

# HOUSE BILL NO. 4676

June 25, 2025, Introduced by Reps. MacDonell, Price, Rheingans, Tsernoglou, Young, Mentzer, Brixie, Martus, Conlin, Paiz, Hope, Breen, Arbit and Wozniak and referred to Committee on Families and Veterans.

A bill to amend 1974 PA 258, entitled  
"Mental health code,"  
by amending section 602 (MCL 330.1602), as amended by 1995 PA 290.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 602. (1) Guardianship for ~~individuals~~**an individual** with  
2    **a** developmental disability ~~shall~~**must** be utilized only as is  
3    necessary to promote and protect the well-being of the individual,  
4    including protection from neglect, exploitation, and abuse; ~~shall~~  
5    **must** take into account the individual's abilities; ~~shall~~**must** be  
6    designed to encourage the development of maximum self-reliance and

1 independence in the individual; and ~~shall~~**must** be ordered only to  
2 the extent necessitated by the individual's actual mental and  
3 adaptive limitations.

4 (2) If the court finds that an individual has a developmental  
5 disability and that the individual is likely to need protection  
6 based on the factors set forth in section 618(1), the court shall  
7 apply the least restrictive alternative principle as described in  
8 this chapter. The court shall not restrict the individual's  
9 personal liberty or the individual's freedom to manage the  
10 individual's financial resources to a greater extent than is  
11 necessary to protect the individual's person and the individual's  
12 estate. The limitations imposed on the guardian's authority as set  
13 forth in the court's findings must be stated in the letters of  
14 guardianship and in the notice of first publication of letters of  
15 guardianship granted.

16 (3) Before appointing a guardian for an individual with a  
17 developmental disability, the court shall consider whether the  
18 individual's needs may be met without appointing a guardian by a  
19 less restrictive alternative, including, but not limited to, the  
20 following:

21 (a) The use of an attorney-in-fact if there is evidence that  
22 the individual appointed an attorney-in-fact in a durable power of  
23 attorney executed by the individual before the petition was filed.

24 (b) The management of the beneficial interests of the  
25 individual in a trust by a trustee.

26 (c) The use of a representative payee if there is evidence  
27 that a representative payee was appointed to manage the  
28 individual's public benefits.

29 (d) Supported decision making or the provision of protective

1 or supportive services or arrangements by individuals or public or  
2 private services or agencies. As used in this subdivision,  
3 "supported decision making" means a process through which an  
4 individual with a developmental disability works with friends,  
5 family members, and professionals who help the individual  
6 understand the situation and choices the individual faces so the  
7 individual may make the individual's own decisions.

8 (e) The use of appropriate services or assistive technology.

9 (f) The appointment of a temporary emergency guardian or  
10 guardian of the estate under this section.

11 (g) The appointment of a limited guardian or conservator under  
12 article V of the estates and protected individuals code, 1998 PA  
13 386, MCL 700.5101 to 700.5520.

14 (4) ~~(2)~~ If the court determines that ~~some form of~~ guardianship  
15 is necessary, partial guardianship is the preferred form of  
16 guardianship for an individual with a developmental disability.