

Berrien County Probate Court

811 Port Street, Saint Joseph, Michigan 49085

INTERESTED PERSONS – Reports and Accounts

Who should receive the annual report of an incapacitated adult?	Who should receive the annual report for a minor guardianship?	Who should receive the inventory or account?
<ul style="list-style-type: none"> The Ward; The person who has principal care and custody of the ward. <i>(This means the nursing home or adult foster care home if the ward is living in such a place;</i> and The spouse and adult children of the ward, if any. If no spouse or adult children of the ward, then the presumptive heirs* of the ward. <i>MCR 5.125(C)(24)</i> 	<ul style="list-style-type: none"> The ward, if 14 years or older. The minor’s parents, If neither of the parents are living, any grandparents and adult presumptive heirs* of the minor. <p style="text-align: right;"><i>MCR 5.125(C)(24)</i></p>	<ul style="list-style-type: none"> the protected individual (if 14 or older); the presumptive heirs* of the protected individual or ward; claimants (i.e., anyone who has filed a claim against the protected individual's estate). Guardian ad litem, and The personal representative, if any. <i>MCR 5.125(C)(28)</i>

*WHO IS A PRESUMPTIVE HEIR?

- 1) If a person has a spouse, that **spouse** is a presumptive heir of the person;
- 2) If a person has children, those **children** are presumptive heirs of the person;
- 3) If a person had a child who passed away, and that child left children of his or her own, then those **grandchildren** of the person would be presumptive heirs of the person;
- 4) If the person has no spouse, children, grandchildren, or other descendants, then the person's **parents** (or parent, if only one is living) are the person's presumptive heirs;
- 5) If the person has no spouse, children, grandchildren, or descendants and both parents are deceased, then the person's **brothers and sisters** are the person's presumptive heirs;
- 6) If the person has no descendants and both parents are deceased, and the person had a brother or sister who passed away, and that brother or sister left children to his or her own, then those **nieces and nephews** of the person would be presumptive heirs of the person;
- 7) If the person has no descendants, both parents are deceased, and there are no brothers or sisters or children of brothers and sisters, then **grandparents** of the person are presumptive heirs of the person (and if both grandparents are deceased, then any uncles or aunts, or children of deceased uncles or aunts, would be presumptive heirs of the person);
- 8) If, after following steps 1) through 7) above, you find no presumptive heirs, then the **State of Michigan** is the presumptive heir of the person.

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This document is for informational purposes. It is not a substitute for legal advice. The Berrien County Probate Court staff cannot give you legal advice and cannot tell you what to do. If you have legal questions, you should speak with an attorney.