

HOUSE BILL No. 5629

May 3, 2016, Introduced by Reps. McCready, Canfield, Victory, Price, Iden, Vaupel, Crawford, Howell, Tedder, Hooker and McBroom and referred to the Committee on Judiciary.

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5103 (MCL 700.5103), as amended by 2004 PA 93.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5103. (1) By a properly executed power of attorney, a
2 parent or guardian of a minor or a guardian of a legally
3 incapacitated individual may delegate to another person, for a
4 period not exceeding ~~6 months~~, **180 DAYS**, any of the parent's or
5 guardian's powers regarding care, custody, or property of the minor
6 child or ward, except the power to consent to marriage or adoption
7 of a minor ward or to release of a minor ward for adoption.

8 **(2) A PARENT SHALL NOT KNOWINGLY AND INTENTIONALLY DELEGATE**
9 **HIS OR HER POWERS UNDER THIS SECTION REGARDING CARE AND CUSTODY OF**
10 **THE PARENT'S MINOR CHILD FOR LONGER THAN 180 DAYS FOR THE PURPOSE**
11 **OF PERMANENTLY TRANSFERRING CUSTODY OF THE CHILD IN VIOLATION OF**

1 SECTION 136C(3) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
2 750.136C.

3 (3) ~~(2)~~—If a parent or guardian is serving in the armed forces
4 of the United States and is deployed to a foreign nation, and if
5 the power of attorney so provides, a delegation under this section
6 is effective until the thirty-first day after the end of the
7 deployment.

8 (4) ~~(3)~~—If a guardian for a minor or legally incapacitated
9 individual delegates any power under this section, the guardian
10 shall notify the court within 7 days after execution of the power
11 of attorney and provide the court the name, address, and telephone
12 number of the attorney-in-fact.

13 Enacting section 1. This amendatory act does not take effect
14 unless Senate Bill No. ____ or House Bill No. 5628 (request no.
15 04703'15) of the 98th Legislature is enacted into law.