

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1210 (as passed by the Senate)
Sponsor: Senator Glenn D. Steil
Committee: Families, Mental Health and Human Services

Date Completed: 8-10-98

CONTENT

The bill would amend the Revised Probate Code to allow a court to appoint a guardian for an unmarried minor if the appointment were necessary for the minor's immediate physical, mental, or emotional well-being. If a guardian were appointed under these circumstances, the court would have to refer the child to the State department responsible for children's protective services.

Under the Code, a person who is interested in the welfare of a minor, or a minor who is at least 14 years old, may petition for the appointment of a guardian for the minor. The court may order the Family Independence Agency or an employee or agent of the court to conduct an investigation of the proposed guardianship. The court may appoint a guardian for an unmarried minor if one or more of the following circumstances exist:

- The parental rights of both parents or of the surviving parent have been terminated or suspended by prior court order, judgment of divorce or separate maintenance, death, judicial determination of mental incompetency, disappearance, or confinement in a place of detention.
- The parent or parents have permitted the minor to reside with another person and have not provided that person with legal authority for the care and maintenance of the minor.
- The minor's biological parents have never been married to each other; the minor's custodial parent dies or is missing and the other parent has not been granted legal custody under court order; and the proposed guardian is related to the minor within the fifth degree by marriage, blood, or adoption.

MCL 700.424

Legislative Analyst: S. Lowe

FISCAL IMPACT

It appears that the bill would have an indeterminate fiscal impact on State government. The new category for the appointment of guardianship would have an impact on the child protective service system. It would require a child protective services worker to review the guardianship appointment to determine if it would ensure the safety of the child. This would create a need for additional staff time and perhaps increased staff costs. The bill appears to have no potential fiscal impact on local government.

Fiscal Analyst: C. Cole

S9798\S1210SA

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.