



ENDING OR CHANGING YOUR GUARDIANSHIP Questions and Answers

Do you have a guardian appointed for you by your county's probate court? Do you want to end your guardianship so that you can make your own decisions about your life, including where you live, how you spend your money, and other important choices? Do you want to keep a guardian, but change who it is or what they are allowed to do? This document gives you the information that you need so that you can ask to end or change your guardianship.

I want to end or change my guardianship. How do I do this?

In Michigan, ending your guardianship is called "**terminating**." Changing your guardianship is called "**modifying**." The process is generally the same for ending or changing.

Since the probate court appointed your guardian, only the probate court can terminate or modify your guardianship. That is why you must ask the probate court to hold a hearing to decide whether you still need a guardian or whether changes need to be made to your guardianship.

Disability Rights Michigan has a form letter (see below) to help you ask the probate court for this hearing.

When can I ask for a hearing?

You usually have a right to a hearing whenever you ask. If you file too often about the same issues, the probate court may decide that you must wait six months or one year before your next hearing.

Do I have a right to an attorney at the hearing?

Yes. Generally, unless your guardian and all interested parties agree with the changes you want to make, the probate court will appoint an attorney for you.

What evidence can I present at the hearing?

You can introduce any evidence showing that you no longer need a guardian or showing that the court should make a change. It is helpful to show the probate court how you can meet your needs and make good decisions about your life. If possible, you should give the court a report from a doctor that supports your request. You should work with your attorney to present your case.

INSTRUCTIONS - Completing the Request for Hearing Letter

The attached form is just one way to ask the probate court to hold a hearing. You can fill out a formal Petition with the probate court, but that form can be complicated. The attached form is probably the easiest way to tell the probate court that you need a hearing.

1. At the top of the form, above “Name of County,” you must write the name of the county where your guardianship case is located.
2. Next, above “Name of Individual,” write your first and last name.
3. Above “Case number,” write the case number of your guardianship case. This information may be located on other documents sent to you in the past by the probate court or your guardian. You may need to contact your county’s probate court and ask for your case number.
4. To ask the court to hold a hearing to decide whether you still need a guardian, write an “X” or other mark on the **first line** below “Case number.” This paragraph tells the court that you want to make your own decisions, and that you do not need a guardian.
5. To ask the court to keep a guardian but change who it is or what they do, write an “X” or other mark on the **second line** below “Case number” and write in what changes you want to make. Examples include: “I want my sister to be my guardian,” or “I want to make decisions about where I work.” This paragraph says you would like the court to make some changes to your guardianship, but you are willing to allow a guardianship to continue.
6. To ask the court to have an attorney to represent you, write an “X” or other mark on the **third line** below “Case number.”
7. Finally, you must date the form and sign at the bottom.
8. When you are finished, make a copy for yourself for your records. You can then send the form to your county’s probate court or file it in person.
9. You might want to call your probate court to find out when you can expect the court to hear your case and appoint an attorney for you.

This information is a service of Disability Rights Michigan (DRM). It provides general information, based on the law at the time we wrote it, and is not legal advice. You do not have an attorney-client relationship with DRM. If you need legal advice, you should contact an attorney. If you would like more information about this topic or would like to receive this information in an alternative format call DRM at 800.288.5923 or visit our website, www.drmich.org.

Disability Rights Michigan (DRM) is mandated by federal and state law to protect the legal rights of individuals with disabilities in Michigan. DRM receives part of its funding from the Administration on Intellectual and Developmental Disabilities, the Center for Mental Health Services-Substance Abuse and Mental Health Services Administration (SAMHSA), the Rehabilitation Services Administration and the Social Security Administration.

Updated August 2020

REQUEST FOR GUARDIANSHIP TERMINATION / MODIFICATION

_____ County Probate Court
Name of County

In the matter of _____
Name of individual

Case number

_____ I currently have a guardian. I am competent and am able to make my own decisions about my life and therefore do not need a guardian. I request that the probate court hold a hearing to determine whether I still need a guardian.

_____ I currently have a guardian. I want the court to make the following changes:

_____ I want the court to appoint an attorney to represent me.

Date: _____

Signature of individual