

SB 1389, As Passed Senate, November 14, 2000

**SUBSTITUTE FOR
SENATE BILL NO. 1389**

A bill to amend 1998 PA 386, entitled
"Estates and protected individuals code,"
by amending section 5303 (MCL 700.5303).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5303. (1) An individual in his or her own behalf, or
2 any person interested in the individual's welfare, may petition
3 for a finding of incapacity and appointment of a guardian. The
4 petition shall contain specific facts about the individual's con-
5 dition and specific examples of the individual's recent conduct
6 that demonstrate the need for a guardian's appointment.
7 (2) BEFORE A PETITION IS FILED UNDER THIS SECTION, THE COURT
8 SHALL PROVIDE THE PERSON INTENDING TO FILE THE PETITION WITH
9 WRITTEN INFORMATION THAT SETS FORTH ALTERNATIVES TO APPOINTMENT
10 OF A FULL GUARDIAN, INCLUDING, BUT NOT LIMITED TO, A LIMITED
11 GUARDIAN, CONSERVATOR, PATIENT ADVOCATE DESIGNATION,

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1 DO-NOT-RESUSCITATE DECLARATION, OR DURABLE POWER OF ATTORNEY WITH
2 OR WITHOUT LIMITATIONS ON PURPOSE, AUTHORITY, OR TIME PERIOD, AND
3 AN EXPLANATION OF EACH ALTERNATIVE.

4 (3) ~~—(2)—~~ Upon the filing of a petition under subsection
5 (1), the court shall set a date for hearing on the issue of
6 incapacity. Unless the allegedly incapacitated individual has
7 legal counsel of his or her own choice, the court shall appoint a
8 guardian ad litem to represent the person in the proceeding.

9 Enacting section 1. This amendatory act takes effect June
10 1, 2001.