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BILL



ANALYSIS

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House Bill 5441 (as passed by the House)
Sponsor: Representative Holly Hughes
House Committee: Families, Children, and Seniors
Senate Committee: Families, Seniors and Human Services

Date Completed: 6-6-12

CONTENT

The bill would amend the Estates and Protected Individuals Code (EPIC) to require a guardian ad litem, appointed to represent a person who was the subject of a petition alleging incapacity and requesting appointment of a guardian, to do the following:

- **Ask about the person's cash and property readily convertible into cash.**
- **Make a determination of whether actions should be taken, in addition to appointment of a guardian.**
- **Include an estimate of the person's cash and property readily convertible into cash in the guardian ad litem's report to the court of his or her determinations.**

Under EPIC, an individual in his or her own behalf, or any person interested in the individual's welfare, may petition for a finding of incapacity and appointment of a guardian. When a petition is filed, the court must schedule a hearing on the issue of incapacity and, unless the allegedly incapacitated individual has legal counsel of his or her own choice, the court must appoint a guardian ad litem to represent the person in the proceeding.

The Code specifies the duties of a guardian ad litem appointed for an individual alleged to be incapacitated. The bill would include in those duties asking the individual and the petitioner about the amount of cash and property readily convertible into cash that was in the individual's estate.

Under EPIC, a guardian ad litem also must make certain determinations, and inform the court of those determinations. One of the determinations is whether there are one or more appropriate alternatives to the appointment of a full guardian. The bill also would require the guardian ad litem to determine whether one or more actions should be taken in addition to the appointment of a guardian.

The appointment of a conservator or another protective order is among the alternatives about which a guardian ad litem must make a determination. The bill specifies that, in the report informing the court of this determination, the guardian ad litem would have to include an estimate of the amount of cash and property readily convertible into cash that was in the individual's estate.

The bill would take effect on October 1, 2012.

MCL 700.5305

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Fiscal Analyst: Dan O'Connor

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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.