



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 176 (as reported without amendment)
Sponsor: Senator Dave Hildenbrand
Committee: Families, Seniors and Human Services

CONTENT

The bill would amend the Mental Health Code to allow a court to hold a hearing regarding a guardianship determination for a developmentally disabled individual who was at least 17 years and six months of age, and make a guardianship appointment that would take effect on the person's 18th birthday.

The Code provides that an interested person or entity or a developmentally disabled individual may file a petition for the appointment of a guardian of a developmentally disabled individual. The court then must set a hearing to take place within 30 days of the date the petition was filed. Under the bill, a petition could be filed for a developmentally disabled individual who was not less than 17 years and six months old. In that case, the court could set a hearing to take place before the individual's 18th birthday.

At a hearing, the court must assess whether the individual is disabled and to what extent. The court then must determine, through findings of fact, whether the individual has the capacity to care for himself or herself. If the individual does not, the court must make findings of fact, based on clear and convincing evidence, regarding the disability of the individual. If the individual lacks the capacity to do some of the tasks necessary to care for himself or herself or the individual's estate, the court may appoint a partial guardian to provide guardianship services to the individual. If the individual is totally without capacity to care for himself or herself or the individual's estate, the court may appoint a plenary guardian of the individual, the individual's estate, or both.

Under the bill, the court could appoint a guardian for an individual not less than 17 years and six months old if it made the required findings about lack of capacity. The guardianship would be effective on the individual's 18th birthday.

MCL 330.1609 et al.

Legislative Analyst: Glenn Steffens

FISCAL IMPACT

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

Date Completed: 5-22-13

Fiscal Analyst: Dan O'Connor