

HOUSE BILL NO. 4418

April 13, 2023, Introduced by Reps. Breen, Filler, Paiz, Price and Scott and referred to the Committee on Judiciary.

A bill to amend 1998 PA 433, entitled
"Michigan uniform transfers to minors act,"
by amending sections 10 and 11 (MCL 554.530 and 554.531).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. (1) Subject to subsection (3), a personal
2 representative or trustee may make an irrevocable transfer to
3 another adult or trust company as custodian for the benefit of a
4 minor ~~pursuant to~~ **under** section 13 in the absence of a will or
5 under a will or trust that does not contain an authorization to

1 make the irrevocable transfer.

2 (2) Subject to subsection (3), a conservator may make an
3 irrevocable transfer to another adult or trust company as custodian
4 for the benefit of the minor ~~pursuant to~~ **under** section 13.

5 (3) A transfer under subsection (1) or (2) may be made only if
6 ~~the~~ **all of the following apply:**

7 (a) **The** personal representative, trustee, or conservator
8 considers the transfer to be in the best interest of the minor. ~~+~~
9 ~~the~~

10 (b) **The** transfer is not prohibited by or inconsistent with
11 provisions of the applicable will, trust agreement, or other
12 governing instrument. ~~+~~ ~~and, if~~

13 (c) **If** the transfer exceeds ~~\$10,000.00~~ **\$50,000.00** in value,
14 the transfer is authorized by the court.

15 Sec. 11. (1) Subject to subsections (2) and (3), a person not
16 subject to section 9 or 10 who holds property of, or owes a
17 liquidated debt to, a minor **who does** not ~~having~~ **have** a conservator
18 may make an irrevocable transfer to a custodian for the benefit of
19 the minor ~~pursuant to~~ **under** section 13.

20 (2) If a person having the right to do so under section 7 has
21 nominated a custodian under ~~that~~ **section 7** to receive the custodial
22 property, the transfer ~~shall~~ **must** be made to ~~that~~ **the** person.

23 (3) If ~~no~~ **a** custodian has **not** been nominated under section 7,
24 or all persons ~~so~~ **nominated** as custodian **under section 7** die before
25 the transfer or are unable, decline, or are ineligible to serve, a
26 transfer under this section may be made to an adult member of the
27 minor's family or to a trust company. ~~If~~ **However, if** the value of
28 the property exceeds ~~\$10,000.00,~~ **\$50,000.00**, a transfer under this
29 subsection ~~shall only~~ **may** be made **only** if authorized by the court.