

**STATE OF MICHIGAN**  
**IN THE PROBATE COURT FOR THE COUNTY OF EATON**

**In the Matter of Joan Smith**

**File No: 04-12345-GL**

**Hon, Michael F. Skinner**

**GUARDIANSHIP REVIEW**

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**Summary and Recommendations:** Pursuant to MCL 700.5309, a guardianship review was conducted on October 7<sup>th</sup>, 2005.

**Recommendation:** It is recommended the limited guardianship be continued.

Joan Smith suffers from advanced dementia and currently lives at Tendercare West, a nursing home in Eaton County, Michigan. She was visited on October 7<sup>th</sup>, 2005. On the day of her visit she was unable to speak other than unintelligible mumblings. She had a smile on her face and offered the cup of juice to me on numerous occasions. She was unable to tell me anything about her life at the nursing home.

The social worker at the facility provided information regarding her room arrangements as well as some of Joan's favorite activities at the home. Joan was clean and wearing clean clothing as had her nails recently painted. Her room contained a number of stuffed animals and greeting cards. Her bed was well kept and her room was clean and tidy in general. Joan needs constant care to ensure she is bathed, and fed. She is able to hold and drink from a cup with a straw.

The facility has doctors on staff to attend to Joan's needs. She has been diagnosed with Alzheimer's disease and she has had periodic seizures which require immediate medical attention. She receives monthly checkups which includes cutting her nails.

Joan's husband, Jack Smith has been named as Joan's conservator as well as legal guardian. He has all the powers of full guardianship except for the power to move Joan from the Tendercare West facility.

**STATEMENT OF FACTS**

A limited guardianship and conservatorship was granted on 4-16-2004. Joan is almost 86 years old; her next birthday is November 1<sup>st</sup> and suffers from the advanced stages of dementia. She also suffers from minor seizures occasionally. She is completely unable to form words but tries to communicate using body language and forming words that come out a mumbled gibberish. She had a smile on her face the whole time I visited with her and her generosity for sharing her cup of juice was charming. She was in relative good

physical condition, her face was clean, her hair was well kept, and her clothing was clean and fit well on her body.

## ANALYSIS

**1. Mental Condition/Informed Decisions:** Joan Smith is 85 years old and a legally incapacitated individual as defined by MCL 700.1105. At the present time, she is unable to make informed decisions due to her mental illnesses. This mental illness will only worsen over time. When she was interviewed, she was unable to answer verbally any of the questions posed to her.

A full guardianship is appropriate for Joan. It does not appear she will ever be able to meet her own basic needs or make any significant decisions for herself.

**2. Current Living Situation and Care:** Joan appeared happy to have a visitor when I met with her. She lives at Tendercare West in Eaton County, Michigan. The nursing home was clean and orderly. Many of the staff were friendly and seemed to have a good sense of humor with how they interacted with the residents. They were courteous to the needs of the residents. A couple staff members stated how Joan liked music and the parties that the staff holds for the residents. Joan room has a curtain partition and she shares her room with another resident. The other resident was not present during the visit. Joan's bed was neatly made, and covered with stuffed animals. She had a bulletin board with many greeting cards on it from various family members. She is visited frequently by her husband, Jack.

**3. Mental and Physical Health Care:** Joan is visited monthly by her doctor who examines her and cuts her nails as well. She also has access to immediate nursing care as required at the home. Joan receives medication to treat her mental illness as well as immediate medication when she suffers from the periodic seizures. Joan's health continues to worsen due to her age and the advancing stages of Alzheimer's.

**5. Current Conservatorship and Conservator:** Joan's husband, Jack has been appointed as Joan's conservator. The assets in Joan's estate are held jointly with her husband. The husband was appointed as conservator to permit the conveyance of assets in Joan's estate to be made in trust to the husband, so that the home they both shared could remain exempt from liquidation to pay for Joan's nursing home and care.

## CONCLUSION

The full guardianship should continue in effect. Joan appears to have received more than adequate care from the staff of Tendercare West and has access to immediate medical care when the need may arise. The current placement seems appropriate for Joan. There does not appear to be any indication of the need for modification of the guardianship.