

HOUSE BILL NO. 4850

May 18, 2021, Introduced by Reps. Wakeman and Filler and referred to the Committee on Judiciary.

A bill to amend 1998 PA 386, entitled
"Estates and protected individuals code,"
by amending sections 5414 and 5415 (MCL 700.5414 and 700.5415), and
by adding section 5312a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5312a. (1) The court may appoint a temporary guardian
2 under section 5301a and this section.

3 (2) If an appointed guardian is not effectively performing the
4 guardian's duties and the court further finds that the ward's

1 welfare requires immediate action, the court may appoint, with or
2 without notice, a temporary guardian for the ward for a specified
3 period not to exceed 6 months.

4 (3) A temporary guardian is entitled to the care and custody
5 of the ward, and the authority of a permanent guardian previously
6 appointed by the court is suspended while a temporary guardian has
7 authority. A temporary guardian may be removed at any time. A
8 temporary guardian shall make reports as the court requires. In
9 other respects, the provisions of this act concerning guardians
10 apply to temporary guardians.

11 Sec. 5414. (1) The court may remove a conservator for good
12 cause, ~~upon~~ on notice and hearing, or accept a conservator's
13 resignation. ~~Upon~~ On the conservator's death, resignation, or
14 removal, the court may appoint another conservator. A conservator
15 ~~so~~ appointed under this subsection succeeds to the title and powers
16 of the predecessor.

17 (2) The protected individual or a person interested in the
18 protected individual's welfare may petition for an order removing
19 the conservator, appointing a successor conservator, modifying the
20 terms of the conservatorship, or terminating the conservatorship. A
21 request for this order under this subsection may be made by
22 informal letter to the court. A person who knowingly interferes
23 with transmission of a request described in this subsection to the
24 court is subject to a finding of contempt of court. A petition for
25 an order appointing a successor conservator under this subsection
26 is subject to the priority of appointment under section 5409.

27 Sec. 5415. (1) A person interested in the welfare of an
28 individual for whom a conservator is appointed may file a petition
29 in the appointing court for an order to do any of the following:

1 (a) Require bond or security or additional bond or security,
2 or reduce bond.

3 (b) Require an accounting for the administration of the trust.

4 (c) Direct distribution.

5 (d) Remove the conservator and appoint a temporary or
6 successor conservator.

7 (e) Grant other appropriate relief.

8 (2) A conservator may petition the appointing court for
9 instructions concerning fiduciary responsibility. ~~Upon~~ On notice
10 and hearing, the court may give appropriate instructions or make an
11 appropriate order.

12 **(3) A petition for an order appointing a successor guardian**
13 **under subsection (1) is subject to the priority of appointment**
14 **under section 5409.**

15 Enacting section 1. This amendatory act does not take effect
16 unless all of the following bills of the 101st Legislature are
17 enacted into law:

18 (a) Senate Bill No. ____ or House Bill No. 4847 (request no.
19 02580'21).

20 (b) Senate Bill No. ____ or House Bill No. 4848 (request no.
21 02581'21).

22 (c) Senate Bill No. ____ or House Bill No. 4849 (request no.
23 02582'21).