

SCAO-Approved Court Forms – New and Revised

The following SCAO-Approved court forms were distributed to courts in December 2014. You can purchase copies of these forms from a number of printers or software companies or from publishers such as Thomson/West that contain reproductions of all SCAO-Approved forms (see <http://courts.mi.gov/Administration/SCAO/Forms/Pages/Printers-and-Publishers.aspx>).

Thomson/West publications are supplemented biannually, including advance sheets. You can also obtain copies of these forms at <http://courts.mi.gov/Administration/SCAO/Forms/Pages/default.aspx>. A complete set of forms is also included in the Institute of Continuing Legal Education Partnership resources at <http://www.icle.org/>.

<u>Form Number</u>	<u>Current Date</u>	<u>Use of Existing Stock</u>	<u>Revision Date</u>
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FOC Forms

FOC 10, Uniform Child Support Order	3/12	cannot use after 12/31/14	8/14
FOC 10a, Uniform Child Support Order No Friend of the Court Services	3/12	cannot use after 12/31/14	8/14
FOC 10d, Uniform Child Support Order - Deviation Addendum	N/A	New Form	11/14
FOC 72, Request to Access Friend of the Court Records and Decision	3/08	can use until depleted	8/14

JC Forms

JC 05b, Order to Take Child(ren) Into Protective Custody and Place (Child Protective Proceedings)	9/13	can use until depleted	9/14
JC 17, Order of Disposition (Child Protective Proceedings)	11/13	can use until depleted	9/14
JC 19, Order Following Dispositional Review/Permanency Planning Hearing (Child Protective Proceedings)	9/13	can use until depleted	9/14
JC 23, Waiver of Summons/Notice of Hearing	11/05	cannot use after 12/31/14	9/14
JC 76, Order After Posttermination Review/Permanency Planning Hearing (Child Protective Proceedings)	9/10	can use until depleted	9/14

<u>Form Number</u>	<u>Current Date</u>	<u>Use of Existing Stock</u>	<u>Revision Date</u>
JC 84, Claim of Appeal and Order Appointing Appellate Counsel	9/12	cannot use after 12/31/14	9/14
MC Forms			
MC 221, Statement of Service and Order for Payment of Court-Appointed Representative	3/09	can use until depleted	6/14
PC Forms			
PC 553, Petition to Determine Heirs, Separate Proceedings	9/07	can use until depleted	9/14
PC 558, Application for Informal Probate and/or Appointment of Personal Representative	9/12	can use until depleted	9/14
PC 626, Notice of Rights to Alleged Incapacitated Individual	3/14	cannot use after 12/31/14	9/14
PC 634, Annual Report of Guardian On Condition of Legally Incapacitated Individual	9/13	cannot use after 12/31/14	9/14
PC 635, Order Appointing Person to Review/Investigate Guardianship	9/06	cannot use after 12/31/14	10/14
PC 646, Petition Regarding Real Estate/Dwelling	9/12	can use until depleted	9/14
PC 647, Order Regarding Real Estate/Dwelling	9/12	can use until depleted	9/14
PC 650, Petition for Appointment Of Limited Guardian of Minor	9/13	cannot use after 12/31/14	10/14
PC 650-I, Petition for Appointment Of Limited Guardian of Indian Child (Voluntary Guardianship)	N/A	new form	10/14
PC 651, Petition for Appointment of Guardian of Minor	9/13	cannot use after 12/31/14	10/14

<u>Form Number</u>	<u>Current Date</u>	<u>Use of Existing Stock</u>	<u>Revision Date</u>
PC 651-Ia, Petition for Appointment of Guardian of Minor Indian Child (Voluntary Guardianship)	N/A	new form	10/14
PC 651-Ib, Petition for Appointment of Guardian of Minor Indian Child (Involuntary Guardianship)	N/A	new form	10/14
PC 653, Order Regarding Appointment of Guardian/Limited Guardian of a Minor	9/11	cannot use after 12/31/14	10/14
PC 653-I, Order Regarding Appointment of Guardian/Limited Guardian of a minor Indian child	N/A	new form	10/14
PC 666, Options You Should Know Before Filing a Petition for a Full Adult Guardianship	2/14	cannot use after 12/31/14	9/14
PC 678, Notice of Guardianship Proceedings Concerning an Indian Child	7/11	can use until depleted	10/14
PC 683, Application and Order for Appointment of Out-of-State Conservator	9/13	can use until depleted	9/14
PC 686, Consent by Parent/Indian Custodian to Guardianship of Indian Child	N/A	new form	10/14
PC 687, Withdrawal of Consent to Guardianship of Indian Child	N/A	new form	10/14
PCM Forms			
PCM 214, Initial Order Following Hearing on Petition for Admission	9/07	can use until depleted	9/14
PCM 219, Second or Continuing Order for Treatment	9/12	can use until depleted	9/14

<u>Form Number</u>	<u>Current Date</u>	<u>Use of Existing Stock</u>	<u>Revision Date</u>
PCM 234, Order Following Hearing on Objection to Return to Hospital	9/12	can use until depleted	9/14
PCM 240, Petition and Order Regarding Transport of Minor	9/11	can use until depleted	9/14
PCM 243, Initial Order Following Hearing on Petition for Assisted Outpatient Treatment	11/11	can use until depleted	9/14

CHANGES TO CHILD PROTECTIVE PROCEEDING FORMS

JC 05b Order to Take Child(ren) Into Protective Custody and Place (Child Protective Proceedings)

Under item 3.b., item 3 and 5 switched places due to the way the form is used. Specifically, if the court cannot make contrary to the welfare findings (now item 3), they would not reach reasonable efforts (now item 5).

Further, because contrary to the welfare findings usually take more space, two lines were added to item 3 under item 3.b. and two lines were removed from item 5 under item 3.b to make space.

Under item 3.b., item 3 was modified to add “(Specify)” after the item, to help alleviate any confusion about whether the blank area needs to be completed.

For purposes of consistency with item 3.b.3., item 3.b.5 was modified to bold the words “reasonable efforts.”

For purposes of consistency in style, a note to “(SEE SECOND PAGE)” was centered at the bottom of the form.

JC 17 Order of Disposition (Child Protective Proceedings)

For purposes of stylistic consistency, the subparts of item 18 were numbered.

The word “post-termination” on page 3, item 18.c., had the hyphen removed.

JC 19 Order Following Dispositional Review/Permanency Planning Hearing (Child Protective Proceedings)

To avoid confusion in the use of item 17 on the form, regarding the reasonable efforts made to finalize the permanency plan, a new item 18 was added. The new item 18 makes it clear that the reasonable efforts referred to in item 17 are those already made and if there needs to be a change to the plan, item 18 may be used to indicated the permanency planning goal will change and what the change will be. The addition of this new item required renumbering of all subsequent items.

The word “which” in the use note at the bottom of the first page, second sentence, was changed to “that” for stylistic reasons.

JC 23 Waiver of Summons/Notice of Hearing

This form was modified to inform the individual waiving their right to a summons that there is no right to a jury at a termination hearing. This information is required on a summons by MCR 3.920(B)(3) and because the individual completing this form will not receive a summons, it was deemed appropriate to add this notice to this form.

The citation at the bottom of the form also needed to be updated. MCR 3.920(F) is now the portion of the rule dealing with waiver.

JC 76 Order After Post-Termination Review/Permanency Planning Hearing (Child Protective Proceedings)

To avoid confusion in the use of item 9 on the form, regarding the reasonable efforts made to finalize the permanency plan, item 10 was modified. The modified item 10 makes it clear that the reasonable efforts referred to in item 9 are those already made and if there needs to be a change to the plan, item 10 may be used to indicate the permanency planning goal will change and what the change will be.

The word “post-termination” on the form had the hyphen removed for stylistic reasons. This change was made to the title, the use note on the first page, and item 24.

JC 84 Claim of Appeal and Order Appointing Appellate Counsel

This form was modified at the suggestion of the Michigan Court of Appeals in order to be more consistent with the court rules relating to appeals. Previously, the form had suggested that the trial court, even when denying the request for appointment of counsel, should forward this form to the Court of Appeals. However, this is not consistent with the language of MCR 3.977 and other related court rules relating to appeals. The language on the form suggesting this method was appropriate was removed from the “Note to Court” section of the form.

Instead, in order to put an individual denied appointment of counsel on notice, a parenthetical was added after item 4.b. that says: “(See note to respondent.)” At the bottom of the form, a new note to respondent was added, which states: “If your request for appointment of counsel was denied and you want to file a claim of appeal with the Court of Appeals, you must file it within 14 days of the date this order is signed.”

The words “first class” were hyphenated to “first-class” for grammatical reasons.

CHANGES TO GUARDIANSHIP AND CONSERVATORSHIP FORMS

PC 626 **Notice of Rights to Alleged Incapacitated Individual**

On the first page, under the third bullet point, third dash, the wording was changed so as not to suggest that a guardian always has the power to execute a do-not-resuscitate (DNR) order on behalf of the ward. Because a guardian may or may not have that power, the wording was changed to “may have” the power.

In the same section of the form, the wording was changed. Previously, the form had been worded in a way that could suggest the only basis for objecting to a DNR order or bracelet was on religious grounds, which is not accurate. To remedy this, this portion of the form was clarified that the guardian may have these powers unless the individual objects, without stating what those grounds might be.

PC 634 **Annual Report of Guardian on Condition of Legally Incapacitated Individual**

A new item 5 was added to the form for reporting on a DNR order in light of the passage of the do-not-resuscitate procedure act, MCL 333.1051 *et seq.*, and related changes made to guardianship statutes. This required the renumbering of all subsequent items.

Further, to help avoid confusion relating to the improper use of this form by a guardian to request termination of the individual’s role as guardian, a new note was added under item 12. It states: “**Note:** If you no longer wish to serve as guardian, you must file a petition to remove yourself.”

Additional line spacing was added at the direction of the committee to certain portions of the form. This space was available due to the changes above requiring the form go to three pages. Further, because of the addition of a page a parenthetical stating “(SEE SECOND PAGE)” was added to the bottom of the first page and a similar parenthetical stating “(SEE THIRD PAGE)” was added to the bottom of the second page.

The parenthetical in item 13 was changed to be part of the text and moved to the line below and slightly reworded.

PC 635 **Order Appointing Person to Review/Investigate Guardianship**

The reference at the top of the form to circuit court – family division was removed for purposes of consistency with other forms.

Additionally, changes were made to this form to comply with MIFPA and changes to relevant court rules relating to the investigation. To this end, a checkbox option was added to the top of the form to indicate the order relates to a “minor Indian child.”

Further, the review/investigation provision was broken up into a review section and investigation section due to changes in the structure of the court rule. Now, under item 2, it says, “The review shall be completed and a report filed with the court no later than” followed by a line for a date. The provision under item 3 was modified to remove the reference to the review and a subheading was added under the date line to provide notice of the requirement that the court must have the investigation report 7 days before the hearing on the petition, in accordance with the requirements of MCR 5.404(A)(2).

Additionally, a reference to MCR 5.404(A)(2) was added to both the first and last checkbox options in order to provide further guidance regarding the parameters of the investigation.

A citation to MCL 712B.25(1) was added to the bottom of the form as well as a citation to MCR 5.404(A)(2). Further, the references to MCR 5.404(D) and (E) were updated to (F) and (G), consistent with changes to the court rule.

Item 2 on the second page of the form was slightly reworded to track the language of MCL 700.5101(a)(ii).

A period was added to the checkbox option in item 3 for stylistic reasons.

PC 646 Petition Regarding Real Estate/Dwelling

A new item 3, based on information formerly part of item 2, was added to the form. This was done both to highlight this as separate required information and to restructure it so that the language in new item 3 is both clearer regarding what is requested and more closely tracks the language of the relevant court rule, MCR 5.207(A)(4). Subsequent items were renumbered.

For purposes of consistency with the style on other forms, the parenthetical on the first page that said “(PLEASE SEE OTHER SIDE)” was replaced with a parenthetical that says “(SEE SECOND PAGE).”

The word “this” in the request on the second page before the checkboxes was changed to “the.”

PC 647 Order Regarding Real Estate/Dwelling

Item 4 was modified to better allow the form to be used in a fashion more consistent with what might actually happen in practice. Specifically, if the court orders a written appraisal under item 9, it would not be making the findings now found in item 4.a. Therefore, a checkbox option was put in front of what is now 4.a. and a new item 4.b. was added. Item 4.b. would be used in conjunction with item 9.

Moreover, in order to make space and keep this form at one page, item 7 was restructured to a horizontal checkbox alignment, instead of a vertical alignment. Further, because the sale price may be different than the price listed in the petition, a space to indicate the sale price on the order was added. Also, because the terms and conditions may or may not be the same as those listed on the petition, a checkbox option was added to indicate they remain the same, while another option was added to allow for other terms and conditions to be specified.

PC 650 Petition for Appointment of Limited Guardian of Minor

The state/zip subheadings that were in line 3 of item 3 were moved into the correct spot in line 2 of item 3.

Additionally, a line was added allowing the user of the form to indicate if any of the interested persons is under a legal incapacity. This was necessary because if the interested person is under a legal incapacity has a representative, that individual must also be served. In order to make room for this provision, one line was removed from the header and the note relating to incarcerated parents was moved to the bottom of the second page.

Further, the line that was on this form that allowed the user to indicate the minor child was an Indian child was removed. If the child is an Indian child, new form PC 650-I would be used.

A period was added to the checkbox option in item 3 for stylistic reasons.

PC 650-I Petition for Appointment of Limited Guardian of Indian Child (Voluntary Guardianship)

This is a new form, based on PC 650, for use where the minor child is an Indian child. It was designed to meet the requirements of MIFPA and the related court rules.

PC 651 Petition for Appointment of Guardian of Minor

The line that was on this form that allowed the user to indicate the minor child was an Indian child was removed. If the child is an Indian child, new form PC 651-Ia or PC 651-Ib would be used.

In the subheading describing the relationship to the minor in item 1 the word “aunt” was added.

A period was added to the checkbox option in item 2 for stylistic reasons.

PC 651-Ia Petition for Appointment of Guardian of Minor Indian Child (Voluntary Guardianship)

This is a new form, based on PC 651, for use where the minor child is an Indian child and it is a voluntary guardianship. It was designed to meet the requirements of MIFPA and the related court rules.

PC 651-Ib Petition for Appointment of Guardian of Minor Indian Child (Involuntary Guardianship)

This is a new form, based on PC 651, for use where the minor child is an Indian child and it is an involuntary guardianship. It was designed to meet the requirements of MIFPA and the related court rules.

PC 653 Order Regarding Appointment of Guardian/Limited Guardian of a Minor

A use note was added to the top of this form to indicate that new form PC 653-I should be used instead if the minor involved is an Indian child.

Item 8 on this form, which was for use where the matter involved a minor Indian child, was removed because this form will no longer be used in those circumstances.

PC 653-I Order Regarding Appointment of Guardian/Limited Guardian of a Minor Indian Child

This is a new form, based on PC 653, for use where the minor child is an Indian child. It was designed to meet the requirements of MIFPA and the related court rules.

PC 666 Options You Should Know Before Filing a Petition for a Full Adult Guardianship

This form was completely rewritten with the goal of making it simpler, easier to understand, and more closely follow principles of plain language. Further, it was modified to limit the discussion of options to those expressly required by MCL 700.5303(2). The modified form was based on a version that was submitted by a state bar subcommittee.

PC 678 Notice of Guardianship Proceedings Concerning an Indian Child

The word “for” was replaced with “regarding” to account for petitions that may require notice that are not “for” a guardianship, but may instead be to terminate or modify the guardianship.

The use note at the bottom of the form was modified to add “personal service” as an option for notice, consistent with MCR 5.402(E)(5). Additionally, a citation was added to the bottom of the form to MCR 5.402(E)(5).

PC 683 Application and Order for Appointment of Out-of-State Conservator

A citation at the bottom of this form to MCL 700.5313 was removed. This provision only applies to guardianships, not conservatorships.

The word “are” was changed to “is” in item 7 for grammatical reasons.

The word “appointing” was removed from after the word “order” under the notice to interested persons, as it was not needed.

PC 686 Consent by Parent/Indian Custodian to Guardianship of Indian Child

This is a new form for use where the minor child is an Indian child and a separate consent is required. It was designed to meet the requirements of MIFPA and the related court rules.

PC 687 Withdrawal of Consent to Guardianship of Indian Child

This is a new form for use where the minor child is an Indian child and a separate consent is required and the individual then withdraws the consent. It was designed to meet the requirements of MIFPA and the related court rules.

CHANGES TO ESTATES AND TRUSTS FORMS

PC 553 Petition to Determine Heirs, Separate Proceedings

This form was modified in light of the fact that when the estate and trust forms were modified a number of years ago, an inconsistency with a reference on this form was not changed. Specifically, item 4 indicated that the address of the referenced heirs was included on an attached sworn testimony form, PC 565. However, the addresses are not listed on PC 565. Therefore, this reference was removed and, instead, a new box for listing the name, address, relationship, and age (if a minor), was added to item 4 to meet the requirement that an address for the heirs be provided.

In order to make space on this form, item 7 was reworked into fewer lines, but no substantive change was made. Additionally, space was removed from the court use only area. This allowed the form to remain one page.

PC 558 Application for Informal Probate and/or Appointment of Personal Representative (Testate/Intestate)

This form was modified to more closely track the statutory language found at MCL 700.3301(1). The language in the statute is “spouse, children, devisees, and heirs” and this language was added to item 4 of this form. Further, because all four of these options would not fit in the chart where it says relationship, a * was added after the heading “Relationship” with a corollary note at the bottom of the box that specifies that these are the options.

CHANGES TO MENTAL HEALTH/COMMITMENT FORMS

PCM 214 Initial Order Following Hearing on Petition for Admission

Item 5 on this form was modified to add a reference to “or licensed psychologist” in order to make the language on the form mirror the language of MCL 330.1461.

The is/is not checkboxes in item 8 were lined up for style reasons.

Parentheses were added around the notation at the bottom of the form for “See Second Page” in order to be consistent with current form design practices.

The citation in item 20.b. to MCL 300.2030(3) was corrected. The correct citation is MCL 330.2030(3).

PCM 219 Second or Continuing Order for Treatment

Item 6 on this form was modified to add a reference to “or licensed psychologist” in order to make the language on the form mirror the language of MCL 330.1461.

The is/is not checkboxes in item 8 were lined up for style reasons.

The citation in item 19.b. to MCL 300.2030(3) was corrected. The correct citation is MCL 330.2030(3).

PCM 234 Order Following Hearing on Objection to Return to Hospital

Item 5 on this form was modified to add a reference to “or licensed psychologist” in order to make the language on the form mirror the language of MCL 330.1461.

The reference to the family division was removed from the header of the form, consistent with ongoing style changes to the forms.

PCM 240 Petition and Order Regarding Transport of Minor

A new option was added to the order portion of the form to allow the court to deny the petition. This was added as a new item 9, which resulted in the renumbering of subsequent items.

Further, because the petition now has an option for denial, the title of the form was changed to “Petition and Order Regarding Transport of Minor” instead of “Petition and Order to Transport Minor.” The former name implied the order would be granted. Instead, the name has been changed consistent with how other forms are named when there is an option to deny the order on the form.

PCM 243 Initial Order Following Hearing on Petition for Assisted Outpatient Treatment

Item 5 on this form was modified to add a reference to “or licensed psychologist” in order to make the language on the form mirror the language of MCL 330.1461.

A notation was added to “(SEE SECOND PAGE)” at the bottom of the form, to make it consistent with the style on other forms.

The reference to the family division was removed from the header of the form, consistent with ongoing style changes to the forms.

CHANGES TO MICHIGAN COURT FORMS

MC 221 Statement of Service and Order for Payment of Court-Appointed Representative

The note relating to a requirement that JC 82 be attached if a lawyer-guardian ad litem was requesting payment was removed because this is not required by court rule or statute.

CHANGES TO FRIEND OF THE COURT FORMS

FOC 10 Uniform Child Support Order

What previously was item 1 (explaining when the support obligation was to end and other obligations), item 3 (listing the payer, payee, effective date, support amount) and item 5 (uninsured health expenses) were merged into one item.

Additionally, following a request for more space to list the children's names, date of birth, and overnights, a single line was replaced with a box with lines in order to clearly list the children's names, date of birth, and the number of overnights.

The language that had been in item 1, regarding when the obligation ends, was reworked for purposes of clarity and put at the end of the new item 1. Additionally, instead of the form assuming the obligation could continue until 19 ½ years of age, the form now has an item with a checkbox option for post-majority support.

What had been item 2, relating to income withholding, was moved to item 3.

Item 11, relating to prior orders, was clarified to add the words "in this case" to the last sentence.

Item 12 is new. It is based on the previous deviation paragraph.

A checkbox item was added to the certificate of mailing to allow the certification to indicate that, when appropriate, an FOC 10d was also served.

In item 13, the parenthetical was unbolded.

The changes to the structure of the form resulted in the items on the form being renumbered and internal references to numbering to be changed to match.

FOC 10a Uniform Child Support Order

What previously was item 1 (explaining when the support obligation was to end and other obligations), item 2 (listing the payer, payee, effective date, support amount) and item 4 (uninsured health expenses) were merged into one item.

Additionally, following a request for more space to list the children's names, date of birth, and overnights, a single line was replaced with a box with lines in order to clearly list the children's names, date of birth, and the number of overnights.

The language that had been in item 1, regarding when the obligation ends, was reworked for purposes of clarity and put at the end of the new item 1. Additionally, instead of the form assuming the obligation could continue until 19

½ years of age, the form now has an item with a checkbox option for post-majority support.

Item 7, relating to prior orders, was clarified to add the words “in this case” to the last sentence.

Item 8 is new. It is based on the previous deviation paragraph.

A checkbox item was added to the certificate of mailing to allow the certification to indicate that, when appropriate, an FOC 10d was also served.

In item 9, the parenthetical was unbolded.

The changes to the structure of the form resulted in the items on the form being renumbered and internal references to numbering to be changed to match.

Due to the additions to this form, an additional page was added.

FOC 10d Uniform Child Support Order Deviation Addendum

This is a new form.

FOC 72 Request to Access Friend of the Court Records and Decision

This form was modified based on changes to MCR 3.218, which governs access to friend of the court records. Item 1 used to have a list of checkboxes to indicate who was making the request. With the changes to MCR 3.218, this format became unwieldy. Instead, item 1 asks the individual to identify what type of individual they are based on the newly created instructions on page 2 of the form. Page 2 of the form largely tracks the language of MCR 3.218, as it pertains to who may access friend of the court records, and provides more information than the series of checkboxes previously did, without going beyond the language of the court rule.