

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1210

A bill to amend 1978 PA 642, entitled
"Revised probate code,"
by amending section 424 (MCL 700.424), as amended by 1996 PA 8.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 424. (1) A person interested in the welfare of a
2 minor, or a minor if HE OR SHE IS 14 years of age or older, may
3 petition for the appointment of a guardian of the minor. The
4 court may order the ~~department of social services~~ FAMILY INDE-
5 PENDENCE AGENCY or an employee or agent of the court to conduct
6 an investigation of the proposed guardianship and file a written
7 report of the investigation.

8 (2) The court may appoint a guardian for an unmarried minor
9 if ~~any~~ 1 OR MORE of the following circumstances exist:

10 (a) The parental rights of both parents or of the surviving
11 parent have been terminated or suspended by prior court order, by

SB1210, As Passed House, December 10, 1998

Sub. S.B. 1210 (H-1) as amended December 9, 1998

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1 judgment of divorce or separate maintenance, by death, by
2 judicial determination of mental incompetency, by disappearance,
3 or by confinement in a place of detention.

4 (b) The parent or parents have permitted the minor to reside
5 with another person and have not provided the other person with
6 legal authority for the care and maintenance of the minor, AND
7 THE MINOR IS [NOT RESIDING WITH HIS OR HER PARENT OR PARENTS] WHEN
THE PETITION IS

8 FILED.

9 (c) All of the following:

10 (i) The minor's biological parents have never been married
11 to one another.

12 (ii) The minor's parent who has custody of the minor dies or
13 is missing and the other parent has not been granted legal cus-
14 tody under court order.

15 (iii) The person whom the petition asks to be appointed
16 guardian is related to the minor within the fifth degree by mar-
17 riage, blood, or adoption.

18 (3) A limited guardian of a minor may petition to be
19 appointed a guardian for that minor, except that the petition
20 shall not be based upon suspension of parental rights by the
21 order that appointed that person the limited guardian of that
22 minor.

23 (4) A guardian appointed by will as provided in section 422
24 whose appointment is not prevented or nullified under section 423
25 has priority over a guardian who may be appointed by the court.
26 The court may proceed with an appointment upon a finding that the
27 testamentary guardian has failed to accept the testamentary

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1 appointment within 30 days after notice of the guardianship
2 proceeding.

3 (5) For the welfare of the minor ward, the court may at any
4 time order reasonable support and reasonable parenting time and
5 contact of the minor ward by his or her parents.

6 Enacting section 1. This amendatory act takes effect
7 March 1, 1999.