

# SENATE BILL No. 409

July 11, 1991, Introduced by Senators WELBORN and DINGELL  
and referred to the Committee on Family Law, Criminal  
Law, and Corrections.

A bill to amend Act No. 642 of the Public Acts of 1978,  
entitled as amended

"Revised probate code,"

as amended, being sections 700.1 to 700.993 of the Michigan  
Compiled Laws, by adding section 444a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Act No. 642 of the Public Acts of 1978, as  
2 amended, being sections 700.1 to 700.993 of the Michigan Compiled  
3 Laws, is amended by adding section 444a to read as follows:

4       SEC. 444A. (1) UPON ENTRY OF AN ORDER FINDING THAT A PERSON  
5 IS LEGALLY INCAPACITATED, THE COURT SHALL IMMEDIATELY FILE A  
6 REPORT WITH THE DEPARTMENT OF MENTAL HEALTH THAT CONTAINS THE  
7 NAME OF THE PERSON AND OTHER INFORMATION CONCERNING ITS FINDING  
8 THAT THE DEPARTMENT OF MENTAL HEALTH CONSIDERS NECESSARY.

1 (2) UPON ENTRY OF AN ORDER FINDING THAT A PERSON IS NO  
2 LONGER LEGALLY INCAPACITATED, THE COURT SHALL IMMEDIATELY FILE A  
3 REPORT WITH THE DEPARTMENT OF MENTAL HEALTH THAT CONTAINS THE  
4 NAME OF THE PERSON AND OTHER INFORMATION CONCERNING ITS FINDING  
5 THAT THE DEPARTMENT OF MENTAL HEALTH CONSIDERS NECESSARY.

6 (3) BEFORE THE EXPIRATION OF 1 YEAR AFTER THE EFFECTIVE DATE  
7 OF THIS SECTION, THE COURT SHALL EXAMINE ITS RECORDS FOR THE TIME  
8 PERIOD BETWEEN JANUARY 1, 1930 AND THE EFFECTIVE DATE OF THIS  
9 SECTION AND FILE A REPORT WITH THE DEPARTMENT OF MENTAL HEALTH  
10 UNDER SUBSECTION (1) OR (2), AS APPLICABLE, FOR EACH PERSON THE  
11 COURT WOULD HAVE FILED A REPORT FOR UNDER SUBSECTION (1) OR (2),  
12 AS APPLICABLE, IF THIS SECTION HAD BEEN IN EFFECT DURING THAT  
13 TIME PERIOD.

14 (4) THE DEPARTMENT OF MENTAL HEALTH SHALL USE THE INFORMA-  
15 TION OBTAINED FROM A REPORT FILED WITH THE DEPARTMENT UNDER SUB-  
16 SECTION (1) OR (2) AS PROVIDED IN SECTION 2B OF ACT NO. 372 OF  
17 THE PUBLIC ACTS OF 1927, BEING SECTION 28.422B OF THE MICHIGAN  
18 COMPILED LAWS.

19 (5) A REPORT FILED WITH THE DEPARTMENT OF MENTAL HEALTH  
20 UNDER SUBSECTION (1) OR (2) SHALL BE ON A FORM PRESCRIBED BY THE  
21 DEPARTMENT OF MENTAL HEALTH AND APPROVED BY THE STATE COURT  
22 ADMINISTRATOR.

23 Section 2. This amendatory act shall not take effect unless  
24 Senate Bill No. 407  
25 of the 86th Legislature is enacted into law.