

# HOUSE BILL No. 4582

April 10, 1989, Introduced by Reps. Terrell, DeMars, Hunter, Stallworth, Honigman, Bennane, Harrison, Leland, Joe Young, Sr., Kilpatrick, Power, Sikkema, Martin, Bandstra and Clack and referred to the Committee on Judiciary.

A bill to amend Act No. 642 of the Public Acts of 1978, entitled as amended "Revised probate code," as amended, being sections 700.1 to 700.993 of the Michigan Compiled Laws, by adding sections 499a, 499b, and 499c; and to repeal certain parts of the act.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 642 of the Public Acts of 1978, as  
2 amended, being sections 700.1 to 700.993 of the Michigan Compiled  
3 Laws, is amended by adding sections 499a, 499b, and 499c to read  
4 as follows:

5 SEC. 499A. EXCEPT AS PROVIDED IN THIS SECTION AND SECTIONS  
6 499B AND 499C, THE DOMESTIC RELATIONS COURT SHALL HAVE  
7 JURISDICTION OVER PROTECTIVE PROCEEDINGS AND GUARDIANSHIP  
8 PROCEEDINGS AS PROVIDED IN CHAPTER 93 OF THE REVISED JUDICATURE

1 ACT OF 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING  
2 SECTIONS 600.9301 TO 600.9399 OF THE MICHIGAN COMPILED LAWS.

3 SEC. 499B. THE PROBATE COURT SHALL ACCEPT THE FILING OF THE  
4 FOLLOWING DOCUMENTS:

5 (A) A GUARDIAN'S ACCEPTANCE MADE UNDER SECTION 9322 OF ACT  
6 NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTION 600.9322 OF THE  
7 MICHIGAN COMPILED LAWS.

8 (B) A MINOR'S OBJECTION TO THE APPOINTMENT OF A TESTAMENTARY  
9 GUARDIAN UNDER SECTION 9323 OF ACT NO. 236 OF THE PUBLIC ACTS OF  
10 1961, BEING SECTION 600.9323 OF THE MICHIGAN COMPILED LAWS.

11 (C) A GUARDIAN'S ACCEPTANCE MADE UNDER SECTION 9341 OF ACT  
12 NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTION 600.9341 OF THE  
13 MICHIGAN COMPILED LAWS.

14 SEC. 499C. (1) IF A PROTECTED PERSON DIES, THE CONSERVATOR  
15 SHALL DELIVER TO THE COURT FOR SAFEKEEPING THE WILL OF THE  
16 DECEASED PROTECTED PERSON WHICH MAY HAVE COME INTO THE  
17 CONSERVATOR'S POSSESSION, SHALL INFORM THE EXECUTOR OR A BENEFI-  
18 CIARY NAMED IN THE WILL THAT THE CONSERVATOR HAS DONE SO, AND  
19 SHALL RETAIN THE ESTATE FOR DELIVERY TO A DULY APPOINTED PERSONAL  
20 REPRESENTATIVE OF THE DECEDENT OR OTHER PERSONS ENTITLED TO THE  
21 ESTATE. IF WITHIN 40 DAYS AFTER THE DEATH OF THE PROTECTED  
22 PERSON ANOTHER PERSON HAS NOT BEEN APPOINTED PERSONAL REPRESENTA-  
23 TIVE AND A PETITION FOR APPOINTMENT IS NOT BEFORE THE COURT, THE  
24 CONSERVATOR MAY APPLY TO EXERCISE THE POWERS AND DUTIES OF A PER-  
25 SONAL REPRESENTATIVE SO THAT HE OR SHE MAY PROCEED TO ADMINISTER  
26 AND DISTRIBUTE THE DECEDENT'S ESTATE WITHOUT ADDITIONAL OR  
27 FURTHER APPOINTMENT. UPON APPLICATION FOR AN ORDER GRANTING THE

1 POWERS OF A PERSONAL REPRESENTATIVE TO A CONSERVATOR, AFTER  
2 NOTICE TO EACH PERSON DEMANDING NOTICE PURSUANT TO COURT RULES  
3 AND TO EACH PERSON NOMINATED EXECUTOR IN A WILL OF WHICH THE  
4 APPLICANT IS AWARE, THE COURT MAY ORDER THE CONFERRAL OF THE  
5 POWER UPON DETERMINING THAT THERE IS NO OBJECTION, AND MAY  
6 INDORSE THE LETTERS OF THE CONSERVATOR TO NOTE THAT THE FORMERLY  
7 PROTECTED PERSON IS DECEASED AND THAT THE CONSERVATOR HAS  
8 ACQUIRED ALL THE POWERS AND DUTIES OF A PERSONAL REPRESENTATIVE.  
9 THE MAKING AND ENTRY OF AN ORDER UNDER THIS SECTION SHALL HAVE  
10 THE EFFECT OF AN ORDER OF APPOINTMENT OF A PERSONAL REPRESENTA-  
11 TIVE AS PROVIDED IN ARTICLE 3 AND COURT RULE, EXCEPT THAT THE  
12 ESTATE IN THE NAME OF THE CONSERVATOR, AFTER ADMINISTRATION, MAY  
13 BE DISTRIBUTED TO THE DECEDENT'S SUCCESSORS WITHOUT PRIOR  
14 RETRANSFER TO THE CONSERVATOR AS PERSONAL REPRESENTATIVE.

15 (2) AS USED IN THIS SECTION, "PROTECTED PERSON" MEANS A  
16 MINOR OR OTHER PERSON FOR WHOM A CONSERVATOR IS APPOINTED OR  
17 OTHER PROTECTIVE ORDER IS MADE UNDER CHAPTER 93 OF ACT NO. 236 OF  
18 THE PUBLIC ACTS OF 1961.

19 Section 2. Sections 401 to 499 of Act No. 642 of the Public  
20 Acts of 1978, being sections 700.401 to 700.499 of the Michigan  
21 Compiled Laws, are repealed.

22 Section 3. (1) This amendatory act shall take effect  
23 January 1, 1990.

24 (2) This amendatory act shall not take effect unless Senate  
25 Bill No. \_\_\_\_\_ or House Bill No. 4567 (request no. 01659'89) of  
26 the 85th Legislature is enacted into law.