



HOUSE BILL No. 4026

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

A bill to amend section 424b of Act No. 642 of the Public Acts of 1978, entitled as amended "Revised probate code," as amended by Act No. 159 of the Public Acts of 1994, being section 700.424b of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 424b of Act No. 642 of the Public Acts
2 of 1978, as amended by Act No. 159 of the Public Acts of 1994,
3 being section 700.424b of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 424b. (1) The court may review a guardianship for a
6 minor as it considers necessary. ~~and shall review a guardianship~~
7 ~~annually if the minor is under 6 years of age.~~ In conducting the
8 review, the court shall consider all of the following factors:

1 (a) The parent's and guardian's compliance with either of
2 the following, as applicable:

3 (i) A limited guardianship placement plan.

4 (ii) A court-structured plan under subsection (3)(b)(ii)(B)
5 or section 424c(4)(b)(ii).

6 (b) Whether the guardian has adequately provided for the
7 welfare of the minor.

8 (c) The necessity of continuing the guardianship.

9 (d) The willingness and ability of the guardian to continue
10 to provide for the welfare of the minor.

11 (e) The effect upon the welfare of the minor if the guard-
12 ianship is continued.

13 (f) Any other factor that the court considers relevant to
14 the welfare of the minor.

15 (2) The court may order the department of social services or
16 an employee or agent of the court to conduct an investigation and
17 file a written report of the investigation regarding factors
18 described in subsection (1).

19 (3) Upon completion of a review of a guardianship, the court
20 may do either of the following:

21 (a) Continue the guardianship.

22 (b) Schedule and conduct a hearing on the status of the
23 guardianship and do any of the following:

24 (i) If the guardianship is a limited guardianship, do either
25 of the following:

26 (A) Continue the limited guardianship.

1 (B) Order the parties to modify the limited guardianship
2 placement plan as a condition to continuing the limited
3 guardianship.

4 (ii) If the guardianship was established under section 424,
5 do either of the following:

6 (A) Continue the guardianship.

7 (B) Order the parties to follow a court-structured plan
8 designed to resolve the conditions identified at the review
9 hearing.

10 (iii) Take any of the actions described in section 424c(4).