

# HOUSE BILL NO. 6271

December 10, 2024, Introduced by Reps. Young, MacDonell, Rheingans, Brabec, Brixie, Coffia, Paiz, Hope, Hill, Wozniak and Breen and referred to the Committee on Families, Children and Seniors.

A bill to amend 1998 PA 386, entitled  
"Estates and protected individuals code,"  
by amending section 5303 (MCL 700.5303), as amended by 2024 PA 1.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 5303. (1) An individual in the individual's own behalf,  
2   or any person interested in the individual's welfare, may petition  
3   for a finding of incapacity and appointment of a guardian or  
4   designation of a standby guardian. The petition must contain  
5   specific facts about the individual's condition and specific  
6   examples of the individual's recent conduct that demonstrate the

1 need for a guardian's appointment.

2 (2) Before a petition is filed under this section, the court  
3 shall provide the person intending to file the petition with  
4 written information that sets forth alternatives to appointment of  
5 a full guardian, including, but not limited to, a limited guardian,  
6 conservator, patient advocate designation, do-not-resuscitate  
7 order, physician orders for scope of treatment form, ~~or~~ durable  
8 power of attorney with or without limitations on purpose,  
9 authority, or time period, **or supportive decision-making**, and an  
10 explanation of each alternative. **As used in this subsection,**  
11 **"supportive decision-making" means a process through which**  
12 **incapacitated individuals work with friends, family members, and**  
13 **professionals who help them understand the situation and choices**  
14 **they face so they may make their own decisions.**

15 (3) On the filing of a petition under subsection (1), the  
16 court shall set a date for hearing on the issue of incapacity.  
17 Unless the allegedly incapacitated individual has legal counsel of  
18 the individual's own choice, the court shall appoint a guardian ad  
19 litem to represent the individual in the proceeding.