

# HOUSE BILL No. 5629

May 3, 2016, Introduced by Reps. McCready, Canfield, Victory, Price, Iden, Vaupel, Crawford, Howell, Tedder, Hooker and McBroom and referred to the Committee on Judiciary.

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5103 (MCL 700.5103), as amended by 2004 PA 93.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 5103. (1) By a properly executed power of attorney, a  
2 parent or guardian of a minor or a guardian of a legally  
3 incapacitated individual may delegate to another person, for a  
4 period not exceeding ~~6 months~~, **180 DAYS**, any of the parent's or  
5 guardian's powers regarding care, custody, or property of the minor  
6 child or ward, except the power to consent to marriage or adoption  
7 of a minor ward or to release of a minor ward for adoption.

8       **(2) A PARENT SHALL NOT KNOWINGLY AND INTENTIONALLY DELEGATE**  
9 **HIS OR HER POWERS UNDER THIS SECTION REGARDING CARE AND CUSTODY OF**  
10 **THE PARENT'S MINOR CHILD FOR LONGER THAN 180 DAYS FOR THE PURPOSE**  
11 **OF PERMANENTLY TRANSFERRING CUSTODY OF THE CHILD IN VIOLATION OF**

1 SECTION 136C(3) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL  
2 750.136C.

3 (3) ~~(2)~~—If a parent or guardian is serving in the armed forces  
4 of the United States and is deployed to a foreign nation, and if  
5 the power of attorney so provides, a delegation under this section  
6 is effective until the thirty-first day after the end of the  
7 deployment.

8 (4) ~~(3)~~—If a guardian for a minor or legally incapacitated  
9 individual delegates any power under this section, the guardian  
10 shall notify the court within 7 days after execution of the power  
11 of attorney and provide the court the name, address, and telephone  
12 number of the attorney-in-fact.

13 Enacting section 1. This amendatory act does not take effect  
14 unless Senate Bill No. \_\_\_\_ or House Bill No. 5628 (request no.  
15 04703'15) of the 98th Legislature is enacted into law.