

SENATE BILL No. 465

September 10, 2013, Introduced by Senator SCHUITMAKER and referred to the Committee on Judiciary.

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1301, 5307, and 5402 (MCL 700.1301, 700.5307, and 700.5402).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1301. Except as otherwise provided in this act, this act
2 applies to all of the following:

3 (a) The affairs and estate of a decedent ~~—OR~~ missing
4 individual ~~—or protected individual—~~ who is domiciled in this
5 state.

6 (b) A nonresident's property that is located in this state or
7 property coming into the control of a fiduciary that is subject to

1 the laws of this state.

2 (c) ~~An incapacitated individual or~~ A minor in this state.

3 (d) Survivorship and related accounts in this state.

4 (e) A trust subject to administration in this state.

5 (F) **AN INCAPACITATED INDIVIDUAL OR THE AFFAIRS AND ESTATE OF A**
 6 **PROTECTED INDIVIDUAL IF A COURT OF THIS STATE HAS JURISDICTION**
 7 **UNDER THE UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS**
 8 **JURISDICTION ACT.**

9 Sec. 5307. ~~By~~ **EXCEPT AS OTHERWISE PROVIDED IN THE UNIFORM**
 10 **ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT, BY**
 11 accepting appointment, a guardian personally submits to the court's
 12 jurisdiction in a proceeding relating to the guardianship that may
 13 be instituted by an interested person. Notice of a proceeding shall
 14 be delivered to the guardian or mailed to the guardian by first-
 15 class mail at the guardian's address as listed in the court records
 16 and to his or her address as then known to the petitioner.

17 Sec. 5402. ~~After~~ **EXCEPT AS OTHERWISE PROVIDED IN THE UNIFORM**
 18 **ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT,**
 19 **AFTER** the service of notice in a proceeding seeking a conservator's
 20 appointment or other protective order and until the proceeding's
 21 termination, the court in which the petition is filed has the
 22 following jurisdiction:

23 (a) Exclusive jurisdiction to determine the need for a
 24 conservator or other protective order until the proceeding is
 25 terminated.

26 (b) Exclusive jurisdiction to determine how the protected
 27 individual's estate that is subject to the laws of this state is

1 managed, expended, or distributed to or for the use of the
2 protected individual or any of the protected individual's
3 dependents or other claimants.

4 (c) Concurrent jurisdiction to determine the validity of a
5 claim against the protected individual or the protected
6 individual's estate, and questions of title concerning estate
7 property.

8 Enacting section 1. This amendatory act does not take effect
9 unless Senate Bill No.466

10 of the 97th Legislature is enacted into law.