

Settlements for Minors and Legally Incapacitated Individuals Checklist¹

Settlement must be approved by the court. The judge must pass upon the fairness of the proposal. [MCR 2.420\(B\)](#).

- If the claim is for damages involving personal injury:
 - the injured person must appear before the court, unless excused for good cause; and
 - the judge may require medical testimony, in court or by deposition. [MCR 2.420\(B\)\(1\)](#).
- If the next friend, guardian, or conservator will share in the settlement, appoint a guardian ad litem. [MCR 2.420\(B\)\(2\)](#).
- If a guardian or conservator has been appointed by a probate court:
 - determine if the payment arrangement is in the best interests of the minor or legally incapacitated individual. [MCR 2.420\(B\)\(3\)](#).
 - do not enter judgment or dismissal until receiving written verification that bond has been approved by and filed with the probate court. [MCR 2.420\(B\)\(3\)](#). The probate court may have a form for this process.
- For a minor, a settlement that does not require payment of more than \$5,000 in any single year can be paid as provided by [MCL 700.5102](#). Otherwise, appoint a conservator before the entry of judgment or dismissal. [MCR 2.420\(B\)\(4\)](#).

¹ See the Michigan Judicial Institute's *Civil Proceedings Benchbook* for information on civil procedure.

- If the settlement includes the creation of a trust, determine the amount to be paid to the trust. [MCR 2.420\(B\)\(5\)](#). The trust must be approved before it can be funded. *Id.*
- If the claim settles before a lawsuit has been filed, the probate code applies. [MCR 2.420\(A\)](#).