



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 49 (as reported without amendment)
Sponsor: Senator Darwin L. Booher
Committee: Judiciary

CONTENT

The bill would amend the Estates and Protected Individuals Code (EPIC) to revise a provision prohibiting a court-appointed professional guardian or conservator from receiving a benefit beyond his or her authorized compensation.

Article 5 of EPIC, which deals with the protection of disabled individuals and their property, authorizes the probate court to appoint or approve a professional guardian or professional conservator, as appropriate, if it finds both of the following on the record:

- The appointment is in the ward's, developmentally disabled individual's, incapacitated individual's, or protected individual's best interests.
- There is no other person that is competent, suitable, and willing to serve in that fiduciary capacity.

The Code prohibits a professional guardian or professional conservator appointed under Article 5 from receiving, as a result of that appointment, a benefit beyond compensation specifically authorized for that type of fiduciary by EPIC or the Mental Health Code. Under the bill, the prohibition would limit the receipt of a benefit from the estate of the ward, developmentally disabled individual, incapacitated individual, or protected individual, and would apply unless the extra compensation was specifically allowed by the court.

MCL 700.5106

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 1-25-17

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.