

Appointment of Limited Guardian of Minor Checklist

The following checklist is based on [MCL 700.5205](#), [MCL 700.5206](#), and [MCR 5.404](#).¹

- Venue is proper (i.e., in the place where the minor resides or is present at the time the proceeding is commenced). [MCL 700.5211](#).
- Petition was filed on SCAO-approved form.² See [MCR 5.404\(A\)\(1\)](#).
- A proper limited guardianship plan is attached to the petition.³ [MCL 700.5205\(2\)](#).
- Minor is not married. [MCL 700.5205\(1\)](#).
- Petition was filed by the minor's custodial parent(s). [MCL 700.5205\(1\)](#).
- Petition states that the minor is not an Indian child or that the child's status as an Indian child is unknown.⁴ [MCR 5.404\(A\)\(1\)](#).
 - If requested, all documented efforts made to determine a child's membership or eligibility for membership in an Indian tribe have been provided to the court and parent(s). [MCR 5.404\(A\)\(1\)](#).

¹ For additional information on limited guardianship of minors, see Section III.

² See *Petition for Appointment of Limited Guardian of Minor*, PC 650.

³ See *Limited Guardianship Placement Plan*, PC 652.

⁴ If petition states that the minor *is* an Indian child, do not continue with this checklist. See Section VI, If petition *does not state* whether the child is an Indian child, the court must inquire if the child or either parent is a member of an Indian tribe, [MCR 5.404\(D\)](#), and if so, the court must either dismiss the petition or allow the petitioner to comply with [MCR 5.404\(A\)\(1\)](#). [MCR 5.404\(D\)](#).

- If the minor’s parent is an unemancipated minor, appoint a guardian ad litem to represent the minor parent. [MCR 5.404\(A\)\(5\)](#).
- Petitioner served notice of hearing on all interested parties and filed proof of service. [MCR 5.102](#).
- May permit use of videoconferencing technology in accordance with [MCR 2.407](#), if requested by a participant or sua sponte.⁵ [MCR 5.140\(A\)](#). “[I]f the subject of the petition wants to be physically present, the court must allow the individual to be present.”⁶ [MCR 5.140\(C\)](#).
- Review limited guardianship placement plan and determine whether to approve, disapprove, or modify the plan. [MCL 700.5206\(1\)\(c\)](#).⁷
- If approving the petition to appoint a limited guardian, all requirements of [MCL 700.5205\(1\)](#) must be met.
 - Parents with custody of minor consent or, in case of only one parent having custody of minor, sole parent consents to appointment of limited guardian. [MCL 700.5205\(1\)\(a\)](#).
 - Parent(s) voluntarily consent to suspension of their parental rights. [MCL 700.5205\(1\)\(b\)](#).
 - Court approves limited guardianship placement plan agreed to by both parents with custody of minor (or, in case of only one parent having custody of minor, sole parent who has custody of minor) *and* person(s) whom court will appoint as minor’s limited guardian. [MCL 700.5205\(1\)\(c\)](#).

Court form to use:

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

⁵ If videoconferencing technology is used, it must be “in accordance with the standards established by the State Court Administrative Office[,]” and the proceeding “must be recorded verbatim by the court.” [MCR 5.140\(D\)](#).

⁶ “The right to be physically present for the subject of a minor guardianship applies only to a minor 14 years of age or older.” [MCR 5.140\(C\)](#).

⁷ The parties must agree to the modified plan, and the modified plan must be filed with the court. [MCL 700.5206\(1\)\(c\)](#).