



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



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

House Bill 4898 (Substitute S-2 as reported)
Sponsor: Representative Graham Filler
House Committee: Judiciary
Senate Committee: Judiciary and Public Safety

CONTENT

The bill would amend the Estates and Protected Individuals Code (EPIC) to do the following:

- Prescribe provisions pertaining to notice or knowledge of fact.
- Specify that any part of a governing instrument that made a substantial gift to an attorney who drafted the instrument would be void unless the attorney was related to the individual making the substantial gift and specify that any provision in the governing instrument that attempted to waive or otherwise void application of this provision would be unenforceable.
- Increase threshold amounts for various assets of a decedent and require those amounts to be adjusted for cost-of-living.
- Allow a court to designate one or more standby guardians.
- Specify that a standby guardian would not have authority to act unless the guardian was unavailable for any reason.
- Specify that various provisions pertaining to guardians for an incapacitated person would apply to the designation of a standby guardian.
- Allow a patient advocate designation to include the patient's instructions about how the patient advocate is to make decisions.
- Allow a trust to be created to provide for the care of a designated domestic pet or animal alive during the settlor's lifetime.
- Prescribe rules governing a trust created for other noncharitable purposes.
- Prescribe rules governing trusts with a nondisclosure period.
- Modify provisions governing the power of appointment, creditor's claims against settlors, contesting the validity of a revocable trust, and discretionary trust provisions of irrevocable trusts.

The bill also would repeal Sections 2722 (which governs honorary trusts and trusts for domestic or pet animals) and 7104 (which pertains to notice or knowledge of fact) of EPIC.

MCL 700.1106 et al.

Legislative Analyst: Stephen P. Jackson

FISCAL IMPACT

The bill would have no fiscal impact on State government. Any fiscal impact on local court systems would be related to the addition of hearings for standby guardians. There also could be a small, negative fiscal impact related to the time a probate judge, or staff, would need to become familiar with the proposed changes in EPIC, the majority of which concern updating EPIC to account for cost-of-living and inflation since the Code's original enactment in 1998.

Date Completed: 12-6-22

Fiscal Analyst: Michael Siracuse

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

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