

General Updates

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Just a few updates on items of interest ...

e-Filing

As many of you know, the Oakland County Probate Court has been investigating the use of e-filing for decedent, trust and civil cases filed in probate. After thorough discussion and investigation, it appears that we will not be pursuing e-filing in the Probate Court at the present time.

The Probate Court will, however, still be searching out ways to innovate and use technology to enhance our business processes. We are currently working toward more paperless in-house processes, and looking for ways to enhance access for the public. Look for updates in future LACHES editions.

Budget

It's hard to go anywhere today without hearing talk about the current economy and the tough financial decisions that must be made in business and personally. That includes the Probate Court and Oakland County in general. As this column is being drafted, the State of Michigan does not have a balanced budget for the coming fiscal year. As a result, it is not known for certain whether the State's budget will have a negative effect on Oakland County's already-balanced budget for Fiscal Year 2010. Regardless, the court has been told that further cuts will eventually be coming our way. We don't know the extent of those cuts at this time.

Please be aware that current budget plans will eventually require a reduction in our staffing. We appreciate the understanding of the legal community as we try to accomplish the same workload with fewer resources. Every effort will continue to be made to ensure prompt turnaround times and efficient service.

Juvenile Guardianships

Those of you who practice in the area of juvenile law are most likely aware of a new type of guardianship applicable to minor children. These new guardianships are called "juvenile guardianships," and are assigned the case code of JG.

It is essential to remember that a juvenile guardianship is not the same thing as an EPIC minor guardianship. A juvenile guardianship is a new option for a permanency plan in a neglect and abuse case. Juvenile guardianships are under the jurisdiction of the Family Division of the Circuit Court, which will also be responsible for monitoring

them. While the guardian in a juvenile guardianship matter specifically has all the powers of an EPIC guardian, they are not the same thing.

The introduction of this new type of guardianship has also meant the development of a series of new forms specifically designed for juvenile guardianships. The forms are designated as Juvenile Court (JC) forms and specify that they are for juvenile guardianships. The Probate Court will not accept filings for an EPIC guardianship on a JC form. Only the appropriate Probate Court (PC) forms or local forms (PEMH) will be accepted. Please be sure you are picking up the correct forms when working with minor guardianships.

Counter Hours

The probate judges have continued to approve of probate staff utilizing the 4/40 work week option on an extended pilot basis. As a result, the probate service counter hours will remain 8:00 a.m. – 5:30 p.m., Monday through Friday until further notice. We will try to continue this schedule as long as staffing levels and work flow will allow.

Reminder

Please be sure to timely file a *Notice of Continued Administration* where required. [If the personal representative does not complete the administration of an estate within one year of their original appointment and no petition for a settlement order is filed, nor a sworn statement where applicable, MCL 700.3951 requires the filing of a *Notice of Continued Administration* with the court.] This notice must be filed no later than 28 days after the anniversary of the personal representative's appointment. If administration remains incomplete, a notice is to be filed not later than 28 days after each subsequent anniversary.

If the personal representative does not comply with the requirement to file a notice, the court may take action to administratively close the file. Before that can be done, however, the court must notify the personal representative and all the interested persons of the intent to close. After that notice is sent, the court must monitor the case for compliance to determine whether the personal representative has complied, or whether a petition has been filed by an interested person. These steps all take time and resources away from other functions of the court. Please remember to calendar the due dates for the *Notice of Continued Administration*.