

SENATE BILL No. 180

March 1, 1989, Introduced by Senators GEO. HART, MILLER, GAST, ARTHURHULTZ, GEAKE, POLLACK, CONROY, IRWIN, V. SMITH, HOLMES, O'BRIEN and FESSLER and referred to the Committee on Judiciary.

A bill to create the Michigan guardianship advisory board; to establish the duties of the board and the state court administrative office; and to provide for an appropriation.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Board" means the Michigan guardianship advisory board
3 created in section 2.

4 (b) "Office" means the state court administrative office.

5 Sec. 2. (1) The Michigan guardianship advisory board is
6 created within the state court administrative office.

7 (2) The board shall consist of 7 members appointed by the
8 office as follows:

9 (a) One member representing the department of social
10 services.

1 (b) One member representing the department of mental
2 health.

3 (c) One member representing the office of services to the
4 aging.

5 (d) Two members representing the probate judges.

6 (e) Two members representing the general public.

7 (3) Except as otherwise provided in this subsection, a board
8 member shall serve for a 4-year term and may be reappointed. Of
9 the members first appointed, 2 members shall serve for a term of
10 4 years, 2 members shall serve for a term of 3 years, 2 members
11 shall serve for a term of 2 years, and 1 member shall serve for a
12 term of 1 year.

13 (4) A vacancy on the board shall be filled in the same
14 manner as the original appointment for the balance of the unex-
15 pired term.

16 (5) The board shall elect a chairperson and vice-chairperson
17 from among its members for 1-year terms. The chairperson and
18 vice-chairperson may be reelected as officers.

19 (6) The board shall hold regularly scheduled meetings. A
20 quorum of the board shall consist of 4 members.

21 (7) A board member shall not receive a per diem compensation
22 but may be reimbursed for actual and necessary expenses incurred
23 in the performance of his or her official duties.

24 Sec. 3. (1) The board shall be assisted by staff necessary
25 to perform the functions prescribed by this act. The state court
26 administrator shall select the necessary staff.

1 (2) The office shall assist the board in developing and
2 maintaining access to and liaison with the probate court in each
3 county of this state and shall supervise the board in its
4 advisory role to the probate court.

5 Sec. 4. (1) The board's business shall be conducted at a
6 public meeting held in compliance with the open meetings act, Act
7 No. 267 of the Public Acts of 1976, being sections 15.261 to
8 15.275 of the Michigan Compiled Laws. Public notice of the time,
9 date, and place of the meeting shall be given in the manner
10 required by Act No. 267 of the Public Acts of 1976.

11 (2) A writing prepared, owned, used, in the possession of,
12 or retained by the board in the performance of an official func-
13 tion shall be made available to the public in compliance with the
14 freedom of information act, Act No. 442 of the Public Acts of
15 1976, being sections 15.231 to 15.246 of the Michigan Compiled
16 Laws.

17 Sec. 5. The board shall do all of the following:

18 (a) Develop and oversee training programs for guardians.

19 (b) Develop programs to recruit qualified persons to serve
20 as guardians.

21 (c) Review any existing uniform standards for guardians, or
22 establish such standards.

23 (d) Prepare and distribute model pamphlets and instructional
24 material to guardians.

25 (e) Accept any grant or gift from any person or the federal,
26 state, or local government or an agency of the federal, state, or
27 local government.

1 (f) Prepare an annual report for the legislature, governor,
2 and office on all of the following:

3 (i) Incentives for encouraging the least restrictive form of
4 guardianship.

5 (ii) Caseload standards for guardians.

6 (iii) Standards for the supervision and maintaining of
7 guardians.

8 (iv) A review system to determine if a ward can be restored
9 to competency and the guardianship terminated.

10 (v) A guardian's duties, including, but not limited to, vis-
11 itation with the ward, protection and preservation of the estate,
12 psychological and medical treatment for the ward, advocacy on the
13 ward's behalf, legal and other services for the ward, encouraging
14 adequate living arrangements, quality of life, and socialization
15 for the ward, and restoration of the ward's rights.

16 (g) Prepare a report for the legislature, governor, and
17 office not later than 2 years after the effective date of this
18 act on all of the following:

19 (i) Whether some form of immunity or liability insurance is
20 necessary for good faith acts performed by guardians.

21 (ii) Whether attorneys or guardians ad litem are necessary
22 for alleged incapacitated persons.

23 (iii) Whether a guardian of last resort is available in each
24 county in this state for a person who requires a guardian and has
25 no family or friends available to serve as a guardian and no
26 estate available to pay a guardian.

1 (iv) Whether funding for a guardian of last resort, based on
2 a formula that recognizes existing programs and standards
3 established by the board, is necessary.

4 Sec. 6. This act shall not be construed to authorize either
5 the office or the board to directly supervise guardianship
6 services.

7 Sec. 7. The legislature shall appropriate annually funds
8 necessary for the board to fulfill its responsibilities under
9 this act.