

REPRINT

**SUBSTITUTE FOR
SENATE BILL NO. 1387**

(As Passed the Senate November 14, 2000)

A bill to amend 1998 PA 386, entitled
"Estates and protected individuals code,"
by amending section 5401 (MCL 700.5401).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5401. (1) Upon petition and after notice and hearing
2 in accordance with this part, the court may appoint a conservator
3 or make another protective order for cause as provided in this
4 section.
5 (2) The court may appoint a conservator or make another pro-
6 tective order in relation to a minor's estate and affairs if the
7 court determines that the minor owns money or property that
8 requires management or protection that cannot otherwise be pro-
9 vided, has or may have business affairs that may be jeopardized
10 or prevented by minority, or needs money for support and

SB1387, As Passed House, December 6, 2000

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1 education and that protection is necessary or desirable to obtain
2 or provide money.

3 (3) The court may appoint a conservator or make another pro-
4 tective order in relation to an individual's estate and affairs
5 if the court determines both of the following:

6 (a) The individual is unable to manage property and business
7 affairs effectively for reasons such as mental illness, mental
8 deficiency, physical illness or disability, chronic use of drugs,
9 chronic intoxication, confinement, detention by a foreign power,
10 or disappearance.

11 (b) The individual has property that will be wasted or dis-
12 sipated unless proper management is provided, or money is needed
13 for the individual's support, care, and welfare or for those
14 entitled to the individual's support, and that protection is nec-
15 essary ~~or desirable~~ to obtain or provide money.

16 (4) The court may appoint a conservator in relation to the
17 estate and affairs of an individual who is mentally competent,
18 but due to age or physical infirmity is unable to manage his or
19 her property and affairs effectively and who, recognizing this
20 disability, requests a conservator's appointment.

21 Enacting section 1. This amendatory act takes effect
22 June 1, 2001.