

SENATE BILL No. 81

February 12, 1991, Introduced by Senator HART and
referred to the Committee on Family Law, Criminal
Law, and Corrections.

A bill to create the Michigan guardianship advisory board;
and to prescribe the powers and duties of the board and the state
court administrative office.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Board" means the Michigan guardianship advisory board
3 created in under this act.

4 (b) "Office" means the state court administrative office.

5 Sec. 2. (1) The Michigan guardianship advisory board is
6 created within the state court administrative office.

7 (2) The board shall consist of 7 members appointed by the
8 office as follows:

9 (a) One member representing the department of social
10 services.

1 (b) One member representing the department of mental
2 health.

3 (c) One member representing the office of services to the
4 aging, established under section 5 of the older Michiganians act,
5 Act No. 180 of the Public Acts of 1981, being sections 400.581 to
6 400.594 of the Michigan Compiled Laws.

7 (d) Two members representing the probate judges.

8 (e) Two members representing the general public.

9 (3) Except as otherwise provided in this subsection, a board
10 member shall serve for a 4-year term and may be reappointed. Of
11 the members first appointed, 2 members shall serve for a term of
12 4 years, 2 members shall serve for a term of 3 years, 2 members
13 shall serve for a term of 2 years, and 1 member shall serve for a
14 term of 1 year.

15 (4) A vacancy on the board shall be filled in the same
16 manner as the original appointment for the balance of the unex-
17 pired term.

18 (5) The board shall elect a chairperson and vice-chairperson
19 from among its members for 1-year terms. The chairperson and
20 vice-chairperson may be reelected as officers.

21 (6) The board shall hold regularly scheduled meetings. A
22 quorum of the board shall consist of 4 members.

23 (7) A board member shall not receive a per diem compensation
24 but may be reimbursed for actual and necessary expenses incurred
25 in the performance of his or her official duties.

1 Sec. 3. (1) The board shall be assisted by staff necessary
2 to perform the functions prescribed by this act. The state court
3 administrator shall select the necessary staff.

4 (2) The office shall assist the board in developing and
5 maintaining access to and liaison with the probate court in each
6 county of this state and shall supervise the board in its
7 advisory role to the probate court.

8 Sec. 4. (1) The board's business shall be conducted at a
9 public meeting held in compliance with the open meetings act, Act
10 No. 267 of the Public Acts of 1976, being sections 15.261 to
11 15.275 of the Michigan Compiled Laws. Public notice of the time,
12 date, and place of the meeting shall be given in the manner
13 required by Act No. 267 of the Public Acts of 1976.

14 (2) A writing prepared, owned, used, in the possession of,
15 or retained by the board in the performance of an official func-
16 tion shall be made available to the public in compliance with the
17 freedom of information act, Act No. 442 of the Public Acts of
18 1976, being sections 15.231 to 15.246 of the Michigan Compiled
19 Laws.

20 Sec. 5. The board shall do all of the following:

21 (a) Develop and oversee training programs for guardians.

22 (b) Develop programs to recruit qualified persons to serve
23 as guardians.

24 (c) Review any existing uniform standards for guardians, or
25 establish such standards.

26 (d) Prepare and distribute model pamphlets and instructional
27 material to guardians.

1 (e) Accept any grant or gift from any person or the federal,
2 state, or local government or an agency of the federal, state, or
3 local government.

4 (f) Prepare an annual report for the legislature, governor,
5 and office including, but not limited to, all of the following:

6 (i) Incentives for encouraging the least restrictive form of
7 guardianship.

8 (ii) Caseload standards for guardians.

9 (iii) Standards for the supervision and the maintaining of
10 guardians.

11 (iv) A review system to determine if a ward can be restored
12 to competency and the guardianship terminated.

13 (v) A guardian's duties, including, but not limited to, vis-
14 itation with the ward, protection and preservation of the estate,
15 psychological and medical treatment for the ward, advocacy on the
16 ward's behalf, legal and other services for the ward, encouraging
17 adequate living arrangements, quality of life, and socialization
18 for the ward, and restoration of the ward's rights.

19 (g) Prepare a report for the legislature, governor, and
20 office not later than 2 years after the effective date of this
21 act to include all of the following:

22 (i) Whether some form of immunity or liability insurance is
23 necessary for good faith acts performed by guardians.

24 (ii) Whether attorneys or guardians ad litem are necessary
25 for alleged incapacitated persons.

26 (iii) Whether a guardian of last resort is available in each
27 county in this state for a person who requires a guardian and has

1 no family or friends available to serve as a guardian and no
2 estate available to pay a guardian.

3 (iv) Whether funding for a guardian of last resort, based on
4 a formula that recognizes existing programs and standards estab-
5 lished by the board, is necessary.

6 Sec. 6. This act shall not be construed to authorize either
7 the office or the board to directly supervise guardianship
8 services.

9 Sec. 7. The legislature shall appropriate annually funds
10 necessary for the board to fulfill its responsibilities under
11 this act.