



Michigan Supreme Court

State Court Administrative Office
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Thomas P. Boyd
State Court Administrator

Milton L. Mack, Jr.
State Court Administrator Emeritus

MEMORANDUM

DATE: December 22, 2020

TO: Chief Probate Judges
CC: Probate Administrators/Registrars

FROM: Thomas P. Boyd, State Court Administrator
Milton L. Mack, Jr., State Court Administrator Emeritus

SUBJECT: Rollout of COVID-19 Vaccines

We anticipate that the rollout of the COVID-19 vaccines will soon begin to accelerate. Residents of long-term care facilities are among those to be vaccinated early in the first wave. It is likely that the issue of capacity to consent to inoculation may arise for those residents who are incapacitated individuals under MCL 700.1105a and MCL 700.5306(1) and who do not have a patient advocate or a guardian who may act on their behalf. As a result, you may see an increase in [petitions](#) seeking temporary guardians.

We suggest that you work with your local health department to attempt to coordinate plans you might develop to attend to this issue. You will need to know which facilities are in line for vaccinations and when those vaccinations might start. You might suggest that the health department notify these facilities that they should take an inventory and determine what residents require third party consent. That way, you will [be prepared](#) to appoint guardians ad litem as well as temporary guardians. You may also want to consider a specialty docket to expedite hearings.

Please contact your Regional Administrator if you need assistance communicating with your local health department or developing an expedited plan for providing temporary guardians.