

Legislative Analysis



DUTIES OF GUARDIAN AD LITEM

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House Bill 5441 (with House floor amendment)

Sponsor: Rep. Holly Hughes

Committee: Families, Children, and Seniors

Complete to 5-18-12

A SUMMARY OF HOUSE BILL 5441 AS PASSED BY THE HOUSE ON 5-9-12

Under the Estates and Protected Individuals Code (EPIC), a guardian ad litem appointed for an individual who is alleged to be incapacitated is required to determine whether there are appropriate alternatives to the appointment of a full guardian, such as the appointment of a limited guardian or the appointment of a conservator or another protective order, and then inform the court of those determinations. Section 5305 lays out the duties of a guardian ad litem. House Bill 5441 would amend that section (MCL 700.5305) as described below.

- Currently, the guardian ad litem must determine whether there are one or more appropriate alternatives to the appointment of a full guardian. The bill would also require a determination of whether one or more actions should be taken in addition to the appointment of a guardian.
- The bill would require the guardian ad litem to ask the individual and the petitioner seeking the appointment of a guardian about the amount of cash and property readily convertible into cash that is in the individual's estate.
- One of the alternatives to be considered by the guardian ad litem is the appointment of a conservator or another protective order. The bill would specify that in the report informing the court of such determinations, the guardian ad litem would have to include an estimate of the amount of cash and property readily convertible into cash that is in the individual's estate.

The bill has an effective date of October 1, 2012.

FISCAL IMPACT:

The bill would have no fiscal impact on state or local government.

POSITIONS:

The Department of Human Services supports the bill. (3-20-12)

The Michigan Catholic Conference supports the bill. (3-20-12)

Legislative Analyst: E. Best

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