



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 110 (as enacted)
Sponsor: Senator Peter J. Lucido
Senate Committee: Judiciary and Public Safety
House Committee: Judiciary

PUBLIC ACT 170 of 2019

Date Completed: 3-23-21

CONTENT

The bill amended the Estates and Protected Individuals Code to allow a court to appoint a limited guardian to supervise an incapacitated individual's access to a relative under certain conditions.

The Code allows the court to appoint a guardian if it finds by clear and convincing evidence that the individual for whom a guardian is sought is an incapacitated individual and that the appointment is necessary as a means of providing for his or her continuing care and supervision. Alternately, if the court finds by clear and convincing evidence that an individual is incapacitated and lacks the capacity to do some, but not all, of the tasks necessary to care for himself or herself, the court may appoint a limited guardian to provide guardianship services to the individual, but the court may not appoint a full guardian.

Under the bill, if the court finds by clear and convincing evidence that an individual is incapacitated, that the person who has the care and custody of the individual denied another person access to the incapacitated individual, and that the individual desires contact with the other person or that contact with that person is in the individual's best interest, the court may appoint a limited guardian to supervise access with the other person.

The bill took effect on March 19, 2020.

MCL 700.5306

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: Michael Siracuse

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