

Some Adults Need a Guardian

When to ask for a guardian

Some adults have a physical or mental disability that makes it hard or impossible for them to:

- Care for themselves most of the time,
- Make reasonable decisions about their care,
- Avoid being taken advantage of, or
- Count on family members or friends to help.

If you are worried about an adult in this situation, you can ask the court to appoint a guardian.

If the adult may be hurt without help right away, ask for an **emergency** guardian.

Who can ask the court for a guardian

Any adult who thinks the adult needs a guardian can ask for a guardian.

Do I need a lawyer?

You do not *have to* get a lawyer, but it is a good idea, especially if:

- Someone in the adult's life disagrees with having a guardian, or
- The adult would be harmed if a guardian is *not* appointed.

How to ask the court for a guardian

1. Fill out this court form: *Request for Guardian* (Form PC-625). You can get this form at:
 - courts.mi.gov/Forms/PC-625,
 - www.MichiganLegalHelp.org, or
 - Court Clerk's Office in any county in Michigan.
2. Make copies of your completed form. (You will need them later.)
3. File (take) the original, completed form to Probate Court in the county where the adult lives. The clerk will ask you to pay a fee (about \$150).

Note: If you can afford it, you may also have to pay temporary guardian fees until a judge decides the case.

Full or Limited Guardian?

You must say if you want a *full* or *limited* guardian on your court form.

A **full** guardian can decide many things, including:

- Where the adult lives
- The adult's education and activities, and
- The adult's health care, health professionals

A **full** guardian can also make sure that any money owed to the adult gets paid.

A **limited** guardian can only make some of these decisions.

Some adults do **NOT** need a guardian.

If the adult you are worried about can make some decisions or has family or friends who can help, you may not need a guardian.

You may be able to use easier options instead, such as:

- Help from social service agencies
- Power of Attorney for health care or other decisions
- A Trust to manage the person's assets
- Joint bank accounts

To learn more about these and other options, read: [*Alternatives to Guardianship*](#).

When will the court decide?

If the adult is in danger of being harmed, the court may appoint a temporary guardian right away.

If the adult is not in danger right now, you must wait for the court process, including:

- A temporary guardian, called Guardian ad Litem, will investigate the adult's situation.
- A visit by health or mental professionals (in some cases),
- A report for the judge about the adult's situation now, the adult's wishes, and the investigator's recommendations, and
- A court hearing to decide about guardianship.

What if the adult does **not** want a guardian?

When the temporary guardian visits the adult, s/he will explain:

- Why guardians are appointed,
- Who the legal guardian would be, and
- The court process, including the adult's rights.

The temporary guardian will:

- Ask the adult what s/he does and does not want,
- Report the adult's wishes to the judge, and
- Speak on behalf of the adult at the hearing.

What if I need legal help but cannot afford a lawyer?

For free or low-cost legal help, contact:

- [First option](#)
- [Second option, or](#)
- [Third option](#)

Alternatives to Guardianship

There are other ways to help an adult with a physical or mental disability besides having a guardian. Some of these ways depend on the adult's ability to understand and agree.

If the adult can only understand and communicate at certain times, use those times to talk about their options. If you are not sure if the adult can understand and communicate, talk to a lawyer.

Options for adults who cannot understand or communicate:

Representative Payee

Many federal agencies allow a person or institution to receive a check on behalf of an adult who has a disability.

That means a friend, relative, volunteer, social service agency, or nursing home can receive the monthly check and use it to pay for the adult's needs.

Some of the agencies that allow this are:

- Social Security Administration
- Department of Veterans Affairs
- Department of Defense
- Railroad Retirement Board, and
- Office of Personnel Management

But first you must explain why the person cannot handle their finances, and a doctor must provide a statement explaining the disability.

This may be a good choice for adults whose only income is from a public agency.

Options for adults who can understand and communicate:

Many **social services agencies** and **non-profits** have programs to help people with:

- Simple financial tasks, like paying bills, making bank deposits, and filing taxes
- Insurance claims, benefits, and counseling
- Arranging for meals, housekeeping, transportation to health care appointments, and personal care at home.

To find out about services in your area, contact the local:

- Office of Services to the Aging
- Department of Human Services
- Non-profits and churches and other religious organizations.

Counts	
Words	1072
Characters	5135
Paragraphs	93
Sentences	51
Averages	
Sentences per Paragraph	1.4
Words per Sentence	12.8
Characters per Word	4.4
Readability	
Passive Sentences	5%
Flesch Reading Ease	68.6
Flesch-Kincaid Grade Level	6.8

Advance Directives for Health Care

Filling out a *Durable Power of Attorney for Health Care* and *Do Not Resuscitate (DNR)* statements lets you say:

- What you would and would not want done if you became very sick and unable to communicate, and
- Who you want to make decisions for you.

You can find these forms at the American Bar Association website: www.abanet.org/aging

Durable Power of Attorney (DPOA)

A DPOA lets someone you choose make financial decisions for the adult when you are no longer able to make decisions for yourself.

You can get a DPOA form online or from a stationery store. *Important!* If the person you choose as your attorney-in-fact is not competent or trustworthy, you could lose some or all of your assets. Ask a lawyer to check your DPOA form before you sign to make sure it protects your interests.

Joint bank accounts

The adult can set up a joint bank account with someone they trust. This lets the trusted adult write checks, and make deposits and withdrawals. If one of you dies, the other gets what is left in the account.

Trusts

Trusts are best for people who have a lot of assets. You need a lawyer to set up a trust.

A trust lets you own your assets in a way that someone you choose (a successor) would manage it for you if you become unable to manage it in the future. A trust also lets you say what happens to your assets when you die.

AARP has information about trusts and other planning documents: www.aarp.org

How do I find a lawyer?

Choose a lawyer who specializes in probate law or elder law. You can search for one at:

- www.naela.org – National Academy of Elder Law Attorneys
- www.michbar.org/ – Michigan's Bar Association Lawyer Referral Service