

Honorable Traci Richards

Courtroom Protocol

Second Floor – East Wing, Courtroom 2E – Oakland County Courthouse

Courtroom Telephone: 248-858-0289

Free Resources

For those attorneys and litigants who are unfamiliar with the Probate Court, please refer to the various brochures and checklists on the Oakland County Probate Court website.

Guardianships and Conservatorships: <https://www.oakgov.com/government/courts/probate-court/case-types/guardianships-conservatorships>

Estates, Wills and Trusts: <https://www.oakgov.com/government/courts/probate-court/case-types/estates-wills-and-trusts>

Developmentally Disabled: <https://www.oakgov.com/government/courts/probate-court/case-types/developmentally-disabled>

Mental Health: <https://www.oakgov.com/government/courts/probate-court/case-types/mental-health>

Zoom Hearings:

Most matters will be heard via Zoom. However, you always have the option to appear in person. Your Notice of Hearing will inform you if your matter will be held in person. The Court's Zoom Meeting ID is 248 858 0289. No password is required to join.

- Zoom calls are court proceedings, and appropriate conduct and attire is required.
- If the parties are unable to properly conduct themselves during a Zoom hearing or technical issues prevent the Court from effectively hearing the matter, the Court will adjourn the matter and require the parties to appear in person for continuation.
- Participants MUST have their devices properly labeled with their name and case number. Failure to do so may result in a participant missing the hearing and the Court making the finding that the participant failed to appear for court.

Zoom Instructions

<u>Tablets and Phones:</u>	<u>Desktop PCs and Laptops:</u>
Install the Zoom app from the App Store or Play Store prior to the call. At the time of the call, launch the Zoom app and join using Meeting ID 248 858 0289	From the browser, go to the Zoom Web Site (zoom.us). Click on “Join Meeting.” Join using Meeting ID 248 858 0289

Motions and Petitions

Hearings: Hearings on motions and petitions are typically heard on Tuesday, Wednesday and Thursday. If you expect to be more than 15 minutes late, you must call chambers immediately to inform the staff. If the parties have not checked in by the appointed time, the clerk may call the case; and the Court may grant the requested relief if appropriate. If the moving party has not checked in the Court may dismiss the motion.

Judge’s Copy: Copies of any filed document that exceed 100 pages must be delivered to the Judge’s chambers All documents delivered to the Judge’s chambers shall be clearly marked “JUDGE’S COPY” with the hearing date and time included, if known.

Emergency: Emergency motions and petitions may be heard any day of the week. Please note that the Court will not review an emergency motion until it has been accepted for filing by the Probate Counter. If you have an emergency request, you must check the emergency box when you file your motion or petition. That box can be located in the area where you indicate the name of the filer.

Proposed Orders

Attorneys or litigants must file a proposed order either before or after a hearing; unless the Court has indicated via email or on the record that it will prepare the Order. Orders filed with the Court after 4:30p.m. on the day the motion was heard are considered untimely. Orders received after this time must be submitted as a stipulated order or pursuant to MCR 2.602(B)(3).

Provisions required to be Included in Proposed Orders: When providing proposed orders to the court, the following additional provisions must be included in the orders:

Conservatorship Minor

- In lieu of annual accounts, the Conservator shall file PC 669 Proof of Restricted Account and Annual Verification of Funds on Deposit with a copy of the corresponding financial institution statement attached per MCR 5.409(C) (4). A final account is still required when the minor turns 18.
- The conservator is not permitted to act until letters of conservatorship are issued. After qualification, the conservator shall comply with all relevant requirements under the law.

Guardianship Minor

- The guardian is prohibited from removing the minor from the State of Michigan without prior court approval.
- The guardian is not permitted to act until Letters of Guardianship are issued. After qualification, the guardian shall comply with all relevant requirements under the law.

Limited Guardianship Minor

- You may not consent to the adoption of the minor or release the minor for adoption.
- You may not remove the minor from the State of Michigan without prior approval of the court.
- You may not consent to the marriage of the minor.
- The limited guardian is not permitted to act until Letters of Guardianship are issued. After qualification, the guardian shall comply with all relevant requirements under the law.

Guardianship Adult

- The guardian is prohibited from changing the individual's residence from the State of Michigan without prior approval of the court.
- Guardians shall not bar any communication devices and/or any visitation unless a personal protection order exists from a court of competent jurisdiction. An exception exists if the guardian has filed an emergency petition to bar visitation and/or communication. This emergency petition must be filed within 48 hours of the next business court date from the date that the guardian prohibits communication and/or visitation.
- The guardian is not permitted to act until Letters of Guardianship are issued. After qualification, the guardian shall comply with all relevant requirements under the law.
- The guardian shall not sell or otherwise dispose of the protected individual's principal dwelling, real property or interest in real property, or mortgage, pledge, or cause a lien to be placed on any such property without a court order of approval.
- The guardian shall not sell or otherwise dispose of any of the protected individual's personal property with a value in excess of \$25,000 without a court order of approval.

Conservatorship Adult

- The conservator shall not sell or otherwise dispose of the protected individual's principal dwelling, real property or interest in real property, or mortgage, pledge, or cause a lien to be placed on any such property without a court order of approval.
- The conservator shall not sell or otherwise dispose of any of the protected individual's personal property with a value in excess of \$25,000 without a court order of approval.
- The conservator is not permitted to act until letters of conservatorship are issued. After qualification, the conservator shall comply with all relevant requirements under the law.

Trials

Settlement and Final Pre-Trial Conferences: The Court holds settlement and final pre-trial conferences in person for civil cases. Clients are required to appear unless excused in writing by the Court.

Trial Brief: The bench brief must be filed no later than seven days prior to the trial date. For jury trials, the brief must be filed no later than two weeks prior to the trial date with exhibits. The trial brief shall not exceed 10 pages, excluding exhibits and shall contain the following:

- a. Statement of facts
- b. Issues of fact and law and the relief requested
- c. List of proposed exhibits
 - a. The list shall indicate which exhibits have been stipulated to by the parties. of
 - b. The list shall indicate which exhibits were not stipulated to by the parties and the reasons for the objections
 - c. All exhibits must be available for inspection and/or copying within two weeks of the trial.
- d. List of witnesses that may be called and the facts to which they may testify
- e. List of evidence problems or issues likely to arise
- f. Estimated length of trial

Jury Instructions: A stipulated set of jury instructions and verdict form must be filed no later than seven days prior to the trial date. Any disputed jury instructions or verdict form must be clearly marked and included with the stipulated jury instruction packet. The attorneys shall provide an electronic copy of the jury instructions including the verdict form to the Judicial Staff Attorney on the date of trial. The Court will also provide the jury with written jury instructions for deliberations.

Basic Training for Guardians and Conservators:

The schedule for the free classes, offered via Zoom, can be found here:

<https://www.oakgov.com/government/courts/probate-court/case-types/guardianships-conservatorships>

Accountings

Accountings are required for guardianships, conservatorships, developmentally disabled individuals and estates. This accounting must be supported by financial records and verifiable receipts, examples include canceled checks, bank statements, direct payments and other documentation that confirms all expenditures.

In addition, a petition for allowance of the account must be filed annually so a hearing can be scheduled before the Judge for approval.

Note: Minors are treated differently under the law. For more detailed information regarding minors, please consult the following links:

<https://www.oakgov.com/government/courts/probate-court/case-types/guardianships-conservatorships/guardianship-for-minors>

<https://www.oakgov.com/government/courts/probate-court/case-types/guardianships-conservatorships/conservatorships-for-minors>

Blank Court Forms

Blank Court approved forms can be found at:

<https://www.oakgov.com/government/courts/probate-court/resources/information-publications/forms>

MiFile – The Probate Court is now an electronic file Court.

- MiFILE Tutorial - [How to Register for a New Account](#)
- [Probate Court eFiling](#)