

HOUSE BILL NO. 4729

July 15, 2025, Introduced by Reps. VanderWall, Pavlov, Green, Schmaltz, Thompson, Conlin, Hope, McKinney, Roth, St. Germaine, Wilson, Aragona, Neyer, Prestin, Bohnak, Alexander, Markkanen, Bierlein, Kuhn, Tisdell, Outman, MacDonell and Rigas and referred to Committee on Families and Veterans.

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~~
7 ~~health as guardian~~ **health and human services** or any other agency,

1 public or private, that is directly providing services to the
2 individual **with a developmental disability**, unless no other
3 suitable individual or agency can be identified. In such instances,
4 guardianship by the provider shall ~~only~~ continue **only** until such
5 ~~time as~~ a more suitable individual or agency can be appointed.

6 (2) The court shall appoint a professional guardian in the
7 following order of priority:

8 (a) A person, other than an individual, that is a professional
9 guardian or an individual professional guardian who is licensed
10 under article 14A of the occupational code, 1980 PA 299, MCL
11 339.1410 to 339.1413.

12 (b) If a professional guardian licensed under article 14A of
13 the occupational code, 1980 PA 299, MCL 339.1410 to 339.1413, is
14 not available or willing to serve, a person that the court
15 determines is suitable and willing to serve.

16 (3) Beginning 2 years after the effective date of the
17 amendatory act that added this sentence, the court shall not
18 appoint a person as a professional guardian unless the person is or
19 employs an individual licensed under article 14A of the
20 occupational code, 1980 PA 299, MCL 339.1410 to 339.1413.

21 (4) Beginning 2 years after the effective date of the
22 amendatory act that added this sentence, an employee of a
23 professional guardian described in subsection (2) shall not
24 independently make medical, psychological, financial, legal, or
25 housing decisions, as applicable, on behalf of an individual with a
26 developmental disability, unless the employee is licensed under
27 article 14A of the occupational code, 1980 PA 299, MCL 339.1410 to
28 339.1413.

29 (5) ~~(2)~~ Before the appointment of a guardian, the court shall

1 make a reasonable effort to question the individual **with a**
2 **developmental disability** concerning ~~his or her~~ **the individual's**
3 preference regarding the person to be appointed guardian, and **give**
4 **due consideration to** any preference indicated. ~~shall be given due~~
5 ~~consideration.~~

6 (6) **As used in this section, "professional guardian" means**
7 **that term as defined in section 1106 of the estates and protected**
8 **individuals code, 1998 PA 386, MCL 700.1106.**

9 Enacting section 1. This amendatory act does not take effect
10 unless House Bill No. 4728 (request no. H01902'25) of the 103rd
11 Legislature is enacted into law.