



# HOUSE BILL No. 4974

July 23, 1993, Introduced by Reps. Hill, Vorva, Whyman, Gustafson, Hammerstrom, McManus, Gernaat, Middleton, Lowe, LeTarte, Stille, Galloway, Kukuk and Jersevic and referred to the Committee on Judiciary.

A bill to amend section 24 of Act No. 642 of the Public Acts of 1978, entitled as amended "Revised probate code," being section 700.24 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 24 of Act No. 642 of the Public Acts of  
2 1978, being section 700.24 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4 Sec. 24. (1) When it considers necessary, the court may  
5 appoint a guardian ad litem to appear for a minor or a legally  
6 incapacitated person, or a person whose identity or address is  
7 unknown, to represent ~~him in any~~ THE PERSON IN A matter pending  
8 before the court, or to prosecute ~~any~~ A matter or proceeding in  
9 ~~his~~ THE PERSON'S behalf, with or without notice, as the court  
0 directs. Upon the application of the minor or the presumptive

1 heirs at law of a legally incapacitated person or in the  
2 discretion of the court, THE COURT MAY REVOKE the appointment  
3 ~~may be revoked~~ and APPOINT another guardian ad litem.  
4 ~~appointed. The~~ IF THE APPOINTMENT IS ACCEPTED, THE guardian ad  
5 litem ~~, if he accepts the appointment,~~ shall make a report, in  
6 writing or recorded testimony, of his OR HER investigation and  
7 recommendation concerning the matters for which ~~he~~ THE GUARDIAN  
8 AD LITEM was appointed. ~~where~~ IF not precluded by conflict of  
9 interests, a guardian ad litem may be appointed to represent sev-  
10 eral persons of interest.

11 (2) ~~When~~ AFTER the attorney general files ~~his~~ AN appear-  
12 ance as required by law in the estate proceeding on behalf of an  
13 unknown or unascertained heir at law or a presumptive heir at  
14 law, the attorney general ~~shall thereafter represent the~~  
15 REPRESENTS THAT interest, and the court shall not appoint a  
16 guardian ad litem. If a guardian ad litem was previously  
17 appointed for the interest, the appointment of the guardian ad  
18 litem ~~shall terminate~~ TERMINATES.

19 (3) AFTER THE COURT APPOINTS A GUARDIAN AD LITEM FOR A MINOR  
20 OR LEGALLY INCAPACITATED PERSON AND BEFORE PROCEEDINGS BEGIN IN  
21 WHICH THE GUARDIAN AD LITEM IS TO REPRESENT THE INDIVIDUAL, THE  
22 GUARDIAN AD LITEM SHALL MEET WITH THE MINOR OR LEGALLY INCAPACI-  
23 TATED PERSON AND, TO THE EXTENT TO WHICH THE INDIVIDUAL CAN COM-  
24 PREHEND, EXPLAIN THE NATURE OF THE PROCEEDINGS TO THE HIM OR  
25 HER. THE COURT SHALL NOT ORDER COMPENSATION OF THE GUARDIAN AD  
26 LITEM UNLESS THE GUARDIAN AD LITEM COMPLIES WITH THIS SUBSECTION  
27 AND FILES A SIGNED STATEMENT DESCRIBING THE CIRCUMSTANCES AND

1 MANNER OF THE CONSULTATION WITH THE MINOR OR LEGALLY  
2 INCAPACITATED PERSON. THE COURT MAY WAIVE THE REQUIREMENTS OF  
3 THIS SECTION FOR AN INDIVIDUAL UNDER THE AGE OF 6 WHO IS UNABLE  
4 TO ADEQUATELY UNDERSTAND THE NATURE OF THE PROCEEDINGS IN REGARD  
5 TO HIMSELF OR HERSELF.