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BILL ANALYSIS



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Senate Bill 539 (as reported without amendment)
Sponsor: Senator Tonya Schuitmaker
Committee: Judiciary

CONTENT

The bill would amend the Estates and Protected Individuals Code (EPIC) to do all of the following:

- Allow a guardian appointed and serving in another jurisdiction to be appointed as a guardian for a minor or incapacitated individual in Michigan.
- Delete a requirement that a court appoint as guardian for an incapacitated individual a person designated by the individual.
- Place certain people at the beginning of the order of preference of people to be appointed as a guardian for an incapacitated individual (as described below).
- Allow a conservator appointed and serving in another jurisdiction to be appointed as a conservator for a minor or individual under disability in Michigan.
- Provide that if an objection to an out-of-State guardianship or conservatorship were filed, the guardianship or conservatorship would continue unless a court removed the person appointed.

The bill would allow a court, in appointing a guardian, to appoint a person related to the individual who was the subject of the petition, in an order of preference that would begin with the following:

- A person previously appointed, qualified, and serving in good standing as guardian for the legally incapacitated individual in another jurisdiction.
- A person the legally incapacitated individual nominated to serve as guardian.
- A person the individual named as attorney in fact in a durable power of attorney.

The remaining order of preference would be the same as that currently prescribed.

MCL 700.5313 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate, but likely negligible, fiscal impact on State and local government. To the extent that the bill increased the workload of various probate courts, local jurisdictions could incur additional administrative costs.

Date Completed: 9-15-11

Fiscal Analyst: Matthew Grabowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.