

Senate Fiscal Agency  
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Lansing, Michigan 48909-7536

**SFA****BILL ANALYSIS**

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House Bill 5919 (Substitute S-2 as reported by the Committee of the Whole)  
Sponsor: Representative Andrew Richner  
House Committee: Family and Civil Law  
Senate Committee: Families, Mental Health and Human Services

### **CONTENT**

The bill would amend the Estates and Protected Individuals Code (EPIC) to:

- Restrict the ability of a court to grant a guardian the powers of a patient advocate (as described below).
- Require a court to include restrictions in letters of guardianship, or order a guardian to furnish a bond, if the court determined that a ward's property needed protection.
- Require a conservator to give a copy of an inventory of an estate to the protected individual if he or she could be found and were at least 14 years old, and to interested persons as specified in the Michigan Court Rules (MCR). (Currently, a conservator must give a copy to a protected individual who is at least 14, can be located, and has sufficient mental capacity to understand the arrangement.)
- Require a conservator to give a copy of an account to a protected individual who could be located and was at least 14, and to interested persons as specified in the MCR.

A court could not grant a guardian the powers held by a patient advocate, if the court were aware that an individual had executed a patient advocate designation. If a legally incapacitated individual executed a patient advocate designation before the court determined that he or she became incapacitated, a guardian could not exercise the power or duty of making medical treatment decisions designated to the patient advocate.

The bill specifies that an individual would not be of sound mind for the purpose of making a patient advocate designation if he or she were a legally incapacitated individual who was under the care, custody, and control of a full guardian, or was a legally incapacitated individual under the care, custody, and control a limited guardian who was responsible for medical treatment decisions for the incapacitated individual. This provision would not apply, however, if the appointing court found that the individual had regained sufficient capacity to be of sound mind for the purpose of executing a patient advocate designation or if the incapacitated individual's limited guardian were not responsible for medical treatment decisions.

The bill would take effect on January 1, 2001.

MCL 700.5306 et al.

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate impact on State and local government. The incremental cost impact on those providing guardianship services would be minimal. The FY 2000-01 Family Independence Agency budget includes \$600,000 (80/20 Federal/State match) for guardianship contracts. Actual expenditures in FY 1998-99 totaled \$461,659.

Date Completed: 10-4-00

Fiscal Analyst: B. Bowerman