

Probate Mediation:



OAKLAND
MEDIATION
C E N T E R

Child Probate Matters

A Guardian is a person who is given Probate Court authority to be responsible for the personal and physical well-being of a minor (called a ward). The Guardian has the same powers and duties over the ward as parents have over their children except that the Guardian is not obligated to support the ward from his/her own funds. A prospective Guardian may be nominated by petition, or may be named in a will or "another writing." A Conservator is a person who is given Probate Court authority to be responsible for the assets (called an estate) of a minor (called a protected person). A Conservator may be nominated by petition filed with the Probate Court or by a deceased parent's will.

Permanency Planning/Child Protection Mediation

Including mediation as a valued option in the range of legal responses to child maltreatment and protection is at least reasonable, if not preferable to other options. There are incalculable benefits associated with improved family and professional satisfaction, construction of individualized and detailed treatment plans, and plan compliance and attentiveness to the permanency needs of children. Mediation in child welfare cases has resulted in positive outcomes for children, families, professionals and systems without increasing the overall costs of the judicial and administrative handling of child welfare cases.

Adult Probate Matters

A Guardian is a person who is given Probate Court authority to be responsible for the personal and physical well being of an adult who is called a Legally Incapacitated Individual (LII). The Guardian has the same powers and duties over that LII as parents have over their children. A prospective Guardian may be nominated by petition (filed with the Probate Court) or may be named in a will. A Conservator is a person who is given Probate Court authority to be responsible for the assets (called an "estate") of an adult, who is called a Protected Individual (PI). A Conservator may be nominated by a petition filed with the Probate Court.

Probate Matters For Individuals With a Disability

Guardianship establishes a relationship between the guardian and the developmentally disabled ward similar to that of a parent and child, with duties and responsibilities of the ward as determined by the Probate Court. A guardianship for an individual with a developmental disability shall: Be utilized only as is necessary to promote and protect the well-being of the individual, including protection from neglect, exploitation and abuse; Take into account the individual's abilities; Be designed to encourage the development of maximum self-reliance and independence in the individual; And be ordered only to the extent necessitated by the individual's actual mental and adaptive limitations.

For more information on Probate matters, please refer to the brochures on the Oakland County Probate Court website at http://www.oakgov.com/courts/probate/Pages/program_service/guard-conserv.aspx.

For questions, please contact us at (248) 338-4280 or email us at info@mediation-omc.org.