

SENATE BILL No. 1389

September 27, 2000, Introduced by Senators JOHNSON, HAMMERSTROM, STEIL, BULLARD, GOSCHKA, HART and SHUGARS and referred to the Committee on Families, Mental Health and Human Services.

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) AT THE TIME A PETITION IS FILED UNDER THIS SECTION, THE
8 COURT SHALL PROVIDE THE PETITIONER WITH WRITTEN INFORMATION THAT
9 SETS FORTH ALTERNATIVES TO APPOINTMENT OF A FULL GUARDIAN,
10 INCLUDING, BUT NOT LIMITED TO, A LIMITED GUARDIAN, CONSERVATOR,
11 COURT ORDER GIVING ANOTHER PERSON AUTHORITY TO ACCOMPLISH A

1 SPECIFIED PURPOSE, PATIENT ADVOCATE DESIGNATION, LIVING WILL,
2 DO-NOT-RESUSCITATE DECLARATION, OR DURABLE POWER OF ATTORNEY WITH
3 OR WITHOUT LIMITATIONS ON PURPOSE, AUTHORITY, OR TIME PERIOD, AND
4 AN EXPLANATION OF EACH ALTERNATIVE. IF THE PETITIONER CHOOSES AN
5 ALTERNATIVE, THE GUARDIANSHIP PETITION FILING FEE SHALL BE
6 APPLIED TO A PETITION FILED SEEKING THE ALTERNATIVE AND ANY
7 EXCESS AMOUNT SHALL BE REFUNDED TO THE PETITIONER.

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