

SENATE BILL NO. 1102

June 23, 2022, Introduced by Senators VANDERWALL, LASATA, DALEY, POLEHANKI, HUIZENGA, WOZNIAK, ZORN, BARRETT, BAYER and SCHMIDT and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1974 PA 258, entitled
"Mental health code,"
by amending section 628 (MCL 330.1628), as amended by 1995 PA 290.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 628. (1) ~~The~~**Subject to subsection (2), the** court may
2 appoint as guardian of an individual with a developmental
3 disability ~~any~~**a** suitable individual or agency, public or private,
4 including a private association capable of conducting an active
5 guardianship program for an individual with a developmental
6 disability. The court shall not appoint the department of ~~mental~~

~~health~~ **health and human services** as guardian or any other agency, public or private, that is directly providing services to the individual, unless no other suitable individual or agency can be identified. In such instances, guardianship by the provider ~~shall only~~ **must** continue **only** until ~~such time as~~ a more suitable individual or agency can be appointed.

(2) In appointing a professional guardian under this section, the court shall appoint a professional guardian in the following order of priority:

(a) A person, other than an individual, that is a professional guardian or an individual guardian who is certified under section 5106a of the estates and protected individuals code, 1998 PA 386, MCL 700.5106a.

(b) A professional guardian who is not certified under section 5106a of the estates and protected individuals code, 1998 PA 386, MCL 700.5106a.

(3) ~~(2)~~ Before the appointment, the court shall make a reasonable effort to question the individual concerning his or her preference regarding the person to be appointed guardian. ~~, and any preference indicated shall be given due consideration.~~ The court shall consider the preference of the individual before appointing a guardian.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 1103 of the 101st Legislature is enacted into law.