



HOUSE BILL No. 4024

January 11, 1995, Introduced by Reps. Profit and Wallace and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 431 of Act No. 642 of the Public Acts of 1978, entitled as amended "Revised probate code," as amended by Act No. 377 of the Public Acts of 1984, being section 700.431 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 431 of Act No. 642 of the Public Acts of
2 1978, as amended by Act No. 377 of the Public Acts of 1984, being
3 section 700.431 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 431. (1) A guardian of a minor has the powers and
6 responsibilities of a parent who is not deprived of custody of
7 the parent's minor and unemancipated child, except that a
8 guardian is not legally obligated to provide from the guardian's
9 own funds for the ward and is not liable to third persons by

1 reason of the parental relationship for acts of the ward. A
2 guardian has the following powers and duties:

3 (a) The guardian shall take reasonable care of a ward's per-
4 sonal effects and commence protective proceedings if necessary to
5 protect other property of the ward.

6 (b) The guardian may receive money payable for the support
7 of the ward to the ward's parent, guardian, or custodian under
8 the terms of any statutory benefit or insurance system, or any
9 private contract, devise, trust, conservatorship, or
10 custodianship. The guardian may receive money or property of the
11 ward paid or delivered pursuant to section 403. A sum so
12 received shall be applied to the ward's current needs for sup-
13 port, care, and education. The guardian shall exercise due care
14 to conserve any excess for the ward's future needs unless a con-
15 servator is appointed for the estate of the ward, in which case
16 excess shall be paid over at least annually to the conservator.
17 A sum so received by the guardian is not to be used for compensa-
18 tion for the guardian's services except as approved by order of
19 the court or as determined by a duly appointed conservator other
20 than the guardian. A guardian may institute proceedings to
21 compel the performance by a person of a duty to support the ward
22 or to pay sums for the welfare of the ward.

23 (c) The guardian shall facilitate the ward's education and
24 social or other activities, and shall authorize medical or other
25 professional care, treatment, or advice. A guardian is not
26 liable by reason of this consent for injury to the ward resulting
27 from the negligence or acts of third persons unless it would be

1 illegal for a parent to have consented. A guardian may consent
2 to the marriage of a minor ward. Subject to the conditions and
3 restrictions of chapter X of Act No. 288 of the Public Acts of
4 1939, ~~as amended,~~ being sections 710.21 to 710.70 of the
5 Michigan Compiled Laws, a guardian may consent to the adoption of
6 a minor ward or release a minor ward for adoption.

7 (d) A guardian shall report the condition of the ward and of
8 the ward's estate ~~which~~ THAT is subject to the guardian's pos-
9 session or control, as ordered by court on petition of any person
10 interested in the minor's welfare or as required by court rule.
11 The report shall detail the condition of the ward, any medical or
12 sanitary treatment or care to which the ward was subjected, and
13 what reason, if any, exists for the continuation of the
14 guardianship.

15 (E) THE GUARDIAN SHALL NOTIFY THE COURT WITHIN 14 DAYS AFTER
16 A CHANGE IN THE WARD'S PLACE OF RESIDENCE.

17 (2) If a minor dies while under guardianship, ~~and~~ a con-
18 servator has not been appointed for the estate of the minor, and
19 ~~if~~ the guardian has possession of any money of the deceased
20 minor, the court may, upon petition of the guardian and with or
21 without notice, hear a claim for burial expenses or any other
22 claim as the court considers advisable. Upon hearing the claim,
23 the court may enter an order allowing or disallowing the claim or
24 any part of it and provide in the order of allowance that the
25 claim or any part of it be paid immediately if the payment can be
26 made without injury or serious inconvenience to the minor's
27 estate.