



Conservatorship Program

Q: What is adult conservatorship?

A: When an individual is unable to manage their money or other assets, the Probate Court may establish a conservatorship for that person. Under a conservatorship, a party is appointed to make financial decisions on behalf of the incapacitated individual. The person or agency who handles these financial matters is the conservator.

Q: Who needs a conservator and who does not?

A: A conservator is needed when an individual is unable to manage their property or financial affairs, and the Probate Court determines that their assets will be wasted or dissipated without intervention.

Q: How does conservatorship work?

A: Once appointed by the court, the conservator prepares an inventory of the client's assets. They then begin managing the client's assets, taking into account any existing estate plan or Will. The conservator consults with the individual to the extent possible to get input on how to manage their assets.

Q: What are the indicators that conservatorship is needed?

A: A conservatorship is considered when there is proof that a person is unable to manage their finances and that mismanagement, exploitation, or squandering of funds is taking place. Only the Probate Court can determine if a conservatorship will be established.

Q: Who can I trust to be my conservator?

A: Conservators are screened and monitored by the Probate Court. A conservator may be an individual or an agency. They may be a family member or friend who takes on the conservator role voluntarily, or they may be a paid professional.

Q: What would it be like if I had a conservator?

A: It should bring you and your family peace of mind to know that your life savings are protected from possible loss or theft. The Guardian Finance and Advocacy Services conservators work closely with the client, their family, and other interested parties in managing clients' assets. Conservators are charged with utilizing client's assets only for the welfare of the client or their dependents, and the decisions made by the conservator must be in the best interests of the client.

Q: Can conservatorship be used in an emergency?

A: Yes. Special Conservatorships are established for emergency situations, where assets need to be immediately secured and protected.

Q: How long does the process take?

A: An emergency situation takes priority in the court system and should be established within 24-48 hours.

Q: What does it cost to have a conservator?

A: Charges vary depending on who is appointed by the Probate Court. Non-profit agencies such as Guardian Finance and Advocacy Services have an established fee structure that is reviewed by the Probate Court. Other professionals, such as attorneys, have individual fee schedules. Family and friends generally are not paid to act as conservator, but may have expenses reimbursed. All fees are subject to the approval of the court.

Q: How can I track how my assets are managed?

A: Michigan probate law requires that conservators submit annual accountings to the probate court. These accountings are distributed to all legally interested parties by the court....including you.

Q: Does conservatorship ever end?

A: If the Legally Incapacitated Person can prove to the court that they are no longer incapacitated, the conservatorship will be discharged.

Disclaimer: This FAQ is for general informational purposes only. 2/9/2009

Q: How does it start?

A: Conservatorships are the result of a legal process overseen by a Probate Court.

Here is the contact information for probate courts in our area:

Calhoun County Probate Court
Calhoun County Justice Center
161 East Michigan Avenue
Battle Creek, Mi 49014-4066
Tel: (269)969-6794 - Fax: (269)969-679

Kalamazoo County Probate Court
150 East Crosstown Parkway
Kalamazoo, Michigan, USA 49001-2849
Phone: 269-383-8666
Fax: 269-383-8685
Email: KalamazooProbate@Kalcounty.com

Q: What are the alternatives?

A: A Durable Power of Attorney or a Trust Arrangement are possible alternatives to a Conservatorship.

Need more information? You can contact us, your attorney, or the National Conservatorship Association. (Guardian Finance and Advocacy Services is a member of the National Conservator Association.) Their web site is located at: <http://www.conservatorship.org/>, or contact them at:

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State College, PA 16803
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Fax: 814-238-7051
info@conservatorship.org