



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 49 (as introduced 1-18-17)  
Sponsor: Senator Darwin L. Booher  
Committee: Judiciary

Date Completed: 1-23-17

**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 persons 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.

The bill would take effect 90 days after its enactment.

MCL 700.5106

Legislative Analyst: Patrick Affholter

**FISCAL IMPACT**

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

Fiscal Analyst: Ryan Bergan

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