

House Bill 4916

Sponsor: Rep. John C. Stewart

Committee: Civil Law and the Judiciary

Complete to 7-5-01

A SUMMARY OF HOUSE BILL 4916 AS INTRODUCED 6-6-01

The bill would amend the Estate and Protected Individuals Code to create a guardianship ombudsman in the governor's office. The ombudsman would be appointed by the governor with the advice and consent of the Senate.

Qualifications. In choosing the guardianship ombudsman, the bill would require the governor to consider at least all of a list of qualifications included in the bill. The listed qualifications include stature in the field of guardianships and conservatorships; legal training, with special emphasis on an understanding of the issues that the guardianship ombudsman would have to address; ability as a communicator; and leadership ability.

Funding. For the fiscal year ending September 30, 2001, the bill would require \$197,000 to be appropriated to the executive office of the governor for the establishment and operation of the guardianship ombudsman office.

Duties. The guardianship ombudsman would have all of the following duties:

- Investigating complaints of alleged wrongdoing by guardians and conservators;
- Developing educational materials on topics such as (a) alternatives to guardianship and conservatorship; (b) the process for becoming a guardian or conservator; (c) doing the job of a guardian or conservator in a legal, ethical, proper, and financially efficient manner; (d) guardian and conservator training programs; and (e) continuing education programs for the judicial branch of government regarding guardianships and conservatorships;
- Providing technical assistance to the court;
- Advising the legislature on proposed guardianship and conservatorship legislation;
- Advising the supreme court on court rules relating to guardianships and conservatorships;
- Exploring development of local guardianship ombudsman and volunteer programs; and
- Researching approaches to guardianships and conservatorships used in other states, including systems that use public guardians.

Investigations. The bill would require the guardianship ombudsman to hire and train investigators to investigate complaints of both physical or financial abuse or neglect.

If a guardianship ombudsman's investigation of a complaint revealed evidence that warranted further action beyond an investigation, he or she would be required to refer the complaint to the appropriate agency (such as the court, the attorney general, a prosecuting attorney, an entity that received grievances concerning the judicial branch or attorneys, or another state or local agency).

Other provisions. The bill also would require the guardianship ombudsman to hire an individual with training and experience in developing educational materials.

MCL 700.1104, 700.5120, and 700.5121

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.