

**MENTAL HEALTH CODE (EXCERPT)**  
**Act 258 of 1974**

**330.1628 Qualifications of guardian; preference.**

Sec. 628. (1) The court may appoint as guardian of an individual with a developmental disability any suitable individual or agency, public or private, including a private association capable of conducting an active guardianship program for an individual with a developmental disability. The court shall not appoint the department of mental health as guardian or any other agency, public or private, that is directly providing services to the individual, unless no other suitable individual or agency can be identified. In such instances, guardianship by the provider shall only continue until such time as a more suitable individual or agency can be appointed.

(2) Before the appointment, the court shall make a reasonable effort to question the individual concerning his or her preference regarding the person to be appointed guardian, and any preference indicated shall be given due consideration.

**History:** 1974, Act 258, Eff. Aug. 6, 1975;—Am. 1978, Act 527, Imd. Eff. Dec. 21, 1978;—Am. 1995, Act 290, Eff. Mar. 28, 1996.