



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 713 (Substitute S-1 as reported)

Sponsor: Senator Jim Marleau

Committee: Judiciary

CONTENT

The bill would add Part 6 (Isolated Adults) to Article 5 of the Estates and Protected Individuals Code to do the following:

- Allow a qualified person (such as a spouse or child) to petition the court for a finding that an adult was being isolated from a qualified person by another individual.
- State a presumption that it was in the best interest of an allegedly isolated adult to visit with a qualified person; and allow the respondent (the person who allegedly denied visitation between the adult and the petitioner) to rebut the presumption with evidence that the petitioner had abused the allegedly isolated adult or that visitation would be harmful to him or her.
- Specify that if an allegedly isolated adult objected to a petitioner's visitation, the petitioner would have to demonstrate that the objection resulted from the respondent's undue influence over the allegedly isolated adult.
- Allow the court to enter an order establishing reasonable times for a petitioner to visit an isolated adult if the court found that the petitioner was a qualified person, the individual subject to a petition was an isolated adult, and visitation between the isolated adult and the petitioner was being denied.
- Allow the court to assess reasonable attorney fees and guardian ad litem costs if a petition were granted, or if the court found that the petitioner had filed the petition in bad faith.

The bill would amend Article 5 (Protection of an Individual under Disability and His or Her Property) to do the following:

- Require a guardian ad litem appointed for an incapacitated individual to make determinations as to with whom the incapacitated individual wished to communicate and visit, and whether it would be appropriate for the incapacitated individual to do so.
- Require a court to design a guardianship to continue the development of an incapacitated individual's existing relationships with qualified persons.
- Specify that an individual for whom a guardian was sought or had been appointed would have the right to visit and communicate with individuals of his or her choice.
- Allow a qualified person to petition the court for a finding that a ward was an isolated adult and for an order of visitation with the ward under proposed Part 6.
- Allow a patient advocate designation to include a statement of the patient's desires on communication and visitation with others.

MCL 700.5101 et al.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

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

Date Completed: 2-14-18

Fiscal Analyst: Michael Siracuse

floor\sb713

Bill Analysis @ www.senate.michigan.gov/sfa

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.