

HOUSE BILL No. 5784

April 29, 1992, Introduced by Reps. Hertel and Gubow and referred to the Committee on Judiciary.

A bill to amend Act No. 258 of the Public Acts of 1974, entitled as amended
"Mental health code,"
as amended, being sections 330.1001 to 330.2106 of the Michigan Compiled Laws, by adding section 643.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 258 of the Public Acts of 1974, as
2 amended, being sections 330.1001 to 330.2106 of the Michigan
3 Compiled Laws, is amended by adding section 643 to read as
4 follows:

5 SEC. 643. (1) IF THE GUARDIAN OF A MINOR WITH DEVELOPMENTAL
6 DISABILITIES DESIRES TO OBTAIN AUTHORITY TO EXECUTE A RELEASE OF
7 THE MINOR AS REQUIRED BY SECTION 28(4) OF CHAPTER X OF ACT
8 NO. 288 OF THE PUBLIC ACTS OF 1939, BEING SECTION 710.28 OF THE
9 MICHIGAN COMPILED LAWS, OR EXECUTE A CONSENT TO THE MINOR'S

1 ADOPTION BY THAT GUARDIAN OR BY ANOTHER PERSON AS REQUIRED BY
2 SECTION 43(5) OF CHAPTER X OF ACT NO. 288 OF THE PUBLIC ACTS OF
3 1939, BEING SECTION 710.43 OF THE MICHIGAN COMPILED LAWS, THE
4 GUARDIAN SHALL PETITION THE COURT THAT APPOINTED THE GUARDIAN FOR
5 AN ORDER GRANTING THAT AUTHORITY TO THE GUARDIAN.

6 (2) IF THE GUARDIAN OF A PARENT WITH DEVELOPMENTAL DISABILI-
7 TIES DESIRES TO OBTAIN AUTHORITY TO EXECUTE A RELEASE OF THE
8 PARENT'S CHILD AS REQUIRED BY SECTION 28(5) OF CHAPTER X OF ACT
9 NO. 288 OF THE PUBLIC ACTS OF 1939, BEING SECTION 710.28 OF THE
10 MICHIGAN COMPILED LAWS, OR EXECUTE A CONSENT TO THE ADOPTION OF
11 THE PARENT'S CHILD BY THAT GUARDIAN OR BY ANOTHER PERSON AS
12 REQUIRED BY SECTION 43(6) OF CHAPTER X OF ACT NO. 288 OF THE
13 PUBLIC ACTS OF 1939, BEING SECTION 710.43 OF THE MICHIGAN
14 COMPILED LAWS, THE GUARDIAN SHALL PETITION THE COURT THAT
15 APPOINTED THE GUARDIAN FOR AN ORDER GRANTING THAT AUTHORITY TO
16 THE GUARDIAN.

17 (3) UPON THE FILING OF A PETITION UNDER THIS SECTION, THE
18 COURT MAY APPOINT A GUARDIAN AD LITEM FOR THE DEVELOPMENTALLY
19 DISABLED MINOR OR THE DEVELOPMENTALLY DISABLED PERSON'S CHILD.
20 THE COURT SHALL FIX A DATE AND A PLACE FOR A HEARING TO BE HELD
21 WITHIN 30 DAYS AFTER THE FILING DATE OF THE PETITION. NOTICE OF
22 THE TIME AND PLACE OF THE HEARING SHALL BE GIVEN TO THE PETITION-
23 ER, THE WARD, THE GUARDIAN AD LITEM OF THE WARD OR OF THE WARD'S
24 CHILD, IF A GUARDIAN AD LITEM HAS BEEN APPOINTED, AND TO THOSE
25 PARTIES DESCRIBED IN SECTION 24A(1) OF CHAPTER X OF ACT NO. 288
26 OF THE PUBLIC ACTS OF 1939, BEING SECTION 710.24A OF THE MICHIGAN
27 COMPILED LAWS.

1 (4) UPON HEARING A PETITION FILED PURSUANT TO SUBSECTION
2 (1), THE COURT SHALL AUTHORIZE THE GUARDIAN TO EXECUTE A RELEASE
3 OF THE MINOR OR EXECUTE A CONSENT TO THE ADOPTION OF THE MINOR BY
4 THAT GUARDIAN OR BY ANOTHER PERSON IF THE COURT IS SATISFIED THAT
5 THE WELFARE OF THE MINOR WILL BE SERVED BY THE RELEASE OR THE
6 CONSENT, SUBJECT TO SECTION 31 OF CHAPTER X OF ACT NO. 288 OF THE
7 PUBLIC ACTS OF 1939, BEING SECTION 710.31 OF THE MICHIGAN
8 COMPILED LAWS.

9 (5) UPON HEARING A PETITION FILED PURSUANT TO SUBSECTION
10 (2), THE COURT SHALL AUTHORIZE THE GUARDIAN OF A PARENT WITH
11 DEVELOPMENTAL DISABILITIES TO EXECUTE A RELEASE OF THE PARENT'S
12 CHILD OR EXECUTE A CONSENT TO THE ADOPTION OF THE PARENT'S CHILD
13 BY THAT GUARDIAN OR BY ANOTHER PERSON IF THE COURT IS SATISFIED
14 THAT THE WELFARE OF THE PARENT'S CHILD WILL BE SERVED BY THE
15 RELEASE OR CONSENT, SUBJECT TO SECTION 31 OF CHAPTER X OF ACT
16 NO. 288 OF THE PUBLIC ACTS OF 1939, BEING SECTION 710.31 OF THE
17 MICHIGAN COMPILED LAWS.

18 Section 2. This amendatory act shall not take effect unless
19 all of the following bills of the 86th Legislature are enacted
20 into law:

21 (a) House Bill No. 4252.

22 (b) Senate Bill No. _____ or House Bill No. 5783

23 (request no. 00746'91 a).