated standby guardian. The court will run a complete criminal/driving history check.

AFTER THE FILING

Once you have properly filed your petition, a hearing will be scheduled. The Court will appoint an attorney for the individual.

The court will set this matter for a hearing. The petitioner is required to PERSONALLY serve all of the documents to the individual at least 7 days before the hearing. The following individuals will be required to attend the hearing:

- Petitioner
- Individual
- Physician or psychologist who prepared
- Attorney appointed for the individual

COURT ORDERS AND LETTERS OF GUARDIANSHIP

There are two types of guardianships for an individual with a developmental disability:

PLENARY Guardian is appointed when the court determines that the individual is developmentally disabled and is totally without capacity to care for himself or herself or the individual's estate.

PARTIAL Guardian is appointed when the court determines that the individual is developmentally disabled and lacks the capacity to do some, but not all, of the tasks necessary to care for himself or herself or the individual's estate. A partial guardian is appointed for the term of **5 years**. If you wish to renew the guardianship, you must get a new evaluation and file the same documents as you did for the initial filing.

AFTER YOU ARE THE GUARDIAN

After you have been appointed as the Partial or Plenary Guardian of the Person, you will need to file an Annual Report (PC 663). This is done on an annual basis and is due within 56 days from your anniversary date. Your anniversary date is the date you were appointed. If you are appointed as the Partial or Plenary Guardian over the estate, you will need to file an annual account (PC 584) each year. Typically you do not need to be appointed as the guardian over the estate unless there are assets that exceed government benefits.

COMMUNITY RESOURCES

Livingston County Community Mental Health
(517) 546-4126

The ARC Livingston
(517) 546-1228
www.arclivingston.org