

HOUSE BILL NO. 4633

June 10, 2025, Introduced by Reps. Tsernoglou, Breen, Wozniak, Rheingans, MacDonell, Dievendorf, Bierlein, T. Carter, McFall, Xiong, Foreman, Koleszar, Conlin, Rogers, Hope, Meerman, Mentzer, B. Carter, Longjohn, Glanville, Morgan, Paiz, Arbit, Young, Herzberg, Scott, Byrnes, Wilson and Coffia and referred to Committee on Families and Veterans.

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 5305, 5314, 5406, 5417, and 5418 (MCL 700.5305, 700.5314, 700.5406, 700.5417, and 700.5418), sections 5305 and 5314 as amended by 2024 PA 1, section 5406 as amended by 2000 PA 464, and sections 5417 and 5418 as amended by 2000 PA 312, and by adding section 5314a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5305. (1) The duties of a guardian ad litem appointed ~~for~~
2 **when** an individual **is** alleged to be incapacitated include all of

1 the following:

2 ~~(a) Personally visiting the individual.~~

3 ~~(b) Explaining to the individual the nature, purpose, and~~
4 ~~legal effects of a guardian's appointment.~~

5 ~~(c) Explaining to the individual the hearing procedure and the~~
6 ~~individual's rights in the hearing procedure, including, but not~~
7 ~~limited to, all of the following:~~

8 ~~(i) The right to contest the petition.~~

9 ~~(ii) The right to request limits on the guardian's powers,~~
10 ~~including a limitation on the guardian's power to execute on behalf~~
11 ~~of the ward either of the following:~~

12 ~~(A) A do-not-resuscitate order.~~

13 ~~(B) A physician orders for scope of treatment form.~~

14 ~~(iii) The right to object to a particular person being appointed~~
15 ~~guardian or designated as standby guardian.~~

16 ~~(iv) The right to be present at the hearing.~~

17 ~~(v) The right to be represented by legal counsel.~~

18 ~~(vi) The right to have legal counsel appointed for the~~
19 ~~individual if the individual is unable to afford legal counsel.~~

20 ~~(d) Informing the individual that if a guardian is appointed,~~
21 ~~the guardian may have the power to execute a do not resuscitate~~
22 ~~order on behalf of the individual and, if meaningful communication~~
23 ~~is possible, discern if the individual objects to having a do-not-~~
24 ~~resuscitate order executed on the individual's behalf.~~

25 ~~(e) Informing the individual that if a guardian is appointed,~~
26 ~~the guardian may have the power to execute a physician orders for~~
27 ~~scope of treatment form on behalf of the individual and, if~~
28 ~~meaningful communication is possible, discern if the individual~~
29 ~~objects to having a physician orders for scope of treatment form~~

1 ~~executed on the individual's behalf.~~

2 ~~(f) Informing the individual of the name of each person known~~
3 ~~to be seeking appointment as guardian or designation as standby~~
4 ~~guardian.~~

5 ~~(g) Asking the individual and the petitioner about the amount~~
6 ~~of cash and property readily convertible into cash that is in the~~
7 ~~individual's estate.~~

8 ~~(h) Making determinations, and informing the court of those~~
9 ~~determinations, on all of the following:~~

10 ~~(i) Whether there are 1 or more appropriate alternatives to the~~
11 ~~appointment of a full guardian or whether 1 or more actions should~~
12 ~~be taken in addition to the appointment of a guardian. Before~~
13 ~~informing the court of the guardian ad litem's determination under~~
14 ~~this subparagraph, the guardian ad litem shall consider the~~
15 ~~appropriateness of at least each of the following as alternatives~~
16 ~~or additional actions:~~

17 ~~(A) Appointment of a limited guardian, including the specific~~
18 ~~powers and limitation on those powers the guardian ad litem~~
19 ~~believes appropriate.~~

20 ~~(B) Appointment of a conservator or another protective order~~
21 ~~under part 4 of this article. In the report informing the court of~~
22 ~~the determinations under this subdivision, the guardian ad litem~~
23 ~~shall include an estimate of the amount of cash and property~~
24 ~~readily convertible into cash that is in the individual's estate.~~

25 ~~(C) Execution of a patient advocate designation, do-not-~~
26 ~~resuscitate order, physician orders for scope of treatment form, or~~
27 ~~durable power of attorney with or without limitations on purpose,~~
28 ~~authority, or duration.~~

29 ~~(ii) Whether a disagreement or dispute related to the~~

1 ~~guardianship petition might be resolved through court ordered~~
2 ~~mediation.~~

3 ~~(iii) Whether the individual wishes to be present at the~~
4 ~~hearing.~~

5 ~~(iv) Whether the individual wishes to contest the petition.~~

6 ~~(v) Whether the individual wishes limits placed on the~~
7 ~~guardian's powers.~~

8 ~~(vi) Whether the individual objects to having a do-not-~~
9 ~~resuscitate order executed on the individual's behalf.~~

10 ~~(vii) Whether the individual objects to having a physician~~
11 ~~orders for scope of treatment form executed on the individual's~~
12 ~~benefit.~~

13 ~~(viii) Whether the individual objects to a particular person~~
14 ~~being appointed guardian or designated a standby guardian.~~

15 ~~(2) The court shall not order compensation of the guardian ad~~
16 ~~litem unless the guardian ad litem states on the record or in the~~
17 ~~guardian ad litem's written report that the guardian ad litem has~~
18 ~~complied with subsection (1).~~

19 ~~(3) If the individual alleged to be incapacitated wishes to~~
20 ~~contest the petition, to have limits placed on the guardian's~~
21 ~~powers, or to object to a particular person being appointed~~
22 ~~guardian or designated as standby guardian and if legal counsel has~~
23 ~~not been secured, the court shall appoint legal counsel to~~
24 ~~represent the individual alleged to be incapacitated. If the~~
25 ~~individual alleged to be incapacitated is indigent, this state~~
26 ~~shall bear the expense of legal counsel.~~

27 ~~(4) If the individual alleged to be incapacitated requests~~
28 ~~legal counsel or the guardian ad litem determines it is in the~~
29 ~~individual's best interest to have legal counsel, and if legal~~

1 ~~counsel has not been secured, the court shall appoint legal~~
2 ~~counsel. If the individual alleged to be incapacitated is indigent,~~
3 ~~this state shall bear the expense of legal counsel.~~

4 ~~(5) If the individual alleged to be incapacitated has legal~~
5 ~~counsel appointed under subsection (3) or (4), the appointment of a~~
6 ~~guardian ad litem terminates.~~

7 (a) Interviewing the individual in person at the individual's
8 location and out of the presence of any interested person.

9 (b) Advising the individual that the guardian ad litem does
10 not represent the individual as an attorney and that no attorney-
11 client relationship has been created, and that statements the
12 individual makes to the guardian ad litem are not privileged and
13 may be communicated to the court or other persons.

14 (c) Explaining to the individual the nature, purpose, and
15 legal effects of a guardian's appointment.

16 (d) Explaining to the individual the hearing procedure and the
17 individual's rights in the hearing procedure, including, but not
18 limited to, all of the following:

19 (i) The right to contest the petition, in whole or in part.

20 (ii) The right to request limits on the guardian's powers,
21 including a limitation on the guardian's power to execute on behalf
22 of the individual either of the following:

23 (A) A do-not-resuscitate order.

24 (B) A physician orders for scope of treatment form.

25 (iii) The right to object to a particular person being appointed
26 guardian or designated as a standby guardian.

27 (iv) The right to be present at the hearing. If the individual
28 is unable to attend the hearing at the location where court
29 proceedings typically are held, the guardian ad litem shall inform

1 the individual of the individual's right for the hearing at another
2 location or through the use of video conferencing technology.

3 (v) The right to request a reasonable accommodation to allow
4 the individual to participate as fully as possible at the hearing,
5 including with assistive technology or other support.

6 (vi) The right to be represented by legal counsel of the
7 individual's choice.

8 (vii) The right to have legal counsel appointed for the
9 individual if the individual is unable to secure legal counsel or
10 if the individual is unable to afford legal counsel.

11 (e) Identifying whether the individual wishes to be present at
12 the hearing. If the allegedly incapacitated individual does not
13 wish to be present at the hearing, the guardian ad litem shall
14 identify the reasons why the individual does not wish to be
15 present.

16 (f) Identifying any barriers to the individual's attending a
17 hearing at the place where court is held or otherwise fully
18 participating in the hearing, including the need for assistive
19 technology, transportation, or other support. If the allegedly
20 incapacitated individual wishes to attend, the guardian ad litem
21 must identify whether the individual has identified a plan for how
22 the individual will attend.

23 (g) Identifying whether the individual plans to retain legal
24 counsel or wishes to have legal counsel appointed.

25 (h) Explaining to the individual that if a guardian is
26 appointed, the guardian may have the power to take certain actions
27 on behalf of the individual. A guardian ad litem must inform the
28 individual that a guardian may have any of the following powers
29 and, if meaningful communication is possible, discern if the

1 individual objects to a guardian having any of the following
2 powers:

3 (i) Executing a do-not-resuscitate order.

4 (ii) Executing a physician orders for scope of treatment form.

5 (iii) Consenting to any medical treatment.

6 (iv) Consenting to placement decisions, including moving the
7 individual to a nursing facility or adult foster care home.

8 (v) Choosing whether the individual can marry or divorce.

9 (vi) Handling any financial and property matters, including the
10 sale or disposal of personal property and the maintenance of real
11 property.

12 (i) Informing the individual of the name of each person known
13 to be seeking appointment as guardian or designation as standby
14 guardian.

15 (j) Making determinations, and informing the court of those
16 determinations, on all of the following:

17 (i) Whether there are 1 or more appropriate alternatives to the
18 appointment of a full guardian or whether 1 or more actions should
19 be taken in addition to the appointment of a guardian. Before
20 informing the court of the guardian ad litem's determination under
21 this subparagraph, the guardian ad litem shall consider the
22 appropriateness of at least each of the following as alternatives
23 or additional actions:

24 (A) Appointment of a limited guardian, including the specific
25 powers and limitation on those powers the guardian ad litem
26 believes appropriate.

27 (B) Appointment of a conservator or another protective order
28 under part 4 of this article. In the report informing the court of
29 the determinations under this subdivision, the guardian ad litem

1 shall include an estimate of the amount of cash and property
2 readily convertible into cash that is in the individual's estate.

3 (C) Execution of a patient advocate designation, do-not-
4 resuscitate order, physician orders for scope of treatment form, or
5 durable power of attorney with or without limitations on purpose,
6 authority, or duration.

7 (ii) Whether a disagreement or dispute related to the
8 guardianship petition might be resolved through court-ordered
9 mediation.

10 (iii) Whether the individual wishes to be present at the
11 hearing.

12 (iv) Whether the individual wishes to contest the petition.

13 (v) Whether the individual wishes limits placed on the
14 guardian's powers.

15 (vi) Whether the individual objects to having a do-not-
16 resuscitate order executed on the individual's behalf.

17 (vii) Whether the individual objects to having a physician
18 orders for scope of treatment form executed on the individual's
19 behalf.

20 (viii) Whether the individual objects to a particular person
21 being appointed guardian or designated a standby guardian.

22 (ix) If a guardian were appointed, whom the individual would
23 want to serve, in order of preference.

24 (x) if a guardian were appointed, whom the individual would
25 not want to serve.

26 (2) Subject to subsection (3), a guardian ad litem appointed
27 for an individual alleged to be incapacitated or a legally
28 incapacitated individual shall file a written report with the court
29 and in the form required by the state court administrative office.

1 (3) The guardian ad litem's report required under subsection
2 (2) must include, at least, all of the following:

3 (a) The date and time the guardian ad litem met with the
4 individual.

5 (b) The length of time the guardian ad litem met with the
6 individual.

7 (c) The location where the guardian ad litem met with the
8 individual.

9 (d) Whether the guardian ad litem was able to meaningfully
10 communicate with the individual and any barriers to communication.

11 (e) Who, if anyone, was present for the interview besides the
12 individual.

13 (f) Whether the individual wishes to be present at the
14 hearing. If the individual wishes to be present at the hearing, the
15 guardian ad litem must include in the report both of the following:

16 (i) Whether the individual has identified a plan for how the
17 individual will attend.

18 (ii) Whether the individual has any barriers to attending court
19 at the place where it is usually held.

20 (iii) If the individual has a barrier to attending, whether the
21 barrier can be resolved by moving the location of the hearing or
22 using assistive technology, or both, or other support.

23 (g) Whether the individual has retained or plans to retain
24 legal counsel or wishes for legal counsel to be appointed. If the
25 individual has not indicated whether the individual wishes to be
26 represented by legal counsel, the guardian ad litem shall include
27 in the report a recommendation whether legal counsel should be
28 appointed to represent the individual.

29 (h) Whether the individual has any of the following:

1 (i) A power of attorney with or without limitations on purpose,
2 authority, or time period.

3 (ii) A patient advocate designation.

4 (iii) A physician orders for scope of treatment form.

5 (iv) A benefits payee, trustee, or other fiduciary.

6 (i) Whether the individual wishes to contest the petition.

7 (j) Whether a disagreement or dispute related to the petition
8 might be resolved through court-ordered mediation.

9 (k) Whether the appointment of a visitor with appropriate
10 knowledge, training, and education such as a social worker, mental
11 health professional, or medical professional could provide the
12 court with the information on whether alternatives to guardianship
13 or a limited guardianship is appropriate.

14 (l) If a guardian were appointed, whom the individual would
15 want to serve in order of preference.

16 (m) If a guardian were appointed, whom the individual would
17 not want to serve.

18 (n) Any other information the guardian ad litem determines
19 would be helpful to the court in ruling on the petition.

20 (4) A guardian ad litem shall file the report required under
21 subsection (2) with the court and serve it on all interested
22 persons at least 3 days before the date of the hearing. The court
23 may order the report to be filed and served less than 3 days before
24 the hearing only if the petition is made on an emergency basis
25 under section 5312.

26 (5) The court shall not order compensation of the guardian ad
27 litem unless the guardian ad litem states on the record or in the
28 guardian ad litem's report that the guardian ad litem has complied
29 with subsections (1) to (4).

1 (6) If an individual who is subject to a petition under this
2 part has not already secured legal counsel, the court shall appoint
3 legal counsel if any of the following apply:

4 (i) The individual requests legal counsel.

5 (ii) The individual wishes to contest the petition, to have
6 limits placed on the guardian's powers, or to object to a
7 particular person being appointed guardian or designated as a
8 standby guardian

9 (iii) The guardian ad litem determines it is in the individual's
10 best interest to have legal counsel.

11 (7) If the allegedly incapacitated individual is indigent, the
12 state shall bear the expense of appointed legal counsel under
13 subsection (6).

14 (8) If the allegedly incapacitated individual has retained
15 legal counsel or if legal counsel has been appointed under
16 subsection (6), the appointment of a guardian ad litem terminates.

17 (9) An allegedly incapacitated individual has the right to
18 retain legal counsel of the individual's choice at any stage,
19 regardless of a finding regarding the individual's capacity.
20 Retained legal counsel shall file a substitution of legal counsel
21 or a motion to substitute if legal counsel has already been
22 appointed. Retained legal counsel is entitled to reasonable
23 attorney fees.

24 Sec. 5314. (1) If meaningful communication is possible, a
25 legally incapacitated individual's guardian shall consult with the
26 legally incapacitated individual before making a major decision
27 affecting the legally incapacitated individual. To the extent a
28 guardian of a legally incapacitated individual is granted powers by
29 the court under section 5306, the guardian is responsible for the

1 ward's care, custody, and control, but is not liable to third
 2 persons because of that responsibility for the ward's acts. In
 3 particular and without qualifying the previous sentences, a
 4 guardian has all of the following powers and duties, to the extent
 5 granted by court order:

6 (a) ~~The~~ **Subject to section 5314a, the** custody of the person of
 7 the ward and the power to establish the ward's place of residence
 8 in or outside this state. ~~The guardian shall visit the ward within~~
 9 ~~3 months after the guardian's appointment and not less than once~~
 10 ~~within 3 months after each previous visit. The~~ **Subject to section**
 11 **5314a, the** guardian shall notify the court ~~within not later than~~ 14
 12 days ~~of after~~ a change in the ward's place of residence or a change
 13 in the guardian's place of residence. **All of the following apply to**
 14 **the duty of the guardian to visit the ward:**

15 (i) **The guardian shall visit the ward in person not later than**
 16 **1 month after the guardian's appointment and not less than once**
 17 **within 3 months after each in-person visit. The guardian shall also**
 18 **visit the ward using both audio and video technology or, if that**
 19 **technology is not available, only audio means, each month in which**
 20 **an in-person visit does not occur. If the ward is unable to**
 21 **communicate using audio and visual or audio-only means, the**
 22 **guardian shall communicate with the ward's caregivers or any other**
 23 **party who is familiar with the ward's circumstances and can apprise**
 24 **the guardian of the ward's needs and progress. If the guardian**
 25 **determines that audio and visual visits or audio-only visits are**
 26 **not possible or that the ward is unable to communicate through**
 27 **audiovisual means, the records the guardian must maintain must also**
 28 **identify the circumstances that required the guardian to rely on an**
 29 **audio-only visit or that required the guardian to consult with**

1 caregivers or others instead of communicating directly with the
2 ward. The guardian shall maintain records relating to the date,
3 time, and duration of and significant information for each required
4 visit. The guardian shall make the records available for the
5 court's review and for review of interested persons.

6 (ii) If the guardian is a limited guardian, the visitation
7 duties described in subparagraph (i) apply. However, the limited
8 guardian may seek approval from the court to conduct audiovisual or
9 audio-only visits less often than monthly in the months in which
10 the limited guardian is not visiting in person. The court may grant
11 the request if the court finds on the record that monthly
12 audiovisual or audio-only visits in the months in which an in-
13 person visit is not occurring are not necessary for the
14 individual's well-being and best interests and identifies on the
15 record the individual's circumstances that led to that finding.

16 (iii) If the guardian is not a professional guardian, the
17 guardian may delegate the required in-person visits under
18 subparagraph (i) to another person. The guardian shall communicate
19 with the person who conducted the in-person visit and maintain
20 records regarding the information shared by the person who
21 conducted the visit.

22 (iv) If the guardian is an individual professional guardian,
23 the professional guardian shall not delegate the required in-person
24 visits under subparagraph (i) to another person.

25 (b) If entitled to custody of the ward, the duty to make
26 provision for the ward's care, comfort, and maintenance and, when
27 appropriate, arrange for the ward's training and education. The
28 guardian shall secure services to restore the ward to the best
29 possible state of mental and physical well-being so that the ward

1 can return to self-management at the earliest possible time. **The**
2 **guardian shall make a reasonable effort to identify a reasonable**
3 **number of items of personal or sentimental value, including, but**
4 **not limited to, family heirlooms, photo albums, and collections.**
5 **Not later than 56 days after appointment, the guardian shall serve**
6 **on all interested persons a list of the identified items. The list**
7 **must be signed by the guardian and include an attestation that**
8 **states, "I represent this list is true and correct to the best of**
9 **my knowledge, information, and belief at the time of signing. I**
10 **understand that I must handle this property, like all of the ward's**
11 **property for which I am responsible, consistently with my fiduciary**
12 **duties. This may include sale, disposal, or other actions to meet**
13 **my fiduciary duties. I am not responsible for storing any items at**
14 **my own expense."** Without regard to custodial rights of the ward's
15 person, the guardian shall take reasonable care of the ward's
16 clothing, furniture, vehicles, and other personal effects and
17 commence a protective proceeding if the ward's other property needs
18 protection. If a guardian commences a protective proceeding because
19 the guardian believes that it is in the ward's best interest to
20 sell or otherwise dispose of the ward's real property or interest
21 in real property, the court may appoint the guardian as special
22 conservator and authorize the special conservator to proceed under
23 section 5423(3). A guardian shall not otherwise sell the ward's
24 real property or interest in real property. **An interested person**
25 **may petition the court for a hearing regarding the sale or**
26 **disposition of the ward's property.**

27 (c) The power to give the consent or approval that is
28 necessary to enable the ward to receive medical, mental health, or
29 other professional care, counsel, treatment, or service. However, a

1 guardian does not have and shall not exercise the power to give the
2 consent to or approval for inpatient hospitalization unless the
3 court expressly grants the power in its order. If the ward objects
4 or actively refuses mental health treatment, the guardian or any
5 other interested person must follow the procedures provided in
6 chapter 4 of the mental health code, 1974 PA 258, MCL 330.1400 to
7 330.1490, to petition the court for an order to provide involuntary
8 mental health treatment. The power of a guardian to execute a do-
9 not-resuscitate order under subdivision (d), execute a nonopioid
10 directive form under subdivision (f), or execute a physician orders
11 for scope of treatment form under subdivision (g) does not affect
12 or limit the power of a guardian to consent to a physician's order
13 to withhold resuscitative measures in a hospital. As used in this
14 subdivision, "involuntary mental health treatment" means that term
15 as defined in section 400 of the mental health code, 1974 PA 258,
16 MCL 330.1400.

17 (d) The power to execute, reaffirm, and revoke a do-not-
18 resuscitate order on behalf of a ward. However, a guardian shall
19 not execute a do-not-resuscitate order unless the guardian does all
20 of the following:

21 (i) Not more than 14 days before executing the do-not-
22 resuscitate order, visits the ward and, if meaningful communication
23 is possible, consults with the ward about executing the do-not-
24 resuscitate order.

25 (ii) Consults directly with the ward's attending physician as
26 to the specific medical indications that warrant the do-not-
27 resuscitate order.

28 (e) If a guardian executes a do-not-resuscitate order under
29 subdivision (d), not less than annually after the do-not-

1 resuscitate order is first executed, the duty to do all of the
2 following:

3 (i) Visit the ward and, if meaningful communication is
4 possible, consult with the ward about reaffirming the do-not-
5 resuscitate order.

6 (ii) Consult directly with the ward's attending physician as to
7 specific medical indications that may warrant reaffirming the do-
8 not-resuscitate order.

9 (f) The power to execute, reaffirm, and revoke a nonopioid
10 directive form on behalf of a ward.

11 (g) The power to execute, reaffirm, and revoke a physician
12 orders for scope of treatment form on behalf of a ward. However, a
13 guardian shall not execute a physician orders for scope of
14 treatment form unless the guardian does all of the following:

15 (i) Not more than 14 days before executing the physician orders
16 for scope of treatment form, visits the ward and, if meaningful
17 communication is possible, consults with the ward about executing
18 the physician orders for scope of treatment form.

19 (ii) Consults directly with the ward's attending physician as
20 to the specific medical indications that warrant the physician
21 orders for scope of treatment form.

22 (h) If a guardian executes a physician orders for scope of
23 treatment form under subdivision (g), not less than annually after
24 the physician orders for scope of treatment form is first executed,
25 the duty to do all of the following:

26 (i) Visit the ward and, if meaningful communication is
27 possible, consult with the ward about reaffirming the physician
28 orders for scope of treatment form.

29 (ii) Consult directly with the ward's attending physician as to

1 specific medical indications that may warrant reaffirming the
2 physician orders for scope of treatment form.

3 (i) If a conservator for the ward's estate is not appointed,
4 ~~the power to do any of the following~~ **powers and duty:**

5 (i) ~~Institute~~ **The power to institute** a proceeding to compel a
6 person under a duty to support the ward or to pay money for the
7 ward's welfare to perform that duty.

8 (ii) ~~Receive~~ **The power to receive** money and tangible property
9 deliverable to the ward and apply the money and property for the
10 ward's support, care, and education. The guardian shall not use
11 money from the ward's estate for room and board that the guardian
12 or the guardian's spouse, parent, or child have furnished the ward
13 unless a charge for the service is approved by court order made on
14 notice to at least 1 of the ward's next of kin, if notice is
15 possible. The guardian shall exercise care to conserve any excess
16 for the ward's needs.

17 (iii) **The duty to allow interested persons to review proofs of**
18 **income and disbursements at a time reasonably convenient to the**
19 **guardian and interested persons.**

20 (j) The duty to report the condition of the ward and the
21 ward's estate that is subject to the guardian's possession or
22 control, as required by the court, but not less often than
23 annually. The guardian shall also serve the report required under
24 this subdivision on the ward and interested persons as specified in
25 the Michigan court rules. A report under this subdivision must
26 contain all of the following:

27 (i) The ward's current mental, physical, and social condition.

28 (ii) Improvement or deterioration in the ward's mental,
29 physical, and social condition that occurred during the past year.

1 (iii) The ward's present living arrangement and changes in the
2 ward's living arrangement that occurred during the past year.

3 (iv) Whether the guardian recommends a more suitable living
4 arrangement for the ward.

5 (v) Medical treatment, including mental health treatment,
6 received by the ward.

7 (vi) Whether the guardian has executed, reaffirmed, or revoked
8 a do-not-resuscitate order on behalf of the ward during the past
9 year.

10 (vii) Whether the guardian has executed, reaffirmed, or revoked
11 a nonopioid directive form on behalf of the ward during the past
12 year.

13 (viii) Whether the guardian has executed, reaffirmed, or revoked
14 a physician orders for scope of treatment form on behalf of the
15 ward during the past year.

16 (ix) Services received by the ward.

17 (x) A list of the guardian's visits with, and activities on
18 behalf of, the ward.

19 (xi) A recommendation as to the need for continued
20 guardianship.

21 (xii) If a standby guardian has been designated, a statement
22 signed by the standby guardian that the standby guardian continues
23 to be willing to serve in the event of the unavailability, death,
24 incapacity, or resignation of the guardian.

25 (k) If a conservator is appointed, the duty to pay to the
26 conservator, for management as provided in this act, the amount of
27 the ward's estate received by the guardian in excess of the amount
28 the guardian expends for the ward's current support, care, and
29 education. The guardian shall account to the conservator for the

1 amount expended.

2 (2) If a conservator has not been appointed for the ward, and
3 if the ward's qualified estate is greater than 400% of the federal
4 poverty level, the guardian must file a petition for
5 conservatorship under part 4 of this article. This subsection does
6 not prevent the appointment of a conservator for the ward if the
7 ward's qualified estate is less than 400% of the federal poverty
8 level. As used in this subsection:

9 (a) "Federal poverty level" means the poverty guidelines
10 published annually in the federal register by the United States
11 Department of Health and Human Services under its authority to
12 revise the poverty line under 42 USC 9902.

13 (b) "Liquid assets" means assets that can easily be converted
14 into cash in a short amount of time. Liquid assets include, but are
15 not limited to, cash, checking and savings accounts, money market
16 instruments, certificates of deposit, mutual funds held in a
17 taxable account, marketable securities, bonds, and the monetary
18 value of life or other insurance. A retirement account is
19 considered a liquid asset once the individual's circumstances allow
20 him or her to withdraw cash without facing any Internal Revenue
21 Service early withdrawal penalties.

22 (c) "Ward's qualified estate" means, except as otherwise
23 provided in subdivision (d), the ward's liquid assets or income, or
24 both, reported by the guardian ad litem under section 5305 or later
25 discovered by the guardian.

26 (d) Ward's qualified estate does not include liquid assets or
27 income that is subject to some oversight such as by a
28 representative payee, under a durable power of attorney, joint
29 ownership, or a trust, or under some other protection.

1 Sec. 5314a. (1) The guardian shall maintain a legally
2 incapacitated individual in the legally incapacitated individual's
3 permanent residence if possible and consistent with the well-being
4 and preferences of the legally incapacitated individual. If a
5 legally incapacitated individual is removed from his or her
6 permanent residence temporarily for any reason, the guardian must
7 make all reasonable efforts to return the legally incapacitated
8 individual to his or her permanent residence at the earliest
9 opportunity consistent with the legally incapacitated individual's
10 wishes. Temporary removal of the legally incapacitated individual
11 from his or her permanent residence for the purpose of receiving
12 health care or supervision, for engaging in family or social
13 activities, or for other reasons including the well-being or
14 convenience of the legally incapacitated individual does not
15 relieve the guardian of the obligations set forth in this section
16 regarding permanent removal from the permanent residence. A
17 guardian shall not primarily consider the guardian's own
18 convenience or benefit when making a decision to remove the legally
19 incapacitated individual from the legally incapacitated
20 individual's permanent residence or selecting a new residence for
21 the legally incapacitated individual.

22 (2) A guardian shall explore reasonably available and
23 affordable supports and services that could enable the legally
24 incapacitated individual to remain in his or her permanent
25 residence.

26 (3) If a guardian proposes to move the legally incapacitated
27 individual from his or her permanent residence, the guardian must
28 attempt to consult with the legally incapacitated individual and
29 honor the legally incapacitated individual's preference to the

1 greatest extent possible.

2 (4) In exercising the guardian's power to establish the
3 legally incapacitated individual's place of residence, the guardian
4 shall do both of the following:

5 (a) Select a residential setting the guardian believes the
6 legally incapacitated individual would select if the legally
7 incapacitated individual were able. If the guardian does not know
8 and cannot reasonably determine what setting the legally
9 incapacitated individual would likely select, or the guardian
10 reasonably believes the decision the legally incapacitated
11 individual would make would unreasonably harm or endanger the
12 welfare or personal or financial interests of the legally
13 incapacitated individual, the guardian must choose a residential
14 setting that is consistent with the legally incapacitated
15 individual's best interest.

16 (b) Give priority to a residential setting in a location that
17 will allow the legally incapacitated individual to interact with
18 persons and participate in activities important to the legally
19 incapacitated individual and meet the legally incapacitated
20 individual's needs in the least restrictive manner reasonably
21 feasible.

22 (5) If a guardian removes a legally incapacitated individual
23 from the legally incapacitated individual's permanent residence to
24 another location in this state, the guardian must notify the court
25 and interested persons in writing not later than 14 days after the
26 removal. The notification required under this subsection must
27 include the address of the new permanent residence.

28 (6) A guardian shall not move the legally incapacitated
29 individual out of state without order of the court. If the guardian

1 petitions to move the legally incapacitated individual out of
2 state, a guardian ad litem must be appointed and the court shall
3 schedule a hearing regardless of whether the individual files
4 objections or expresses dissatisfaction with the proposed move. If
5 the legally incapacitated individual files objections or expresses
6 dissatisfaction with the proposed move, the court must appoint
7 legal counsel if the legally incapacitated individual is not
8 already represented by legal counsel.

9 (7) Subject to subsections (9) and (10), and except as
10 otherwise provided in subsection (14), a professional guardian
11 shall not permanently remove a legally incapacitated individual
12 from the legally incapacitated individual's permanent residence
13 unless, subject to subsection (8), the professional guardian files
14 a petition under this subsection and the court grants the petition
15 under subsection (13). A petition under this subsection must be
16 separate from the petition for a finding of incapacity and
17 appointment of guardian under section 5303. A petition under this
18 subsection must include all of the following information:

- 19 (a) The individual's current permanent residence.
20 (b) The proposed new residence.
21 (c) The reason for the proposed move.
22 (d) Whether the move is to a more or less restrictive setting.
23 (e) The efforts made or resources explored to enable the
24 individual to remain in his or her current permanent residence.
25 (f) Whether the guardian has engaged in meaningful
26 communication with the individual about the proposed move.
27 (g) Whether the individual objects to or supports the proposed
28 move.
29 (8) If the person petitioning for guardianship under section

1 5303 proposes or anticipates that a professional guardian will be
2 appointed under section 5306, the petitioner or any interested
3 person that believes that it is necessary for the well-being of the
4 alleged incapacitated individual to move the individual permanently
5 from his or her permanent residence may file a petition under
6 subsection (7) seeking authority for a professional guardian, if
7 appointed under section 5306, to permanently remove the alleged
8 incapacitated individual from his or her permanent residence.

9 (9) If a professional guardian determines that to protect the
10 health, safety, or welfare of the legally incapacitated individual,
11 it is necessary to move the legally incapacitated individual from
12 his or her permanent residence to a another residence the
13 professional guardian intends to be permanent before obtaining
14 court approval under subsection (13), the professional guardian may
15 move the legally incapacitated individual. Not later than 14 days
16 after moving the legally incapacitated individual as allowed under
17 this subsection, the professional guardian must file a petition
18 under subsection (7). The petition must include the circumstances
19 that the professional guardian determined made it necessary to move
20 the legally incapacitated individual before filing a petition under
21 subsection (7). If applicable, the petition must include any
22 circumstances to which the legally incapacitated individual or an
23 interested person objects.

24 (10) If, after a temporary stay in a health care facility or
25 at a residence the professional guardian initially intended to be
26 temporary, the professional guardian determines that it is
27 necessary to change to the permanent residence of the legally
28 incapacitated individual, the professional guardian must, not later
29 than 14 days after making the determination, file a petition under

1 subsection (7). The petition must include the circumstances
2 underlying the professional guardian's determination.

3 (11) If a petition for removal from the permanent residence
4 has been filed under subsection (7), the court shall promptly
5 appoint a guardian ad litem and hold the hearing not later than 28
6 days after the petition is filed. The guardian ad litem must, in
7 addition to the other duties set forth in section 5305, do all of
8 the following:

9 (a) Advise the individual that a petition has been filed to
10 move the individual from his or her permanent residence to the new
11 residence identified in the petition or another location the court
12 determines is appropriate.

13 (b) Explain that if the court grants the petition to move the
14 individual, the guardian will have the authority to change the
15 individual's permanent residence to the location specified in the
16 petition or to another location the court determines is
17 appropriate.

18 (c) Ascertain, if possible, the wishes of the individual to
19 remain in his or her permanent residence.

20 (d) Include a summary of the discussion in the guardian ad
21 litem's written report.

22 (12) If the alleged incapacitated individual or legally
23 incapacitated individual does not already have legal counsel, the
24 court must appoint legal counsel if the individual files an
25 objection to the petition for authority to move the individual from
26 his or her permanent residence under subsection (7) or if the
27 guardian ad litem's report under subsection (11) states that the
28 individual objects to being removed from his or her permanent
29 residence.

1 (13) The court shall not grant a petition for removal from the
2 permanent residence under subsection (7) unless the court, after
3 due consideration and opportunity for testimony on the matter,
4 determines by clear and convincing evidence that moving the legally
5 incapacitated individual from the permanent residence to the
6 residence identified in the petition is 1 or more of the following:

7 (a) Necessary to protect the individual's physical health,
8 safety, or welfare.

9 (b) Consistent with the individual's wishes.

10 (14) If the legally incapacitated individual must leave the
11 permanent residence because the residence becomes permanently
12 unavailable, the professional guardian must provide at least 14
13 days' prior written notice to the legally incapacitated individual
14 and interested persons if possible under the circumstances or, if
15 less time is available before the legally incapacitated individual
16 must move, notice at the earliest opportunity. The professional
17 guardian shall provide written notice to the court and all
18 interested persons not later than 14 days after the move under this
19 subsection explaining why the permanent residence is no longer
20 available, whether the professional guardian attempted to consult
21 with the legally incapacitated individual about where the legally
22 incapacitated individual wanted to move, whether the professional
23 guardian honored the legally incapacitated individual's preferences
24 regarding where the legally incapacitated individual wanted to
25 move, the address of the new residence, the type of residence, and
26 how the new residence will meet the legally incapacitated
27 individual's needs. If the legally incapacitated individual's
28 residence becomes permanently unavailable, the professional
29 guardian is not required to file a petition under subsection (7)

1 and the court is not required to appoint a guardian ad litem or
2 legal counsel or hold a hearing. For purposes of this subsection, a
3 residence becomes permanently unavailable as a result of a facility
4 closure, removal of the property from the rental market,
5 involuntary discharge, notice to quit, or eviction that cannot be
6 appropriately resolved by the professional guardian, irreparable
7 damage to the permanent residence, or other circumstances that are
8 not initiated by the professional guardian but necessitate the
9 permanent removal of the legally incapacitated individual from his
10 or her permanent residence.

11 (15) If removal from the permanent residence necessitates the
12 sale, transfer, or disposal of real property or sentimental
13 personal property and if meaningful communication is possible, the
14 guardian must consult with the legally incapacitated individual
15 before taking any action to dispose of the property. A guardian
16 shall make all reasonable efforts to identify and honor the legally
17 incapacitated individual's wishes to preserve sentimental personal
18 property in the overall context of the legally incapacitated
19 individual's estate, including items identified in the inventory
20 under section 5314, and shall take reasonable steps to safeguard
21 that personal property. A guardian is not responsible for storage
22 for the legally incapacitated individual's personal property at the
23 guardian's personal expense. The court may remove a guardian that
24 fails to comply with this subsection.

25 (16) As used in this section, "permanent residence" means any
26 of the following:

27 (a) The location the allegedly incapacitated individual or
28 legally incapacitated individual uses as a permanent address, in
29 which most of the individual's possessions are maintained.

1 **(b) The location the allegedly incapacitated individual or**
2 **legally incapacitated individual considers to be his or her home.**

3 Sec. 5406. (1) ~~Upon~~**On** receipt of a petition for a
4 conservator's appointment or another protective order because of
5 minority, the court shall set a date for hearing. If, at any time
6 in the proceeding, the court determines that the minor's interests
7 are or may be inadequately represented, the court may appoint an
8 attorney to represent the minor, giving consideration to the
9 minor's choice if 14 years of age or older. An attorney appointed
10 by the court to represent a minor has the powers and duties of a
11 guardian ad litem.

12 (2) ~~Upon~~**On** receipt of a petition for a conservator's
13 appointment or another protective order for a reason other than
14 minority, the court shall set a date for **initial** hearing. Unless
15 the individual to be protected has ~~chosen~~**retained legal** counsel,
16 or is mentally competent but aged or physically infirm, the court
17 shall appoint a guardian ad litem. ~~to represent the person in the~~
18 ~~proceeding.~~ If the alleged disability is mental illness, mental
19 deficiency, physical illness or disability, chronic use of drugs,
20 or chronic intoxication, the court may direct that the individual
21 alleged to need protection be examined by a physician or mental
22 health professional appointed by the court, preferably a physician
23 or mental health professional who is not connected with an
24 institution in which the individual is a patient or is detained.
25 The individual alleged to need protection has the right to secure
26 an independent evaluation at his or her own expense. The court may
27 send a visitor to interview the individual to be protected. The
28 visitor may be a guardian ad litem or a court officer or employee.

29 (3) The court may utilize, as an additional visitor, the

1 service of a public or charitable agency to evaluate the condition
2 of the individual to be protected and make appropriate
3 recommendations to the court.

4 (4) A guardian ad litem, physician, mental health
5 professional, or visitor appointed under this section who meets
6 with, examines, or evaluates an individual who is the subject of a
7 petition in a protective proceeding shall do all of the following:

8 (a) Consider whether there is an appropriate alternative to a
9 conservatorship.

10 (b) If a conservatorship is appropriate, consider the
11 desirability of limiting the scope and duration of the
12 conservator's authority.

13 (c) Report to the court based on the considerations required
14 in subdivisions (a) and (b).

15 (5) **The duties of a guardian ad litem appointed when an**
16 **individual is alleged to be an individual in need of protection**
17 **include, but are not limited to, all of the following:**

18 (a) **Interviewing the individual in person at the individual's**
19 **location and out of the presence of any interested person.**

20 (b) **Advising the individual that the guardian ad litem does**
21 **not represent the individual as an attorney and that no attorney-**
22 **client relationship has been created, and that statements the**
23 **individual makes to the guardian ad litem are not privileged and**
24 **may be communicated to the court or other persons.**

25 (c) **Explaining to the individual the nature, purpose, and**
26 **legal effects of a conservator's appointment.**

27 (d) **Explaining to the individual the hearing procedure and the**
28 **individual's rights in the hearing procedure, including, but not**
29 **limited to, all of the following:**

1 (i) The right to contest the petition, in whole or in part.

2 (ii) The right to request limits on the conservator's powers.

3 (iii) The right to be present at the hearing. If the individual
4 is unable to attend the hearing at the location where court
5 proceedings typically are held, the guardian ad litem shall inform
6 the individual of the individual's right for the hearing to be held
7 at another location or through the use of video conferencing
8 technology.

9 (iv) The right to request a reasonable accommodation to allow
10 the individual to participate as fully as possible at the hearing,
11 including with assistive technology or other support.

12 (v) The right to be represented by legal counsel of the
13 individual's choice.

14 (vi) The right to have legal counsel appointed for the
15 individual if the individual is unable to secure legal counsel or
16 if the individual is unable to afford legal counsel.

17 (e) Identifying whether the individual wishes to be present at
18 the hearing. If the individual alleged to be in need of protection
19 does not wish to be present at the hearing, the guardian ad litem
20 shall identify the reasons why the individual does not wish to be
21 present.

22 (f) Identifying any barriers to the individual's attending a
23 hearing at the place where court is held or otherwise fully
24 participating in the hearing, including the need for assistive
25 technology, transportation, or other support. If the individual
26 alleged to be in need of protection wishes to attend, the guardian
27 ad litem must identify whether the individual has identified a plan
28 for how the individual will attend.

29 (g) Identifying whether the individual plans to retain legal

1 counsel or wishes to have legal counsel appointed.

2 (h) Explaining to the individual that if a conservator is
3 appointed, the conservator may have the power to take certain
4 actions on behalf of the individual. A guardian ad litem must
5 inform the individual that a conservator may have the power to and,
6 if meaningful communication is possible, discern whether the
7 individual objects to a conservator having the power to handle any
8 financial and property matters, including the sale or disposal of
9 personal property and the maintenance of real property.

10 (i) Making determinations, and informing the court of those
11 determinations, on all of the following:

12 (i) Whether there are 1 or more appropriate alternatives to the
13 appointment of a full conservator or whether 1 or more actions
14 should be taken in addition to the appointment of a conservator.
15 Before informing the court of the guardian ad litem's determination
16 under this subparagraph, the guardian ad litem shall consider the
17 appropriateness of at least each of the following as alternatives
18 or additional actions:

19 (A) Appointment of a limited conservator, including the
20 specific powers and limitation on those powers the guardian ad
21 litem believes appropriate.

22 (B) A protective order under part 4 of this article. In the
23 report informing the court of the determinations under this
24 subdivision, the guardian ad litem shall include an estimate of the
25 amount of cash and property readily convertible into cash that is
26 in the individual's estate.

27 (ii) Whether a disagreement or dispute related to the
28 conservatorship petition might be resolved through court-ordered
29 mediation.

1 (iii) Whether the individual wishes to be present at the
2 hearing.

3 (iv) Whether the individual wishes to contest the petition.

4 (v) Whether the individual wishes limits placed on the
5 conservator's powers.

6 (vi) Whether the individual objects to a particular person
7 being appointed conservator.

8 (vii) If a conservator were appointed, whom the individual
9 would want to serve, in order of preference.

10 (viii) If a conservator were appointed, whom the individual
11 would not want to serve.

12 (6) Subject to subsection (7), a guardian ad litem appointed
13 for an individual alleged to need protection or protected
14 individual shall file a written report with the court and in the
15 form required by the state court administrative office.

16 (7) The guardian ad litem's report required under subsection
17 (6) must include, at least, all of the following:

18 (a) The date and time the guardian ad litem met with the
19 individual.

20 (b) The length of time the guardian ad litem met with the
21 individual.

22 (c) The location where the guardian ad litem met with the
23 individual.

24 (d) Whether the guardian ad litem was able to meaningfully
25 communicate with the individual and any barriers to communication.

26 (e) Who, if anyone, was present for the interview besides the
27 individual.

28 (f) Whether the individual wishes to be present at the
29 hearing. If the individual wishes to be present at the hearing, the

1 guardian ad litem must include in the report both of the following:

2 (i) Whether the individual has identified a plan for how the
3 individual will attend.

4 (ii) Whether the individual has any barriers to attending court
5 at the place where it is usually held.

6 (iii) If the individual has a barrier to attending, whether the
7 barrier can be resolved by moving the location of the hearing or
8 using assistive technology, or both, or other support.

9 (g) Whether the individual has retained or plans to retain
10 legal counsel or wishes for legal counsel to be appointed. If the
11 individual has not indicated whether the individual wishes to be
12 represented by legal counsel, the guardian ad litem shall include
13 in the report a recommendation whether legal counsel should be
14 appointed to represent the individual.

15 (h) Whether the individual has any of the following:

16 (i) A power of attorney with or without limitations on purpose,
17 authority, or time period.

18 (ii) A patient advocate designation.

19 (iii) A benefits payee, trustee, or other fiduciary.

20 (i) Whether the individual wishes to contest the petition.

21 (j) Whether a disagreement or dispute related to the petition
22 might be resolved through court-ordered mediation.

23 (k) Whether the appointment of a visitor with appropriate
24 knowledge, training, and education such as a social worker, mental
25 health professional, or medical professional could provide the
26 court with the information on whether alternatives to
27 conservatorship or a limited conservatorship under section 5419 is
28 appropriate.

29 (l) If a conservator were appointed, whom the individual would

1 want to serve in order of preference.

2 (m) If a conservator were appointed, whom the individual would
3 not want to serve.

4 (n) Any other information the guardian ad litem determines
5 would be helpful to the court in ruling on the petition.

6 (8) A guardian ad litem shall file the report required under
7 subsection (6) with the court and serve it on all interested
8 persons at least 3 days before the date of the hearing. The court
9 may order the report to be filed and served less than 3 days before
10 the hearing only if the petition is made on an emergency basis
11 under section 5312.

12 (9) The court shall not order compensation of the guardian ad
13 litem unless the guardian ad litem states on the record or in the
14 guardian ad litem's report that the guardian ad litem has complied
15 with subsections (5) to (8).

16 (10) If an individual who is subject to a petition under this
17 part has not already secured legal counsel, the court shall appoint
18 legal counsel if any of the following apply:

19 (a) The individual requests legal counsel.

20 (b) The individual wishes to contest the petition, to have
21 limits placed on the conservator's powers, or to object to a
22 particular person being appointed conservator.

23 (c) The guardian ad litem determines it is in the individual's
24 best interest to have legal counsel.

25 (11) If the individual alleged to be in need of protection is
26 indigent, the state shall bear the expense of appointed legal
27 counsel under subsection (10).

28 (12) If the individual alleged to be in need of protection has
29 retained legal counsel or if legal counsel has been appointed under

1 subsection (10), the appointment of a guardian ad litem terminates.

2 (13) An individual alleged to be in need of protection has the
3 right to retain legal counsel of the individual's choice at any
4 stage, regardless of a finding regarding the individual's capacity.
5 Retained legal counsel shall file a substitution of legal counsel
6 or a motion to substitute if legal counsel has already been
7 appointed. Retained legal counsel is entitled to reasonable
8 attorney fees.

9 (14) ~~(5)~~—The individual to be protected is entitled to be
10 present at the hearing in person. If the individual wishes to be
11 present at the hearing, all practical steps must be taken to ensure
12 the individual's presence including, if necessary, moving the site
13 of the hearing. The individual is entitled to be represented by
14 legal counsel, to present evidence, to cross-examine witnesses,
15 including a court-appointed physician or other qualified person and
16 a visitor, and to trial by jury. The issue may be determined at a
17 closed hearing or without a jury if the individual to be protected
18 or legal counsel for the individual so requests.

19 (15) ~~(6)~~—Any person may request ~~for~~ permission to participate
20 in the proceeding, and the court may grant the request, with or
21 without hearing, ~~upon~~**on** determining that the best interest of the
22 individual to be protected will be served by granting the request.
23 The court may attach appropriate conditions to the permission.

24 (16) ~~(7)~~—After hearing, ~~upon~~**on** finding that a basis for a
25 conservator's appointment or another protective order is
26 established by clear and convincing evidence, the court shall make
27 the appointment or other appropriate protective order.

28 Sec. 5417. (1) ~~Within~~**Not later than** 56 days after appointment
29 or within another time period specified by court rule, a

1 conservator shall prepare and file with the appointing court a
2 complete inventory of the estate subject to the conservatorship
3 together with an oath or affirmation that the inventory is believed
4 to be complete and accurate so far as information permits. **The**
5 **conservator shall serve the inventory on interested persons and, on**
6 **reasonable request by the court or an interested person, shall make**
7 **account statements that reflect the value of depository and**
8 **investment accounts and that are dated not later than 30 days after**
9 **the inventory's date available for review by the court or**
10 **interested person at a time mutually convenient to the conservator**
11 **and interested person.** The conservator shall provide a copy of the
12 inventory to the protected individual if the individual can be
13 located and is 14 years of age or older and to interested persons
14 as specified in the Michigan court rules.

15 (2) The conservator must keep suitable records of the
16 administration and exhibit those records on the request of an
17 interested person.

18 (3) **The conservator must make reasonable efforts to identify**
19 **on the inventory under subsection (1) a reasonable number of items**
20 **of special personal or sentimental value, including, but not**
21 **limited to, family heirlooms, photo albums, or collections. To the**
22 **extent meaningful conversation permits, the conservator must make**
23 **an inquiry with the protected individual as to what items the**
24 **protected individual identifies as having special personal or**
25 **sentimental value. If the conservator is unable to locate an item**
26 **identified as having special personal or sentimental value at the**
27 **time of filing the inventory under subsection (1), the conservator**
28 **must state that on the inventory. The inventory must be signed by**
29 **the conservator and include an attestation that states, "I**

1 represent this list is true and correct to the best of my
2 knowledge, information, and belief at the time of signing. I
3 understand that I must handle this property, like all of the
4 protected individual's property, consistent with my fiduciary
5 duties. This may include sale, disposal, or other actions to meet
6 my fiduciary duties. I am not responsible for storing any items at
7 my expense." A conservator shall make all reasonable efforts to
8 identify and honor the protected individual's wishes to preserve
9 items of special personal or sentimental value in the overall
10 context of the protected individual's estate, including items
11 identified in the inventory and annual accounts, and shall take
12 reasonable steps to safeguard the property. The court may remove a
13 conservator that fails to comply with this subsection. This
14 subsection does not apply if the guardian has already satisfied
15 this requirement in accordance with section 5314(1)(b). This
16 subsection does not apply to a financial institution appointed as a
17 professional conservator. An interested person may petition the
18 court for a hearing regarding the sale or disposition of the ward's
19 property.

20 (4) The inventory under subsection (1) must list any
21 merchandise, funeral services, cemetery services, or prepaid
22 contracts for which the protected individual or conservator is the
23 contract buyer or contract beneficiary under the prepaid funeral
24 and cemetery sales act, 1986 PA 255, MCL 328.211 to 328.235. If the
25 conservatorship estate includes assets described in this
26 subsection, the conservator must file all of the following with the
27 inventory under subsection (1):

28 (a) A copy of any prepaid contract under the prepaid funeral
29 and cemetery sales act, 1986 PA 255, MCL 328.211 to 328.235.

1 (b) Proof that payments made under a prepaid contract are held
2 in escrow or under a trust agreement in compliance with the prepaid
3 funeral and cemetery sales act, 1986 PA 255, MCL 328.211 to
4 328.235.

5 (c) The most recent escrow statement issued concerning the
6 prepaid contract.

7 (d) Proof of any assignments of life policies or annuity
8 contracts made to purchase merchandise, funeral services, or
9 cemetery services under the prepaid funeral and cemetery sales act,
10 1986 PA 255, MCL 328.211 to 328.235, under subsection (1) must list
11 property with reasonable detail and the type and amount of any
12 encumbrance.

13 (5) The inventory under subsection (1) must be served on all
14 interested persons. Any interested person may file an objection to
15 the inventory with the court and serve the objection on all other
16 interested persons. The court shall set the matter for hearing.

17 Sec. 5418. (1) A conservator shall account to the court for
18 administration of the trust not less than annually unless the court
19 directs otherwise, upon resignation or removal, and at other times
20 as the court directs. ~~On~~—The conservator shall serve on interested
21 persons, along with the account under this subsection, account
22 statements with account numbers redacted that reflect the value of
23 depository and investment accounts dated not later than 30 days
24 after the inventory's date and receipts, invoices, or other
25 documentation for expenses in excess of \$1,000.00. The account must
26 be in the form as provided by the state court administrative
27 office. The account must detail assets including those identified
28 in the inventory under section 5417, debts, gross income, and
29 expenses.

1 **(2) Not later than 56 days after the** termination of the
2 protected individual's minority or disability, a conservator shall
3 account to the court or to the formerly protected individual or
4 that individual's successors. Subject to appeal or vacation within
5 the time permitted, an order, after notice and hearing, allowing an
6 intermediate account of a conservator adjudicates as to liabilities
7 concerning the matters considered in connection with the accounts,
8 and an order, after notice and hearing, allowing a final account
9 adjudicates as to all previously unsettled liabilities of the
10 conservator to the protected individual or the protected
11 individual's successors relating to the conservatorship. **The**
12 **conservator shall serve the account under this subsection on**
13 **interested persons and shall make an account statement reflecting**
14 **the value of depository and investment accounts covering the period**
15 **of the accounting and receipts, invoices, or other documentation**
16 **for expenses in excess of \$1,000.00 available for review by the**
17 **court or an interested person on reasonable request at a time**
18 **mutually convenient to the conservator and the interested person.**
19 In connection with any account, the court may require a conservator
20 to submit to a physical check of the estate to be made in any
21 manner the court specifies.

22 **(3) If the conservator has disposed of or sold any of the**
23 **items, the conservator must describe on the account under**
24 **subsection (1) how the conservator fulfilled the conservator's**
25 **duties under section 5417(3).**

26 **(4) If the protected individual's estate includes any**
27 **merchandise, funeral services, cemetery services, or prepaid**
28 **contracts for which the protected individual or conservator is the**
29 **contract buyer or contract beneficiary under the prepaid funeral**

1 and cemetery sales act, 1986 PA 255, MCL 328.211 to 328.235, the
2 conservator must file all of the following with the account:

3 (a) A copy of any prepaid contract under the prepaid funeral
4 and cemetery sales act, 1986 PA 255, MCL 328.211 to 328.235.

5 (b) Proof that payments made under a prepaid contract are held
6 in escrow or under a trust agreement in compliance with the prepaid
7 funeral and cemetery sales act, 1986 PA 255, MCL 328.211 to
8 328.235.

9 (c) The most recent escrow statement issued concerning the
10 prepaid contract.

11 (d) Proof of any assignments of life policies or annuity
12 contracts made to purchase merchandise, funeral services, or
13 cemetery services under the prepaid funeral and cemetery sales act,
14 1986 PA 255, MCL 328.211 to 328.235.

15 (5) ~~(2)~~—The conservator shall provide a copy of an account to
16 the protected individual if the individual can be located and is 14
17 years of age or older and to interested persons as specified in the
18 Michigan court rules.

19 (6) If the protected individual objects to an account, the
20 court must appoint a guardian ad litem to visit the protected
21 individual in the same manner as specified in section 5406. The
22 court must appoint legal counsel to represent the protected
23 individual if any of the following are met:

24 (a) The protected individual requests legal counsel.

25 (b) The guardian ad litem believes that appointment of legal
26 counsel is in the best interest of the protected individual.

27 (c) The court otherwise believes it is necessary to protect
28 the interest of the protected individual.

29 Enacting section 1. This amendatory act takes effect 365 days

1 after the date it is enacted into law.

2 Enacting section 2. This amendatory act does not take effect
3 unless all of the following bills of the 103rd Legislature are
4 enacted into law:

5 (a) House Bill No. 4632 (request no. H00986'25).

6 (b) House Bill No. 4634 (request no. H01439'25).

7 (c) House Bill No. 4635 (request no. H01445'25).