

PROBATE JUDGES
JENNIFER CALLAGHAN
LINDA S. HALLMARK
DANIEL A. O'BRIEN
KATHLEEN A. RYAN

State of Michigan



Probate Court County of Oakland

PROBATE ADMINISTRATOR
EDWARD A. HUTTON III

PROBATE REGISTER
BARBARA P. ANDRUCCIOLI

Oakland County Probate Court Emergency Order

On March 10, 2020, the Governor of the State of Michigan declared a State of Emergency in response to the outbreak of the Coronavirus Disease (COVID-19). To combat the spread of the disease, if you are or have been ill, please do not enter the courthouse. In consideration of the public health recommendations from the Centers for Disease Control and Prevention (CDC), the following protocol will be implemented by the Oakland County Probate Court, effective immediately:

1. Probate Court Filings

The Probate Court counter will be closed to all filings other than emergencies. This will be accomplished by requiring other filings to be filed via facsimile, mail or email. We encourage and recommend citizens to ask questions via email or by phone, check filings and order documents online via court explorer and print forms online via our website or the SCAO website.

Emergency filings will be accepted at the probate court during normal business hours (Monday through Friday, 8am-4:30pm). This includes:

- mental health pick-up/transport orders
- other mental health petitions, including petitions for hospitalization
- petitions for immediate funeral/burial arrangements
- guardianships involving life-threatening medical emergencies
- conservatorships with immediate pending evictions/foreclosures/shut off notices
- estates where immediate access to residence is necessary
- requests for ex-parte temporary restraining orders

Emergency petitions will be sent via facsimile to the assigned judge's chambers and will be reviewed on a case-by-case basis. Chambers facsimile numbers are:

Judge Ryan: 248/452-9398
Judge Hallmark: 248/452-5194
Judge O'Brien: 248/975-9780
Judge Callaghan: 248/858-1506

2. Non contested matters:

Pursuant to MCR 5.104(B)(4) and MCR 5.104 (C), matters upon which all interested parties have consented and/or those that are unopposed, may be submitted to the court, via facsimile. Each matter will be reviewed on a case-by-case basis.

3. Petitions in Regard to Decedent Estates, Trusts and Civil Actions:

New non-emergency filings will be accepted by mail and or facsimile. Filing fees may be sent by check or money order or will be collected prior to the hearing.

4. Developmentally Delayed Individual Guardianships:

a. For existing guardianships with letters of authority set to expire within the next 90 days, the current letters will be extended for an additional 90 days from their current expiration date.

b. For new petitions or for 5- year renewal petitions, the petitioner and respondent shall appear telephonically using Judge-on-Line. The proposed ward's presence may be excused for a period of 90 days from the date of the hearing. Upon testimony from the attorney representing the ward that circumstances exist warranting the appointment, temporary partial guardians may be appointed whose powers and duties shall be specifically enumerated. The 14-day interim hearing on a temporary guardian may also be waived by the attorney for the ward for a period of 90 days. (MCL 330.1607). Affidavits and Orders Excusing Respondent's Presence may be utilized when appropriate.

5. Adult Guardianships:

For a new petition for guardianship, if a Guardian Ad Litem is unable to personally visit a proposed ward, as required by MCL 700.5305, a notice of same shall be faxed to the assigned judge's chambers. The court may then require enhanced testimony and/or a guardian ad litem's written report, demonstrating the necessity for court action. The termination and modification of a guardianship will be subject to the same procedures.

Judge- on- Line shall be utilized to the fullest extent possible for all hearings. The Parties are encouraged to obtain Waivers and Consents, where possible.

6. Adult Conservatorships:

For a new petition for conservatorship, if a Guardian Ad Litem is unable to personally visit a proposed ward, as required by MCL 700.5401, a notice of same is to be faxed to the assigned judge's chambers. The court may then require enhanced testimony and/or a guardian ad litem's written report, demonstrating the necessity for court action. The termination and modification of a conservatorship will be subject to the same procedures. Judge- on- Line shall be utilized to the fullest extent possible for all hearings. The Parties are encouraged to obtain Waivers and Consents, where possible.

7. Protective Orders:

The same procedures will be utilized as delineated for adult guardianships and conservatorships. Judge- on- Line shall be utilized to the fullest extent possible for all hearings.

8. Minor Guardianships:

The Court will review new non-emergency minor guardianship petitions and shall make a determination for scheduling hearings on a case-by-case basis. Judge- on- Line shall be utilized to the fullest extent possible for all hearings.

9. Minor Conservatorships:

New conservatorship petitions may be granted without a hearing if submitted with full waivers and consents. Judge- on- Line shall be utilized to the fullest extent possible for all hearings.

10. Mental Health Proceedings:

Hearings on Order for Transport and Mental Health Petitions will continue to be heard by the Court.

11. Guardian Visits:

If a guardian is unable to visit their ward pursuant to MCL 700.5309, the duty and obligation to check on the ward by means deemed most appropriate to adequately and accurately determine the wards status, is still required during this time.

12. Compliance with Mandates:

The Chief Judge and administration will seek, disseminate as appropriate, and adhere to all guidance provided by the Michigan Supreme Court and state and local health departments.

13. Communication:

Should it be the case that normal business operations of the court are going to be impacted (i.e. Court Closure, change in operation, etc.) the Chief Judge and Court Administrator will coordinate communication to judges, court staff, county administration and the public.

14. Implement Plan for Remote Hearings Whenever Possible

We encourage the use of Judge-on-Line and Polycom services when appropriate.

15. Adjourn hearings involving vulnerable adults

Adjournments will be granted as liberally as circumstances allow upon request and/or upon the court's own motion.

16. Adjourn Jury Trials

Jury trials that can be adjourned without, in the judge's discretion, jeopardizing the health, safety or wellbeing of incapacitated individuals, developmentally disabled persons, minors or other vulnerable individuals, will be adjourned.

Citizens should visit the Oakland County Probate Court website regularly to stay informed of current procedures. We appreciate your patience and understanding during these unprecedented times. We are taking these matters seriously and making every effort to protect our staff and the citizens that we serve.

IT IS SO ORDERED



Hon. Kathleen A. Ryan
Chief Judge of Probate

Date: 3/16/2020