



STATE OF MICHIGAN

PROBATE AND FAMILY COURT OF CLINTON COUNTY

COURTHOUSE | 100 E. STATE STREET, STE 4300
ST. JOHNS, MICHIGAN 48879 | (989) 224-5190 | FAX (989) 224-5102

Lisa Sullivan, Judge

Theresa Nelson, Register
nelsont@clinton-county.org

FROM: LISA SULLIVAN, JUDGE OF PROBATE

RE: CONSERVATORSHIPS FOR MINORS

Attached please find a copy of this Court's policy for minor conservatorships, the Agreement in Regard to Use of Verification of Deposit (for attorney's signature), Agreement in Regard to Use of Verification of Deposit (for proposed conservator's signature), Proof of Restricted Account - No Assets and Proof of Restricted Account.

Adherence to the policy and utilization of the forms should serve to protect the estates of minors without having to unnecessarily incur the expense of bond premiums. Unless there appears to be good cause for action to the contrary, the court would ask that all counsel and conservators observe this policy.

THE AGREEMENTS IN REGARD TO USE OF VERIFICATION OF DEPOSIT MUST BE SIGNED BY THE ATTORNEY AND/OR CONSERVATOR AND FILED WITH THE COURT PRIOR TO THE ISSUANCE OF THE LETTERS OF CONSERVATORSHIP.

**POLICY REGARDING EXPENDITURE OF FUNDS
IN CONSERVATORSHIPS OF MINORS**

The general principle which this Court will follow is that it is this Court's responsibility to preserve the child's money until the minor attains age 18, or to only spend money for basic items for the child that he/she could not otherwise obtain through parents. This policy will apply to Petitions for Authority for the use of monies in restricted bank accounts and the annual accounting of conservatorships where unrestricted monies are involved.

In the former case, the Court will grant authority to withdraw restricted funds only in conformance with this written responsibility to only spend money in accordance with this policy.

1. No expenditure will be allowed unless it directly benefits the child.
2. No expenditure will be allowed that benefits the child if the expenditure relieves a parental obligation that could otherwise be met. Exception to this rule may include such things as unusual medical expenses, educational expenses, and other unusual circumstances which may create an exceptional burden for the family. Before an expenditure is allowed, evidence must be presented that the parent cannot otherwise provide the benefit. Receipts for expenditures allowed will be required within ten (10) days of an Order allowing withdrawal of money from a restricted account.
3. Expenditures regarding maintenance of the principal in a child's account will be allowed ex parte. An example of such a situation would be taxes payable on the interest income from such principal.
4. No money will be released to the Department of Social Services or at its request to relieve a parental obligation, as such an obligation is the parent's and not the child's.

Lisa Sullivan
Judge of Probates

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF CLINTON

Revised 1/08
FILE NO.

IN THE MATTER OF:

AGREEMENT IN REGARD TO USE
OF VERIFICATION OF DEPOSIT

I, the undersigned, being the attorney for the above-captioned estate, agree that in consideration of the Court allowing the use of an Acceptance of Trust or nominal bond rather than a corporate surety bond, I will do the following:

1. Accompany the conservator to the bank or other financial institution to see that the funds are deposited in a restricted conservatorship account with the language that **"No withdrawals by anyone may be made without prior written Order of the Court."**
2. See that the Proof of Restricted Account and Annual Verification of Funds on Deposit (PC669) is properly completed and executed by the bank or other financial institution and filed with the Court within 28 days of the conservator's appointment.
3. If funds have not been received within 28 days of the conservator's qualification, the conservator and I will immediately complete and file, with the Court, a Proof of Restricted Account No Assets form.

AMOUNT: \$ _____

FAILURE TO TIMELY FILE THE REQUIRED DOCUMENT(S) WILL RESULT IN THE SUSPENSION OF THE FIDUCIARY.

Do not write below this line - For Court use only

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF CLINTON

Revised 1/08
FILE NO.

IN THE MATTER OF:

AGREEMENT IN REGARD TO USE
OF VERIFICATION OF DEPOSIT

I, the undersigned, being the Conservator for the above-captioned estate, agree that in consideration of the Court allowing the use of an Acceptance of Trust or nominal bond rather than a corporate surety bond, I will do the following:

1. Manage all assets in conformity with the "Michigan Prudent Investor Rule" as found in Michigan Compiled Laws 700.1501 and following. I will invest all funds in a licensed financial institution or with a bonded investment broker. The estate investments will be held in a restricted account with the language that **"No withdrawals by anyone may be made without prior written Order of the Court."**
2. See that the PC 669 Proof of Restricted Account and Annual Verification of Funds on Deposit is properly completed and executed by the financial institution/investment broker and filed with the Court within 28 days of my qualification as conservator.
3. If funds have not been received within 28 days of my qualification as conservator, I will immediately complete and file, with the Court, a Proof of Restricted Account No Assets form. At the time funds are received, I will immediately see that form PC 669 Proof of Restricted Account and Annual Verification of Funds on Deposit is properly completed and executed by the financial institution/investment broker and filed with the Court.

AMOUNT: \$ _____

(SIGNATURE OF PROPOSED CONSERVATOR)

FAILURE TO TIMELY FILE THE REQUIRED DOCUMENTS WILL RESULT IN THE SUSPENSION OF THE FIDUCIARY.

Do not write below this line - For Court use only

STATE OF MICHIGAN

IN THE PROBATE COURT FOR THE COUNTY OF CLINTON

IN THE MATTER OF:

File No.

_____ /

PROOF OF RESTRICTED ACCOUNT

NO ASSETS

MCR 5.409(C)(4)

This form must be completed and filed with the Court within 28 days of the conservator's qualification.

It appearing that a conservatorship was established for the above named minor ordering that all assets be placed in restricted accounts. Pursuant to MCR 5.409 (C)(4), I am required to file Proof of Restricted Account with the Probate Court.

As of this date, I have not received any assets for the minor.

Immediately upon receipt of funds for the minor, I will file with the Probate Court, pursuant to MCR 5.409 (C)(4), the Proof of Restricted Account and Annual Verification of Funds on Deposit (PC 669).

I declare under the penalties of perjury that this Proof of Restricted Account – No Assets has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date

Date

Attorney's Signature

Conservator's Signature

Attorney's Name (type or print)

Conservator's Name (type or print)

Address

Address

City, State, Zip

City, State, Zip

Telephone No.

Telephone No.

THE FOLLOWING INFORMATION IS FOR THE ATTORNEY REPRESENTING THE PETITIONER:

Please add the following wording to Paragraph 13 of proposed Order Appointing Conservator: **See Letters of Conservatorship for Restrictions**

Above the heading on Letters of Conservatorship, put in **RESTRICTED**.
Please add the following under Restrictions on the Letters of Conservatorship:

All assets must be managed in conformity with the Michigan Prudent Investor Rule as found in Michigan Compiled Laws 700.1501 and following. All funds must be invested in a licensed financial institution or with a bonded investment broker. The estate investments must be held in a restricted account, with the language that “No withdrawals by anyone may be made without prior written Order of the Court.”