

**SENATE BILL NO. 1210**

June 11, 1998, Introduced by Senator STEIL and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend 1978 PA 642, entitled  
"Revised probate code,"  
by amending section 424 (MCL 700.424), as amended by 1996 PA 8.

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

1       Sec. 424. (1) A person interested in the welfare of a  
2 minor, or a minor if HE OR SHE IS 14 years of age or older, may  
3 petition for the appointment of a guardian of the minor. The  
4 court may order the ~~department of social services~~ FAMILY INDE-  
5 PENDENCE AGENCY or an employee or agent of the court to conduct  
6 an investigation of the proposed guardianship and file a written  
7 report of the investigation.

8       (2) The court may appoint a guardian for an unmarried minor  
9 if ~~any~~ 1 OR MORE of the following circumstances exist:

10       (a) The parental rights of both parents or of the surviving  
11 parent have been terminated or suspended by prior court order, by

1 judgment of divorce or separate maintenance, by death, by  
2 judicial determination of mental incompetency, by disappearance,  
3 or by confinement in a place of detention.

4 (b) The parent or parents have permitted the minor to reside  
5 with another person and have not provided the other person with  
6 legal authority for the care and maintenance of the minor.

7 (c) All of the following:

8 (i) The minor's biological parents have never been married  
9 to one another.

10 (ii) The minor's parent who has custody of the minor dies or  
11 is missing and the other parent has not been granted legal cus-  
12 tody under court order.

13 (iii) The person whom the petition asks to be appointed  
14 guardian is related to the minor within the fifth degree by mar-  
15 riage, blood, or adoption.

16 (D) THE APPOINTMENT IS NECESSARY FOR THE MINOR'S IMMEDIATE  
17 PHYSICAL, MENTAL, OR EMOTIONAL WELL-BEING.

18 (3) IF 1 OF THE REASONS A GUARDIAN IS APPOINTED IS THE CIR-  
19 CUMSTANCE DESCRIBED IN SUBSECTION (2)(D), THE COURT SHALL REFER  
20 THE CHILD TO THE STATE DEPARTMENT THAT IS RESPONSIBLE FOR  
21 CHILDREN'S PROTECTIVE SERVICES.

22 (4) ~~(3)~~ A limited guardian of a minor may petition to be  
23 appointed a guardian for that minor, except that the petition  
24 shall not be based upon suspension of parental rights by the  
25 order that appointed that person the limited guardian of that  
26 minor.

1           (5) ~~-(4)-~~ A guardian appointed by will as provided in  
2 section 422 whose appointment is not prevented or nullified under  
3 section 423 has priority over a guardian who may be appointed by  
4 the court. The court may proceed with an appointment upon a  
5 finding that the testamentary guardian has failed to accept the  
6 testamentary appointment within 30 days after notice of the  
7 guardianship proceeding.

8           (6) ~~-(5)-~~ For the welfare of the minor ward, the court may  
9 at any time order reasonable support and reasonable parenting  
10 time and contact of the minor ward by his or her parents.