

HOUSE BILL No. 5992

September 12, 1990, Introduced by Rep. Gubow and referred to the Committee on Mental Health.

A bill to amend section 637 of Act No. 258 of the Public Acts of 1974, entitled as amended
"Mental health code,"
being section 330.1637 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 637 of Act No. 258 of the Public Acts of
2 1974, being section 330.1637 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 637. (1) A guardian for a developmentally disabled
5 person, or FOR the person's estate, who was appointed before the
6 effective date of this act — pursuant to chapter 3 of Act
7 No. 288 of the Public Acts of 1939, as amended, or a guardian
8 appointed pursuant to this chapter may be discharged, or have his
9 or her duties modified, when the ~~individual's~~ DEVELOPMENTALLY
10 DISABLED PERSON'S capacity to perform the tasks necessary for the

1 care of his or her person or the management of his or her estate
2 have changed so as to warrant modification or discharge. The
3 developmentally disabled person, the person's guardian, or any
4 interested person on his or her behalf may petition the court for
5 a discharge or modification order under this section.

6 (2) A request under subsection (1), if made by the develop-
7 mentally disabled person, may be communicated to the court by any
8 means, including oral communication or informal letter. Upon
9 receipt of the communication the court shall appoint a suitable
10 person ~~who may, but need not be, an employee of the state,~~
11 ~~county, or court,~~ to prepare and file with the court a petition
12 reflecting the communication. THE APPOINTED PERSON MAY BE, BUT
13 NEED NOT BE, AN EMPLOYEE OF THE STATE, COUNTY, OR COURT.

14 (3) The court, upon receipt of a petition filed pursuant to
15 this section, shall conduct a hearing. At the hearing, the indi-
16 vidual shall have all of the rights indicated in sections 615 and
17 617.

18 (4) Upon conclusion of the hearing, the court shall enter a
19 written order setting forth the factual basis for its findings
20 and may do any of the following:

21 (a) Dismiss the petition.

22 (b) Remove the guardian and dissolve the guardianship
23 order.

24 (c) Remove the guardian and appoint a successor.

25 (d) Modify the original guardianship order.

1 (e) Make any other order ~~which~~ THAT the court considers
2 appropriate and in the interests of the developmentally disabled
3 person.

4 (5) IF AN ORDER IS ENTERED PURSUANT TO SUBSECTION (4)(B),
5 THE DEVELOPMENTALLY DISABLED PERSON SHALL REGAIN ALL LEGAL AND
6 CIVIL RIGHTS THAT HAD BEEN DESIGNATED AS LEGAL DISABILITIES OR
7 SPECIFICALLY GRANTED TO THE GUARDIAN.