

PROBATE COURT 2024 REPORT



HON. Jolene A. Clearwater
Register Alice L. Bernal
Judicial Secretary Alicia Blik
Deputy Reg. Jennifer Callaway
Deputy Reg. Jennifer White
Court Specialist Thomas Moore

Mission Statement

The mission of the Allegan County Probate Court is to administer justice with fairness, equality, and integrity, to resolve matters before the court in a timely manner, and to provide courteous and prompt service in a manner that inspires trust and confidence, while being good stewards of county resources.

Goals

The goal of the judiciary staff is to support the Judge and complete the mission by:

- providing excellent customer service to all those with business before the court.
- processing all matters within the time guidelines set by the State Court Administrative Office
- ensuring the compliance of court-appointed fiduciaries with statutes and court rules, in order to safeguard protected individuals and their property

Operational Goals of the Court

- Increase access to Court with a State provided e-filing system.
- Continue to update the website to make it easier for the public to obtain and file the documents that they need for Probate Court.
- Increase access to Court with a public kiosk for record searches and form completion.
- Increase the number of available competent court-appointed attorneys and public guardians available by providing competitive wages, support and oversight.
- Increase collections on court ordered fees and costs.
- Utilize best practices and forward thinking to maintain efficient operating costs.
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Probate Court Authority

Article VI Section 15 of the Michigan Constitution provides that “the jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law.” Through the promulgation of the Estates and Protected Individuals Code (EPIC), the Mental Health Code, and other acts, the legislature has conferred jurisdiction to the Probate Court over the following matters:

- **Safekeeping of Wills**
- **Decedent Estate Proceedings**
 - Supervised Estates
 - Formal Estates
 - Information Estates
 - Small Estates
- **Civil Actions**
- **Trust Proceedings**
- **Guardianship Proceedings**
 - Minor Conservatorships
 - Adults Guardianships
- **Guardianships of Incapacitated Individuals (adult guardianships)**
- **Protective Orders**
 - Protective Orders for Minors
 - Protective Orders for Adults
- **Conservatorships**
 - Adult Conservatorships
 - Minor Conservatorships
- **Guardianships of Individuals with Developmental Disabilities**
- **Involuntary Commitments of Mentally Ill Persons**
 - Transport Orders
 - Adjudications of Mental Illness
 - Jury Trials
 - Kalamazoo Psychiatric Hospital Coverage
- **Drain Appeals**
- **Secret Marriages**
- **Registration of Foreign Birth**
- **Safekeeping of Election Records**
- **Committee Appointments**
 - Boundary Commission
 - Veterans Counsel
- **Adoptions**
 - Adoption record requests
 - Appointment of uninterested facilitators.

Probate Judge Honorable Jolene A. Clearwater



Judge Jolene Clearwater is the Probate and Presiding Family Court Judge in Allegan County. She began her judicial career in 2013 as a juvenile and domestic attorney referee and the Director of Family Court Probation with the 48th Circuit Court Family Division in Allegan, Michigan. Judge Clearwater is a graduate of Valparaiso University (Bachelor of Science), the Thomas M. Cooley Law School (Juris Doctorate, litigation concentration), and Franciscan University of Steubenville (Master of Arts). Through her previous work with the 48th Circuit Court, Judge Clearwater managed community probation and diversion in-home care programs that served both formally adjudicated and informally disposed delinquent youth in Allegan County. As an Attorney Referee and Deputy Probate Register, she has over a decade of experience conducting hearings on proceedings

involving juvenile delinquency, child abuse and neglect, minor guardianships, and parenting time and custody issues.

She currently sits on the Tribal Court Relations Committee and the Child Welfare Judicial Workgroup, through the State Court Administrative Office. She previously served on the Michigan Continuing Judicial Education Board and the Board of Directors for Mediation Services. Judge Clearwater regularly trains referees, judges, court staff, attorneys, and caseworkers on various topics involving child protection and juvenile delinquency.

Probate Staff



Alice L. Bernal, J.D., Probate Administrator (2025)

- Probate Register
- Family Court Attorney Referee
- Domestic Relations Referee



Jennifer Callaway, CER -Deputy Register (2012)

- Minor Guardianships and Conservatorships
- Minor Protective Orders
- Developmentally Disabled Guardianships
- Mentally Ill Persons
- Delay Marriages/Foreign Birth



Jennifer White, CEO - Deputy Register (2018)

- Adult Guardianships
- Adult Conservatorships
- Adult Protective Orders



Alicia Blik, Judicial Secretary (2020)

- Probate and Family Court recording
- Maintaining docket
- Invoicing



Thomas Moore, Court Specialist (2022)

- Estates and Trusts
- Coverage for Recording
- File Management

Guardians Ad Litem

Guardian ad litem is an individual appointed by the court to represent the best interests of an alleged legally incapacitated individual in legal proceedings. For a guardianship or conservatorship, the GAL conducts an investigation to determine the individual's needs and to ensure that their best interests are upheld in court. They report to the court what the results of their investigation. They are "the eyes and ears" of the court to assist the Judge in making an informed decision. They are NOT the same as legal guardians.

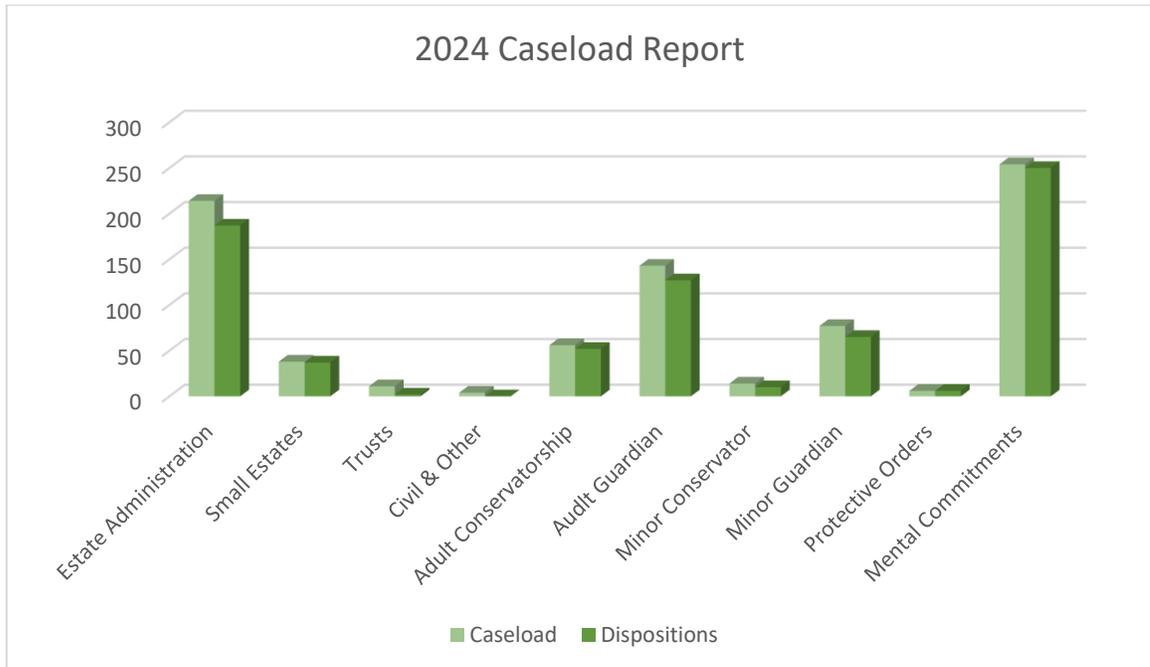
Because the court is legally responsible to appoint GALs, and ensure payment for their services it is a necessary and growing expense of the court. If the petitioner has resources to pay the GAL for their service, it is ordered that they do so. If they are indigent, the county must bear the burden. We have recently seen an increase in need for GALs and a dwindling number available. We are currently attempting to recruit more GALs by raising the hourly rates to be more competitive with neighboring counties, networking and advertising, and maintaining and fostering relationships by providing support and training.

Attorney Guardians Ad Litem

The court also appoints Attorney Guardians Ad Litem for petitions for all developmentally delayed individuals, and sometimes for guardianships or conservatorships. Our attorney roster is critically small. Attorneys who serve in this position, do so at a substantial lesser hourly rate than their private practice rate. It is a much-appreciated service to the court. We are in desperate need of increasing the number of attorneys to be appointed. We are also attempting to recruit attorney GALs to fill this increasing need.

We are so thankful to the GALs and AGALs that we currently have meeting the high demand that we have for them. They are professional, competent, reliable, and necessary.

Probate Court Caseload

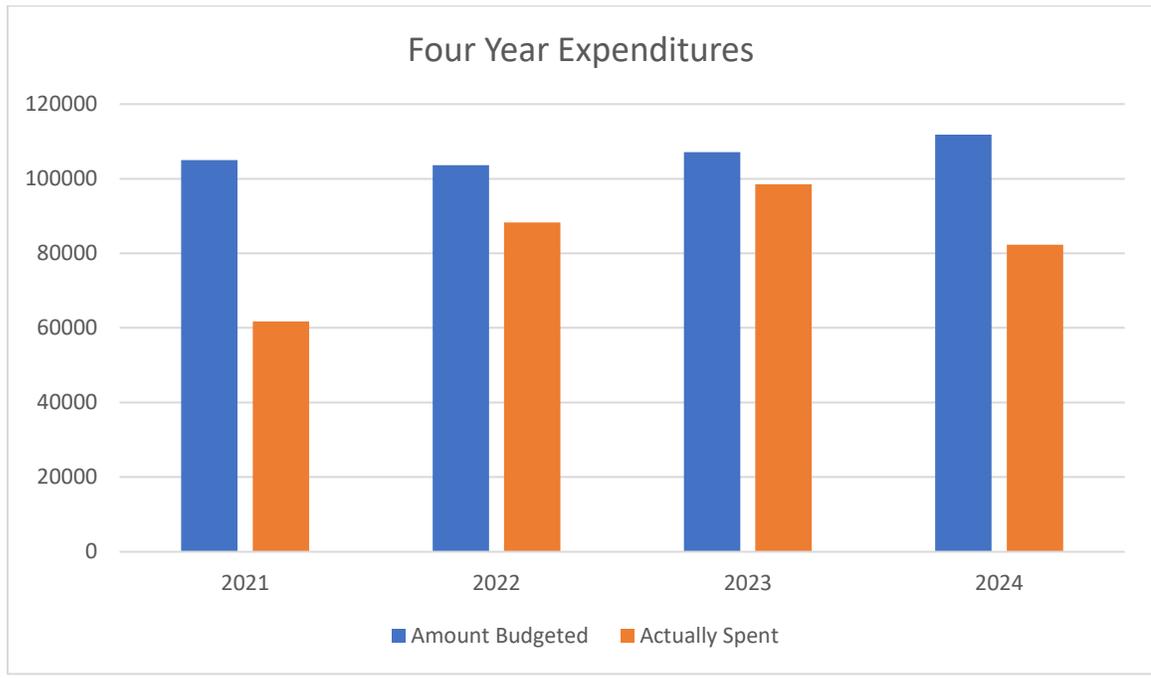


In 2024 the Probate Court handled a total of 776 new filings. The majority of these were comprised of mental health proceedings (254); Decedent Estates (214) and adult guardianships (143).

The dark green represents the total dispositions, or resolutions for cases. The Probate Court disposition rate exceeds the SCAO recommended standards and is above average for the State. Some cases will always be pending at reporting time, and some cases will always take longer than expected, but the Probate Court consistently clears in the 90's, while 2024 saw a 94% disposition rate.

Keep in mind that this graph *only* represents new filings. We are a court that can have a case that is open for a person's lifetime. For example, a petition for a developmentally disabled guardianship is usually filed when the child turns 18 and remains open throughout the ward's lifetime. Guardianship and Conservator cases require annual reporting such as the condition of the ward or an accounting of finances. Also, many petitions are filed to modify an existing guardianship, or seeking permission to sell real estate in a conservatorship for example.

Expenditures

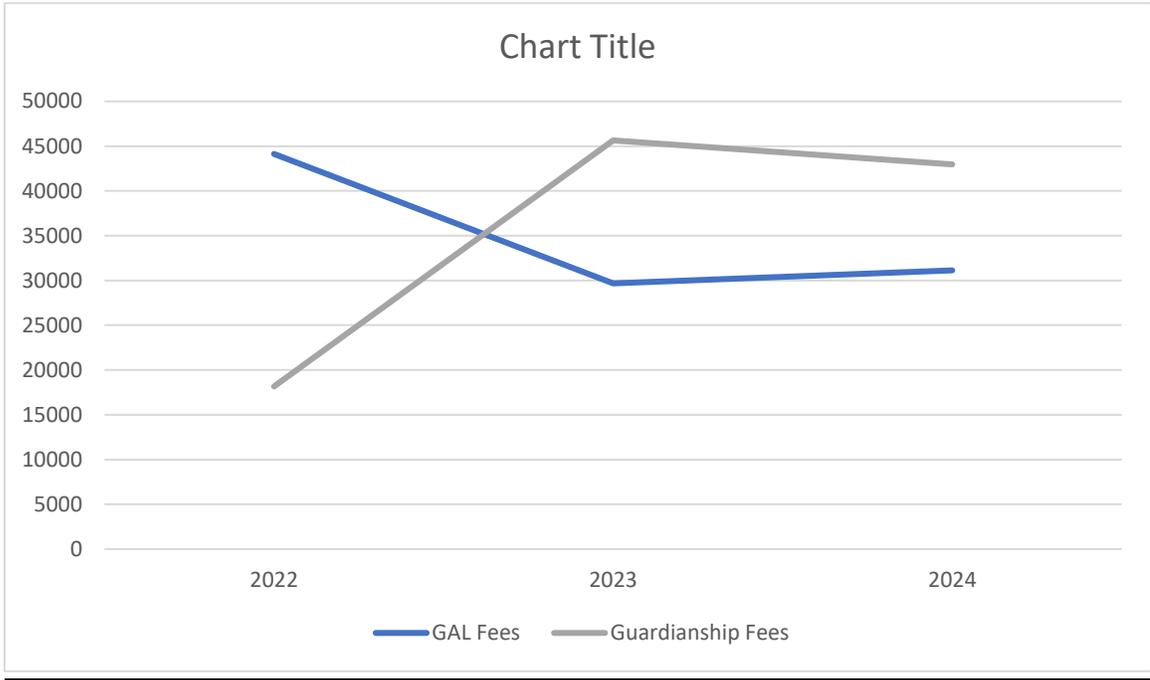


Each year the court consistently is able to remain within the total amount budgeted for Probate Court. We are committed to continuing to do everything possible to lower expenditures where we can and be good stewards of the resources of Allegan County.

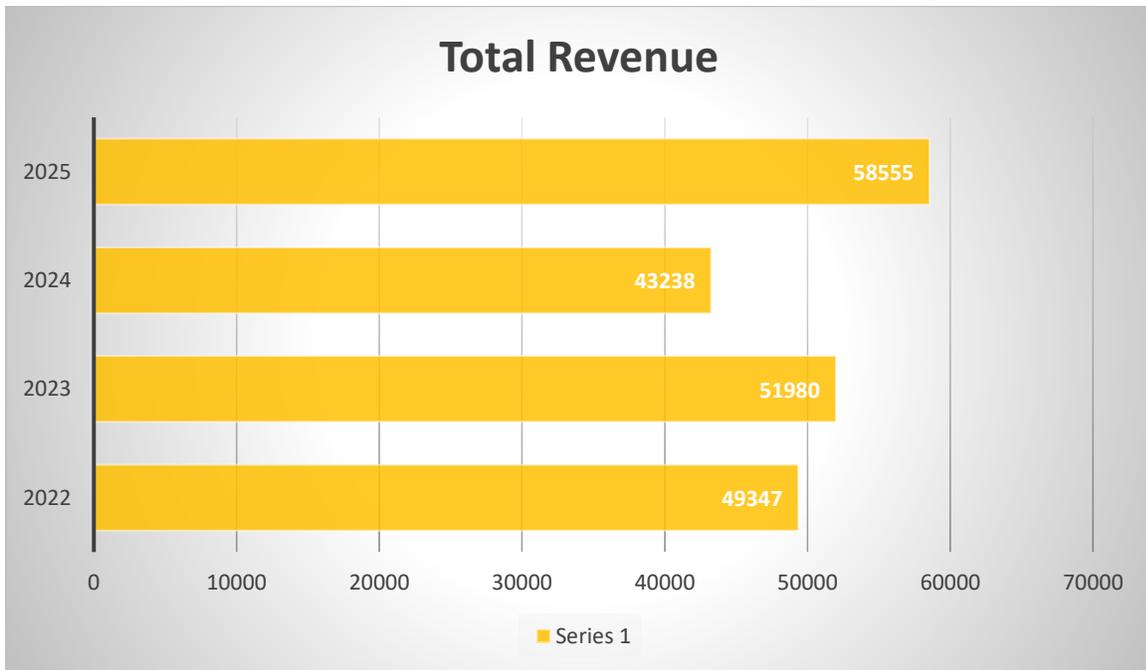
Attorney and GAL Fees

The biggest expenditures of the court are the GAL and Attorney fees. Many courts use attorneys only in GALs, however, we use non-attorneys for cases that we are not required by state law. This saves the county a considerable amount of money because of the lesser hourly rate given to non-attorneys. There is a great deal of concern about the need for increased wages for GALs, AGALs and Guardians. Our county pays less than all neighboring counties. Our court has decided to increase rates gradually until we reach a competitive rate, in order to retain and recruit.

In the immediate future, we also expect to see an increase in cases filed for decedent estates and for legally incapacitated guardianships and conservatorships due the aging boomer generation population. This will require more appointments of GALs and increase expenditures. We need to be prepared to be able to meet our legal responsibilities.



Revenues



Most of the Probate Court's revenues are dependent on filing fees and requests for copies. Each year the probate Court has exceeded the average amount it has budgeted for revenue collection over the past 10 years. In 2025, one of the focuses of the Court staff has been to close estates that remain open for nonpayment of the inventory fee. So far, these collection efforts have been successful and we hope to see an increase in revenue as a result of these efforts. The following graph shows revenues for the past four years and the expected revenue for 2025 based on amount received to date. We have also looked forward to improved processes to ensure collection of all revenues due to the court.

Court's Professional Guardian Reimbursement Program

Thanks to funding from the County, the Court has greatly benefited from the professional guardian reimbursement program. This allows professional guardians to be reimbursed at the rate set by the Social Security Administration for services provided to each ward. This rate has recently increased from \$60 to \$83 per month. Without this service, professional guardians, and thus any guardian, would be unavailable for a number of our most vulnerable population.

Thank You

We feel privileged to work in a county that cares about the people that it serves and employs. As the court that protects a vulnerable population of our county residents, we at the Probate Court aim to work together with all departments across the county to continue to provide the best service that we can to our residents.

Current Information and Key Contacts

Allegan County Probate Court

113 Chestnut Street

Allegan, MI 49010

Phone: (269) 673-0250

Fax: (269) 686-5157

<https://www.allegancounty.org/courts-law-enforcement/probate-court>

Hon. Jolene A. Clearwater

Chief Probate Judge

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