

Missing person stories highlight need for guardianships in Michigan

Written by Australian Business

September 28, 2013 /**24-7PressRelease**/ -- Every day across the nation, families are thrown into turmoil when they discover a loved one can no longer care for himself or herself. Whether due to an illness, injury or other chronic incapacitation, once people can no longer attend to their own financial or personal needs -- or lack understanding or capacity to make their own informed decisions -- appropriate action must be taken to adequately provide for them.

Recently, the Detroit police requested assistance from the public with locating an 85-year-old woman suffering from dementia. Law enforcement officials do not know if she simply wandered away from her Detroit home where she lives by herself. Although a temporary guardianship had been established for the woman, there was a dispute as to who was responsible for her.

Other Michigan missing person reports from August include the following:- A man suffering from mild dementia wandered away from an assisted living facility near Flint where he was recovering from a stroke.- A 46-year-old was missing for three days before family found her at a local hospital undergoing a mental evaluation.- An elderly Alzheimer's patient crashed her car into a tree north of Detroit after wandering from her Toledo home.

Sometimes, people need the assistance of a family member or other trusted person to care for them and make sure they are staying safe. When people are no longer capable of making responsible choices for themselves, families turn to the legal system to set up [guardianships or conservatorships](#) in order to provide much needed supervision.

Guardianships and Conservatorships

Michigan law provides two general ways of providing protection to loved ones who are unable to attend to their own needs. The solution in each case depends on what level of care or supervision is needed. In Michigan, a person may be considered incapacitated in the following situations:- Mental illness or deficiency.- Physical illness or disability.- Chronic intoxication or drug use.

A conservatorship grants power to a designated person -- a conservator -- to handle financial matters for another. These powers are generally limited to making decisions about financial assets and property owned by or under the control of the incapacitated person. The conservator may be allowed to pay bills, sell property or purchase needed items on behalf of the incapacitated person.

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Someone who needs to do more than simply handle an incapacitated adult or minor child's financial affairs can apply for a [guardianship](#) . There are three general types of guardianships available in Michigan:- **Adult:** Adult guardianships may be granted in cases where an adult has become incapacitated.

- **Minor child:** A minor child may need a guardian if his or her parents are deceased or unable or unwilling to care for their child.

- **Incapacitated or developmentally disabled person:** This type of guardianship may be necessary for either a minor child or an adult.

Under each category, there are differing levels of guardianship and, in general, all fall under the jurisdiction of the appropriate county's [probate](#) court. A guardian may be appointed on a permanent or temporary basis, and powers given to the guardian may be for limited purposes only.

A lawyer can help

If you or a loved one is in need of a guardian or conservator, consult an experienced estate planning and probate attorney. A lawyer knowledgeable about Michigan laws can help you navigate the often confusing and sometime emotionally difficult process of obtaining legal power over another.

Article provided by Prince Law Firm Visit us at www.probateprince.com