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GUARDIANS: APPOINTMENT

House Bill 6093

Sponsor: Rep. Laura Baird

Committee: Judiciary

Complete to 9-18-98

A SUMMARY OF HOUSE BILL 6093 AS INTRODUCED 9-17-98

The bill would amend the Revised Probate Code to change some of the requirements needed for the appointment of a guardian. Currently, a court must find by clear and convincing evidence that the person who allegedly needs a guardian is legally incapacitated and that the appointment is necessary to provide for that person's continuing care and supervision. The bill would require that the finding for each of these points be supported separately on the record. In addition, current law allows for the court to decide to enter another appropriate order and the bill would specify that such an order could include an order authorizing a particular medical treatment or procedure or a determination that an advance directive is valid, binding, or has taken effect.

The bill would also prohibit a court from granting a guardian the same powers that are held by a patient advocate, unless it had been demonstrated that the patient advocate was not complying with the requirements of the position or that the patient advocate's powers were not being recognized.

MCL 700.444

House Bill 6093 (9-18-98)

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.