

**MICHIGAN COURT RULES OF 1985**  
**RULE 5.408 REVIEW AND MODIFICATION OF GUARDIANSHIPS**  
**OF INCAPACITATED INDIVIDUALS**

**(A) Periodic Review of Guardianship.**

- (1) *Periodic Review.* The court shall commence a review of a guardianship of a legally incapacitated individual not later than 1 year after the appointment of the guardian and not later than every 3 years thereafter.
- (2) *Investigation.* The court shall appoint a person to investigate the guardianship and report to the court by a date set by the court. The person appointed must visit the legally incapacitated individual or include in the report to the court an explanation why a visit was not practical. The report shall include a recommendation on whether the guardianship should be modified.
- (3) *Judicial Action.* After informal review of the report, the court shall enter an order continuing the guardianship, or enter an order appointing an attorney to represent the legally incapacitated individual for the purpose of filing a petition for modification of guardianship. In either case, the court shall send a copy of the report and the order to the incapacitated individual and the guardian.
- (4) *Petition for Modification.* If an attorney is appointed under subrule (A)(3), the attorney shall file proper pleadings with the court within 14 days of the date of appointment.

**(B) Petition for Modification; Appointment of Attorney or Guardian Ad Litem.**

- (1) *Petition by Legally Incapacitated Individual.* If a petition for modification or written request for modification comes from the legally incapacitated individual and that individual does not have an attorney, the court shall immediately appoint an attorney.
- (2) *Petition by Person Other Than Legally Incapacitated Individual.* If a petition for modification or written request for modification comes from some other party, the court shall appoint a guardian ad litem. If the guardian ad litem ascertains that the legally incapacitated individual contests the relief requested, the court shall appoint an attorney for the legally incapacitated individual and terminate the appointment of the guardian ad litem.

[Formerly Rule 5.768, adopted effective September 1, 1990. Renumbered Rule 5.408 as interim amendment effective April 1, 2000. Amended effective January 1, 2002]