



House
Legislative
Analysis
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House Bill 4667
Sponsor: Rep. Kirk Profit
Committee: Judiciary

Complete to 6-26-97

A SUMMARY OF HOUSE BILL 4667 AS INTRODUCED 4-23-97

Under the Mental Health Code provisions for guardianships, a guardianship for a developmentally disabled ("DD") person may be "plenary" (full) or partial. A plenary guardian has the legal rights and powers of a full guardian over the developmentally disabled person, his or her estate, or both, while the rights and powers of a partial guardian are specifically set forth in a court order. The code sets no limit on the time period an individual may serve as a full or plenary guardian. However, a person may not be appointed to a partial guardianship for a term longer than five years.

House Bill 4667 would amend the Mental Health Code to allow terms of guardianship to run for more than five years without regard to the guardian's status as partial or plenary. It would also require the court to review any guardianships with terms of longer than five years within three years of the guardian's appointment, and at least every five years thereafter.

As under the current law, a new petition for guardianship could be filed upon the expiration of the initial guardianship.

MCL 330.1626

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House Bill 4667 (6-26-97)