

HOUSE BILL No. 5346

November 21, 1991, Introduced by Rep. Perry Bullard and referred to the Committee on Judiciary.

A bill to amend Act No. 236 of the Public Acts of 1961, entitled as amended

"Revised judicature act of 1961,"

as amended, being sections 600.101 to 600.9947 of the Michigan Compiled Laws, by adding sections 875, 875a, and 881.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 236 of the Public Acts of 1961, as
2 amended, being sections 600.101 to 600.9947 of the Michigan
3 Compiled Laws, is amended by adding sections 875, 875a, and 881
4 to read as follows:

5 SEC. 875. (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OR (3),
6 AT THE TIME OF FILING A PETITION, ACCEPTANCE, OR ACKNOWLEDGMENT
7 IN THE PROBATE COURT FOR 1 OF THE FOLLOWING MATTERS, THE MOVING
8 PARTY SHALL PAY A \$30.00 FILING FEE TO THE PROBATE COURT
9 REGISTRAR:

1 (A) APPOINTMENT OF A GUARDIAN OR CONSERVATOR OR LIMITED
2 GUARDIAN OR CONSERVATOR.

3 (B) MODIFICATION OF THE TERMS OF A GUARDIANSHIP OR CONSERVA-
4 TORSHIP, EXCEPT IF THE PETITION IS BROUGHT BY THE MINOR, LEGALLY
5 INCAPACITATED PERSON, OR PROTECTED PERSON.

6 (C) RESIGNATION OF A GUARDIAN OR CONSERVATOR, OR REINSTATE-
7 MENT OF A SUSPENDED GUARDIAN OR CONSERVATOR.

8 (D) DETERMINATION OF A CLAIM AGAINST THE ESTATE OF A PRO-
9 TECTED PERSON.

10 (E) ACCEPTANCE OF APPOINTMENT OF A TESTAMENTARY GUARDIAN.

11 (F) ACKNOWLEDGMENT OF PATERNITY.

12 (G) AUTHORIZATION FOR A CONSERVATOR TO EXERCISE A SPECIFIC
13 POWER.

14 (H) TO REQUIRE BOND OR SECURITY, OR ADDITIONAL BOND OR
15 SECURITY, OR TO REDUCE BOND OF A CONSERVATOR, EXCEPT IF THE PETI-
16 TION IS BROUGHT BY THE PROTECTED PERSON.

17 (I) TO REQUIRE A CONSERVATOR TO FILE AN ACCOUNTING OF THE
18 TRUST, EXCEPT IF THE PETITION IS BROUGHT BY THE PROTECTED
19 PERSON.

20 (J) TO DIRECT A CONSERVATOR TO DISTRIBUTE THE TRUST, EXCEPT
21 IF THE PETITION IS BROUGHT BY THE PROTECTED PERSON.

22 (K) A PROCEEDING UNDER SECTION 496 OF THE REVISED PROBATE
23 CODE, ACT NO. 642 OF THE PUBLIC ACTS OF 1978, BEING SECTION
24 700.496 OF THE MICHIGAN COMPILED LAWS.

25 (2) THE PROBATE COURT SHALL WAIVE A FEE REQUIRED BY THIS
26 SECTION IF THE MOVING PARTY IS UNABLE TO PAY THE FEE.

1 (3) A MOVING PARTY IS NOT REQUIRED TO PAY A FEE UNDER THIS
2 SECTION IF THE MOVING PARTY IS THE ATTORNEY GENERAL, DEPARTMENT
3 OF TREASURY, DEPARTMENT OF SOCIAL SERVICES, STATE PUBLIC ADMINIS-
4 TRATOR, OR ADMINISTRATOR OF VETERANS' AFFAIRS OF THE UNITED
5 STATES VETERANS' ADMINISTRATION.

6 SEC. 875A. IF THE ESTATE OF A RESPONDENT, MINOR, LEGALLY
7 INCAPACITATED PERSON, OR PROTECTED PERSON IS SUFFICIENT, THE PRO-
8 BATE COURT MAY CHARGE THE ESTATE OF THE PERSON AN AMOUNT APPROVED
9 BY THE COURT, BUT NOT MORE THAN THE ACTUAL COST OF THE SERVICES,
10 FOR ANY OF THE FOLLOWING:

11 (A) GUARDIAN AD LITEM APPOINTED TO REPRESENT THE PERSON.

12 (B) COUNSEL APPOINTED TO REPRESENT THE PERSON.

13 (C) COURT ORDERED EXAMINATION BY A PHYSICIAN OR MENTAL
14 HEALTH PROFESSIONAL.

15 (D) INDEPENDENT EXAMINATION BY A PHYSICIAN OR MENTAL HEALTH
16 PROFESSIONAL.

17 (E) PERIODIC REVIEW.

18 SEC. 881. (1) THE GUARDIANSHIP AND CONSERVATORSHIP FUND IS
19 CREATED IN THE STATE TREASURY. BEGINNING JANUARY 1, 1993, A FEE
20 COLLECTED UNDER SECTION 875 SHALL BE TRANSMITTED EACH MONTH TO
21 THE STATE TREASURER.

22 (2) THE STATE TREASURER SHALL CREDIT MONEY TRANSMITTED UNDER
23 SUBSECTION (1) TO THE GUARDIANSHIP AND CONSERVATORSHIP FUND. THE
24 STATE TREASURER MAY INVEST MONEY FROM THE FUND IN ANY MANNER
25 AUTHORIZED BY LAW FOR THE INVESTMENT OF STATE MONEY AND SHALL
26 CREDIT TO THE FUND INCOME EARNED AS A RESULT OF THAT INVESTMENT.

1 (3) ON OR BEFORE JANUARY 1, 1993, AND ON OR BEFORE EACH
2 JANUARY 1 AFTER 1993, THE STATE TREASURER SHALL REPORT TO THE
3 STATE COURT ADMINISTRATOR THE AMOUNT RECEIVED FROM EACH PROBATE
4 COURT UNDER SUBSECTION (1) DURING THE FISCAL YEAR IMMEDIATELY
5 PRECEDING THAT JANUARY 1.

6 (4) ON OR BEFORE JANUARY 1, 1993, AND ON OR BEFORE EACH
7 JANUARY 1 AFTER 1993, EACH PROBATE COURT SHALL REPORT TO THE
8 STATE COURT ADMINISTRATOR EXPENDITURES INCURRED DURING THE FISCAL
9 YEAR IMMEDIATELY PRECEDING THAT JANUARY 1 FOR THE FOLLOWING SERV-
10 ICES PROVIDED IN GUARDIANSHIP AND CONSERVATORSHIP PROCEEDINGS TO
11 THE EXTENT THE EXPENDITURE IS NOT RECOVERED FROM THE ESTATE OF
12 THE PERSON RECEIVING THE SERVICE:

13 (A) APPOINTED GUARDIANS AD LITEM.

14 (B) APPOINTED COUNSEL.

15 (C) COURT ORDERED EXAMINATIONS BY A PHYSICIAN OR MENTAL
16 HEALTH PROFESSIONAL.

17 (D) INDEPENDENT EXAMINATIONS BY A PHYSICIAN OR MENTAL HEALTH
18 PROFESSIONAL.

19 (5) THE STATE COURT ADMINISTRATOR SHALL DISTRIBUTE ANNUALLY
20 FROM THE GUARDIANSHIP AND CONSERVATORSHIP FUND TO EACH PROBATE
21 COURT THAT HAS INCURRED AND REPORTED EXPENSES UNDER
22 SUBSECTION (4), THE LESSER OF THE FOLLOWING:

23 (A) THE AMOUNT THE PROBATE COURT TRANSMITTED TO THE STATE
24 TREASURER AS REPORTED BY THE STATE TREASURER UNDER
25 SUBSECTION (3).

26 (B) THE AMOUNT OF EXPENDITURES THE PROBATE COURT INCURRED
27 AND REPORTED UNDER SUBSECTION (4).

1 (6) AFTER DISTRIBUTION FROM THE GUARDIANSHIP AND
2 CONSERVATORSHIP FUND AS PROVIDED UNDER SUBSECTION (5), THE STATE
3 COURT ADMINISTRATOR MAY USE ANY BALANCE IN THE FUND ATTRIBUTABLE
4 TO THE IMMEDIATELY PRECEDING FISCAL YEAR FOR REASONABLE EXPENSES
5 IN ADMINISTERING THE FUND AND FOR EDUCATIONAL EFFORTS ON GUARD-
6 IANSHIP AND CONSERVATORSHIP ISSUES.