

Act No. 365
Public Acts of 2020
Approved by the Governor
January 4, 2021
Filed with the Secretary of State
January 4, 2021
EFFECTIVE DATE: March 24, 2021

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Reps. Rendon, Warren, LaGrand, Kennedy, Brenda Carter, Kuppa, Koleszar, Miller, Howell, LaFave and Berman

ENROLLED HOUSE BILL No. 5419

AN ACT to amend 1998 PA 386, entitled “An act to codify, revise, consolidate, and classify aspects of the law relating to wills and intestacy, relating to the administration and distribution of estates of certain individuals, relating to trusts, and relating to the affairs of certain individuals under legal incapacity; to provide for the powers and procedures of the court that has jurisdiction over these matters; to provide for the validity and effect of certain transfers, contracts, and deposits that relate to death; to provide procedures to facilitate enforcement of certain trusts; and to repeal acts and parts of acts,” by amending section 5215 (MCL 700.5215), as amended by 2000 PA 469.

The People of the State of Michigan enact:

Sec. 5215. A minor’s guardian has the powers and responsibilities of a parent who is not deprived of custody of the parent’s minor and unemancipated child, except that a guardian is not legally obligated to provide for the ward from the guardian’s own money and is not liable to third persons because of the parental relationship for the ward’s acts. A guardian has all of the following powers and duties:

(a) The guardian shall take reasonable care of a ward’s personal effects and commence a protective proceeding if necessary to protect the ward’s other property. If a guardian commences a protective proceeding because the guardian believes that it is in the ward’s best interest to sell or otherwise dispose of the ward’s real property or interest in real property, the court may appoint the guardian as special conservator and authorize the special conservator to proceed under section 5423(3). A guardian shall not otherwise sell the ward’s real property or interest in real property.

(b) The guardian may receive money payable for the ward’s support to the ward’s parent, guardian, or custodian under the terms of a statutory benefit or insurance system, or a private contract, devise, trust, conservatorship, or custodianship. The guardian may receive the ward’s money or property paid or delivered under section 5102. Money or property received under section 5102 must be applied to the ward’s current needs for support, care, and education. The guardian shall exercise due care to conserve any excess for the ward’s future needs unless a conservator is appointed for the ward’s estate, in which case the excess must be paid over at least annually to the conservator. The guardian shall not use that money or property for compensation for the guardian’s services except as approved by court order or as determined by an appointed conservator other than the guardian. A guardian may institute a proceeding to compel a person’s performance of a duty to support the ward or to pay money for the ward’s welfare.

(c) The guardian shall facilitate the ward’s education and social or other activities, and shall authorize medical or other professional care, treatment, or advice. A guardian is not liable because of this consent for injury to the ward resulting from the negligence or acts of third persons unless it would be illegal for a parent to have consented.

(d) A guardian may consent to a minor ward's marriage.

(e) Subject to the conditions and restrictions of chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, a guardian may consent to marriage or adoption of a minor ward or to the release of a minor ward for adoption.

(f) A guardian must report the condition of the ward and of the ward's estate that is subject to the guardian's possession or control as ordered by the court on petition of a person interested in the minor's welfare or as required by court rule. The report must detail the condition of the ward, medical or mental health treatment or care to which the ward was subjected, and what reason, if any, exists for the continuation of the guardianship.

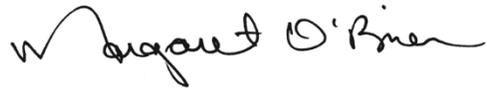
(g) Within 14 days after a change in the ward's place of residence, the guardian shall give to the court notice of the ward's new address.

(h) A guardian may execute a do-not-resuscitate order on behalf of the ward as provided in section 3a of the Michigan do-not-resuscitate procedure act, 1996 PA 193, MCL 333.1053a.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5417 of the 100th Legislature is enacted into law.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor

Compiler's note: House Bill No. 5417, referred to in enacting section 1, was filed with the Secretary of State January 4, 2021, and became 2020 PA 363, Eff. Apr. 4, 2021.