

# Probate Court

Kent County Courthouse  
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Phone (616) 632-5440 Fax: (616) 632-5430

## Mission

*To secure the sound and efficient resolution of matters within an accessible and person-centered venue where every individual is treated with dignity and respect.*

## Overview

The Probate Court is a Court of statutory jurisdiction, primarily concerned with the protection of incapacitated or mentally ill individuals and their assets, and the proper transfer of assets at death.

**Protection of Incapacitated Individuals.** Proceedings concerning the protection of incapacitated individuals involve guardianships for legally incapacitated adults, guardianships for minors, and guardianships for developmentally disabled individuals. The Court must monitor all appointed guardians to ensure that the required annual reports are filed. The Court also conducts in person reviews and hearings to resolve any disputes and to address petitions to terminate or modify the guardianship.

**Hospitalization of Mentally Ill Individuals.** The Probate Court hears petitions for hospitalization for mentally ill individuals alleged to be a significant danger to themselves or others. Hearings take place on a tight time frame: they are normally required to be held within seven days of involuntary hospitalization. The Court is also required to oversee and hold hearings for commitment of individuals from other counties hospitalized in Kent County; other counties do the same for Kent County residents hospitalized in their counties. In 2017, other counties oversaw 202 cases involving Kent residents and conducted 72 hearings on those cases. In 2017, Kent County Probate Court oversaw 1745 cases involving residents of other counties hospitalized here, and conducted 279 hearings on those cases. Oversight of cases for other counties is nowhere reflected in Kent's SCAO case load statistics.

**Protection of Property of Incapacitated Individuals.** Proceedings concerning the protection of the property of incapacitated individuals involve conservatorships for legally incapacitated adults, conservatorships for minors and guardianships of the estate for developmentally disabled individuals. If a conservator or guardian of the estate is appointed, the Court monitors each court case to ensure that the required annual accounts are filed and approved, confirming that the assets are being held and used for the benefit of the ward. The Court also conducts hearings to approve the sale of real estate and use of protected funds; to resolve disputes that arise; and to determine whether conservatorships should be terminated or modified.

**Transfer of Assets.** The Probate Court has exclusive jurisdiction over proceedings regarding the transfer of assets at death or transfers where property is held in trust. Transfers at death may involve probate of a Will (testate estates) or estates where there is no Will (intestate estates). The Court may also be asked to interpret Wills or Trusts if the document's meaning is uncertain or disputed. Depending on the circumstances, proceedings in decedent's estates may be either unsupervised or supervised by the Court.

**Other Matters.** The Probate Court also hears a variety of other matters, including Petitions for Protective Orders, which are typically one-time requests for the Court to allow or approve some action such as approval of a settlement or a Trust; civil actions, where one party is suing another party which is either a trust, estate or fiduciary so the action is related to the regular business of the Probate Court; petitions for name changes; and drain appeals. The Probate Court also holds Wills for safekeeping, handles secret marriages and receives election results.

**Caseload.** From 2008 through 2017 there has been an overall 43% increase in the caseload (number of new cases) of the Kent County Probate Court, with the largest increases in adult guardianships, mental commitments, mental commitment cases for other counties and small estates. These increases may in part be attributable to the aging of our population and the expansion of medical and psychiatric hospitals in the County.

## Strategic Goals

- Timely handle and fairly adjudicate all matters before the Court for the protection of individuals and their property. (Safe Community)
- Maximize the effectiveness of Probate Staff through innovative technology. (Efficient Use of Resources)
- Facilitate the provision of professional guardianship services for persons in need. (Proactive and Innovative Government)
- Systematically collect reimbursable fees from individuals and the State of Michigan. (Stable Revenues)

## Significant Accomplishments

- During the last three years, the Probate Court, along with Kent County, the Department of Health and Human Services, the Area Agency on Aging of Western Michigan, Spectrum Health and Mercy Health St. Mary's have collaborated to provide much needed public guardians for indigent adults in Kent County. The Program provides 43 guardians who serve 952 wards and remains committed to providing the training and resources needed to allow our guardians to provide excellent service to incapacitated individuals in our community. The Probate Court received Kent County's Excellence in Action Award in 2017 for Collaboration in the Kent County Guardianship Program.
- Since 2010 the Probate Court has employed a consistent, more automated process to bill and collect reimbursement of legal fees from the respondents in mental commitment cases and adult guardianship cases for whom the County has provided legal representation. Previously the Court recouped 5% or less of these legal expenditures. Even though many of our respondents are indigent and therefore exempt from having to reimburse the Court, through our new process each year we have recouped over 32% of our expenditures for legal fees. As a result, even though mental commitments and adult guardianship cases (the case types necessitating most legal expenditures) have increased significantly since 2009, the net cost to the general fund for Probate Court legal expenditures has decreased by nearly 20%. The Probate Court discovered funding in the 2019 State of Michigan budget and requested reimbursement for Kent County for 50% of the cost of court-appointed public guardians and conservators for recipients who also receive Community Mental Health Services. The State responded to our request, advising that the process has not yet been established but reimbursements would be retroactive to October 1. Our October request was for reimbursement in the amount of \$12,150. This is the minimum amount that will be requested each month during the State's Fiscal Year 2019.

## **DEPARTMENT: PROBATE COURT**

### **Department Mission Statement:**

*The mission of the Kent County Probate Court is to provide an accessible, person-centered venue to secure the peaceful and sound resolution of matters, where every individual is treated with dignity and respect.*

### **Service Area: Estates and Mental Division**

### **Service Area Mission Statement:**

*To secure the sound and efficient resolution of matters within an accessible and person-centered venue where every individual is treated with dignity and respect.*

### **Goals**

- Timely handle and fairly adjudicate all matters before the Court for the protection of individuals and their property. (Safe Community)
- Maximize the effectiveness of Probate Staff through innovative technology. (Efficient Use of Resources)
- Facilitate the provision of professional guardians for incapacitated persons in need. (Proactive and Innovative Government)
- Systematically collect reimbursable fees from individuals and the State of Michigan. (Stable Revenues)

### **Objectives**

- To meet or exceed statutory, court rule and state guideline requirements for all matters before the Court
  - To maximize compliance with statutes and court rules by court-appointed fiduciaries for the protection of individuals and their property
  - To decrease the necessity for counter conferences and show-cause hearings for achieving fiduciary compliance by providing resources and information through accessKent to non-professional fiduciaries
  - To review and prepare all files for hearings so that hearings may proceed smoothly and efficiently
  - To properly train and equip all staff members so they are able to provide excellent customer service
  - To recruit and train new professional guardians to meet the growing demand for guardianship services
  - To minimize growth of net general fund expenditures for legal services and guardian services
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<b>Indicators</b>	<b>2015 Actual</b>	<b>2016 Expected/ Actual</b>	<b>2017 Expected/ Actual</b>	<b>2018 Expected/ Actual</b>
<b>Outcomes</b>				
Percentage of guardianship, conservatorship and protective order proceedings adjudicated within 364 days (guideline = 95%)	100.00%	>99.00%/ 100.00%	>99.00%/ 100.00%	99.00%
Percentage of mental commitment petitions disposed within 14 days (guideline = 90%)	99.30%	>99.00%/ 99.40%	>98.00%/ 99.30%	98.00%
Percentage of mental commitment petitions disposed within 28 days (guideline = 98%)	99.90%	>99.50%/ 100.00%	>99.00%/ 99.80%	99.00%
Average score on Customer Satisfaction Survey measured on a scale of 1 to 5 (with 5 being the best)	4.72	>4.70/ 4.70	NA	>4.70

<b>Indicators</b>	<b>2015 Actual</b>	<b>2016 Expected/ Actual</b>	<b>2017 Expected/ Actual</b>	<b>2018 Expected/ Actual</b>
<b>Efficiencies</b>				
Number of new case filings processed, per full time employee	357	>357/ 355	>355/ 376	360
Number of hearings for which probate staff prepared files, per full time employee	478	>478/ 495	>500/ 523	500
Percentage of guardians and conservators who failed to file required reports or accounts by time of counter conference, requiring a show cause	10.43%	<10.00%/ 10.53%	<10.00%/ 7.00%	<10.00%
Percentage of requests for professional guardians filled by KCGP	76.12%	>85.00%/ 85.83%	>85.00%/ 82.48%	>85.00%
Average net cost to general fund for legal services per new mental commitment or adult guardianship case	\$42	\$42/ \$48	\$48/ \$50	\$50

<b>Indicators</b>	<b>2015 Actual</b>	<b>2016 Expected/ Actual</b>	<b>2017 Expected/ Actual</b>	<b>2018 Expected/ Actual</b>
<b>Outputs</b>				
Number of new mental commitment petitions processed	2,439	2,400/ 2,452	2,500/ 2,492	2,500
Number of mental commitment petitions processed for other counties pursuant to SCAO assignment because respondent hospitalized in Kent County	1,487	1,500/ 1,484	1,500/ 1,745	1,600
Number of new professional guardians added to KCGP	2	7/ 8	6/ 5	4
Number of requests for professional guardians made to the KCGP	134	175/ 240	250/ 274	275
Number of customer contacts with staff in the Probate Court Clerk's office in person, on the telephone and by email	NA	NA	NA	49,392