

Act No. 494
Public Acts of 1998
Approved by the Governor
December 31, 1998
Filed with the Secretary of State
January 4, 1999
EFFECTIVE DATE: March 1, 1999

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Senator Steil

ENROLLED SENATE BILL No. 1210

AN ACT to amend 1978 PA 642, entitled "An act to revise and consolidate the laws relative to the probate of decedents' estates, guardianships, conservatorships, protective proceedings, trusts, and powers of attorney; to prescribe penalties and liabilities; and to repeal certain acts and parts of acts," by amending section 424 (MCL 700.424), as amended by 1996 PA 8.

The People of the State of Michigan enact:

Sec. 424. (1) A person interested in the welfare of a minor, or a minor if he or she is 14 years of age or older, may petition for the appointment of a guardian of 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 and file a written report of the investigation.

(2) The court may appoint a guardian for an unmarried minor if 1 or more of the following circumstances exist:

(a) The parental rights of both parents or of the surviving parent have been terminated or suspended by prior court order, by judgment of divorce or separate maintenance, by death, by judicial determination of mental incompetency, by disappearance, or by confinement in a place of detention.

(b) The parent or parents have permitted the minor to reside with another person and have not provided the other person with legal authority for the care and maintenance of the minor, and the minor is not residing with his or her parent or parents when the petition is filed.

(c) All of the following:

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

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

(iii) The person whom the petition asks to be appointed guardian is related to the minor within the fifth degree by marriage, blood, or adoption.

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

(4) A guardian appointed by will as provided in section 422 whose appointment is not prevented or nullified under section 423 has priority over a guardian who may be appointed by the court. The court may proceed with an appointment upon a finding that the testamentary guardian has failed to accept the testamentary appointment within 30 days after notice of the guardianship proceeding.

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

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

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Mary Beaulieu

Clerk of the House of Representatives.

Approved _____

Governor.