

# HOUSE BILL NO. 6272

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

A bill to amend 1974 PA 258, entitled  
"Mental health code,"  
by amending section 602 (MCL 330.1602), as amended by 1995 PA 290.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 602. (1) Guardianship for individuals with developmental  
2 disability ~~shall~~**must** be utilized only as is necessary to promote  
3 and protect the well-being of the individual, including protection  
4 from neglect, exploitation, and abuse; ~~shall~~**must** take into account  
5 the individual's abilities; ~~shall~~**must** be designed to encourage the  
6 development of maximum self-reliance and independence in the

1 individual; and ~~shall~~**must** be ordered only to the extent  
2 necessitated by the individual's actual mental and adaptive  
3 limitations.

4 (2) If the court finds the individual to be in some degree  
5 incapacitated, the court shall apply the least restrictive  
6 alternative principle as described in this chapter. The court shall  
7 not restrict the individual's personal liberty or the individual's  
8 freedom to manage the individual's financial resources to any  
9 greater extent than is necessary to protect the individual's person  
10 and the individual's financial resources. The limitations imposed  
11 on the authority of the guardian as set forth in the findings of  
12 the court must be stated in the letters of the guardianship and  
13 must be set forth in the notice of first publication of letters of  
14 guardianship granted.

15 (3) Before appointing a guardian, the court must consider  
16 whether the individual's needs may be met without the necessity of  
17 appointing a guardian by a less restrictive alternative including,  
18 but not limited to, the following:

19 (a) The use of an attorney-in-fact if there is evidence that  
20 the individual has appointed an attorney-in-fact in a durable power  
21 of attorney executed by the individual before the petition was  
22 filed.

23 (b) The management of the beneficial interests of the  
24 individual in a trust by a trustee.

25 (c) The use of a representative payee if there is evidence  
26 that a representative payee has been appointed to manage the  
27 individual's public benefits.

28 (d) Supportive decision making or the provision of protective  
29 or supportive services or arrangements provided by individuals or

1 public or private services or agencies. As used in this  
2 subdivision, "supportive decision making" means a process through  
3 which developmentally disabled individuals work with friends,  
4 family members, and professionals who help them understand the  
5 situation and choices they face so they may make their own  
6 decisions.

7 (e) The use of appropriate services or assistive technology.

8 (f) The appointment of a temporary emergency guardian ad litem  
9 or conservator ad litem under this section.

10 (g) The appointment of a limited guardian or conservator.

11 (4) ~~(2)~~—If the court determines that some form of guardianship  
12 is necessary, partial guardianship is the preferred form of  
13 guardianship for an individual with a developmental disability.