

**SUBSTITUTE FOR
SENATE BILL NO. 713**

A bill to amend 1998 PA 386, entitled
"Estates and protected individuals code,"
by amending sections 5101, 5305, 5306, 5306a, 5310, and 5507 (MCL
700.5101, 700.5305, 700.5306, 700.5306a, 700.5310, and 700.5507),
sections 5101 and 5310 as amended by 2000 PA 54, section 5305 as
amended by 2017 PA 155, section 5306 as amended by 2004 PA 532,
section 5306a as added by 2012 PA 173, and section 5507 as amended
by 2008 PA 41, and by adding part 6 to article V.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 5101. As used in parts 1 to 4 of this article:
- 2 (a) "Best interests of the minor" means the sum total of the
- 3 following factors to be considered, evaluated, and determined by
- 4 the court:
- 5 (i) The love, affection, and other emotional ties existing

1 between the parties involved and the child.

2 (ii) The capacity and disposition of the parties involved to
3 give the child love, affection, and guidance and to continue
4 educating and raising the child in the child's religion or creed,
5 if any.

6 (iii) The capacity and disposition of the parties involved to
7 provide the child with food, clothing, medical care or other
8 remedial care recognized and permitted under the laws of this state
9 in place of medical care, and other material needs.

10 (iv) The length of time the child has lived in a stable,
11 satisfactory environment, and the desirability of maintaining
12 continuity.

13 (v) The permanence, as a family unit, of the existing or
14 proposed custodial home.

15 (vi) The moral fitness of the parties involved.

16 (vii) The mental and physical health of the parties involved.

17 (viii) The child's home, school, and community record.

18 (ix) The child's reasonable preference, if the court considers
19 the child to be of sufficient age to express a preference.

20 (x) The party's willingness and ability to facilitate and
21 encourage a close and continuing parent-child relationship between
22 the child and his or her parent or parents.

23 (xi) Domestic violence regardless of whether the violence is
24 directed against or witnessed by the child.

25 (xii) Any other factor considered by the court to be relevant
26 to a particular dispute regarding termination of a guardianship,
27 removal of a guardian, or parenting time.

1 (b) "Claim" includes, in respect to a protected individual, a
2 liability of the protected individual, whether arising in contract,
3 tort, or otherwise, and a liability of the estate that arises at or
4 after the appointment of a conservator, including expenses of
5 administration.

6 (c) "Conservator" includes, but is not limited to, a limited
7 conservator described in section 5419(1).

8 (D) "ISOLATED ADULT" MEANS AN INDIVIDUAL WHO IS 18 YEARS OF
9 AGE OR OLDER, INCLUDING A WARD, AND WHO HAS BEEN DENIED VISITATION
10 WITH A QUALIFIED PERSON BY ANOTHER PERSON.

11 (E) "QUALIFIED PERSON" MEANS ANY OF THE FOLLOWING:

12 (i) THE SPOUSE, CHILD, GRANDCHILD, PARENT, OR SIBLING OF AN
13 ALLEGEDLY ISOLATED ADULT.

14 (ii) AN INDIVIDUAL WHO HAS A SIGNIFICANT AND ONGOING
15 RELATIONSHIP WITH AN ALLEGEDLY ISOLATED ADULT.

16 (iii) AN INDIVIDUAL WHOM THE ALLEGEDLY ISOLATED ADULT NAMED IN
17 HIS OR HER PATIENT ADVOCATE DESIGNATION WITH WHOM THE ALLEGEDLY
18 ISOLATED ADULT WOULD LIKE TO VISIT.

19 (F) ~~(d)~~ "Visitor" means an individual appointed in a
20 guardianship or protective proceeding who is trained in law,
21 nursing, or social work, is an officer, employee, or special
22 appointee of the court, and has no personal interest in the
23 proceeding.

24 Sec. 5305. (1) The duties of a guardian ad litem appointed for
25 an individual alleged to be incapacitated include all of the
26 following:

27 (a) Personally visiting the individual.

1 (b) Explaining to the individual the nature, purpose, and
2 legal effects of a guardian's appointment.

3 (c) Explaining to the individual the hearing procedure and the
4 individual's rights in the hearing procedure, including, but not
5 limited to, all of the following:

6 (i) The right to contest the petition.

7 (ii) The right to request limits on the guardian's powers,
8 including a limitation on the guardian's power to execute on behalf
9 of the ward either of the following:

10 (A) A do-not-resuscitate order.

11 (B) A physician orders for scope of treatment form.

12 (iii) The right to object to a particular person being
13 appointed guardian.

14 (iv) The right to be present at the hearing.

15 (v) The right to be represented by legal counsel.

16 (vi) The right to have legal counsel appointed for the
17 individual if he or she is unable to afford legal counsel.

18 (d) Informing the individual that if a guardian is appointed,
19 the guardian may have the power to execute a do-not-resuscitate
20 order on behalf of the individual and, if meaningful communication
21 is possible, ~~discern if~~ **DISCERNING WHETHER** the individual objects
22 to having a do-not-resuscitate order executed on his or her behalf.

23 (e) Informing the individual that if a guardian is appointed,
24 the guardian may have the power to execute a physician orders for
25 scope of treatment form on behalf of the individual and, if
26 meaningful communication is possible, discern if the individual
27 objects to having a physician orders for scope of treatment form

1 executed on his or her behalf.

2 (f) Informing the individual of the name of each person known
3 to be seeking appointment as guardian.

4 (g) Asking the individual and the petitioner about the amount
5 of cash and property readily convertible into cash that is in the
6 individual's estate.

7 (h) Making determinations, and informing the court of those
8 determinations, on all of the following:

9 (i) Whether there are 1 or more appropriate alternatives to
10 the appointment of a full guardian or whether 1 or more actions
11 should be taken in addition to the appointment of a guardian.
12 Before informing the court of his or her determination under this
13 subparagraph, the guardian ad litem shall consider the
14 appropriateness of at least each of the following as alternatives
15 or additional actions:

16 (A) Appointment of a limited guardian, including the specific
17 powers and ~~limitation~~**LIMITATIONS** on those powers **THAT** the guardian
18 ad litem believes **TO BE** appropriate.

19 (B) Appointment of a conservator or another protective order
20 under part 4 of this article. In the report informing the court of
21 the determinations under this subdivision, the guardian ad litem
22 shall include an estimate of the amount of cash and property
23 readily convertible into cash that is in the individual's estate.

24 (C) Execution of a patient advocate designation, do-not-
25 resuscitate order, physician orders for scope of treatment form, or
26 durable power of attorney with or without limitations on purpose,
27 authority, or duration.

1 (ii) Whether a disagreement or dispute related to the
2 guardianship petition might be resolved through court ordered
3 mediation.

4 (iii) Whether the individual wishes to be present at the
5 hearing.

6 (iv) Whether the individual wishes to contest the petition.

7 (v) Whether the individual wishes limits placed on the
8 guardian's powers.

9 (vi) Whether the individual objects to having a do-not-
10 resuscitate order executed on his or her behalf.

11 (vii) Whether the individual objects to having a physician
12 orders for scope of treatment form executed on his or her behalf.

13 (viii) Whether the individual objects to a particular person
14 being appointed guardian.

15 **(ix) WITH WHOM THE INDIVIDUAL WISHES TO COMMUNICATE AND VISIT,**
16 **AND IF THE INDIVIDUAL NAMED ANOTHER INDIVIDUAL IN A PATIENT**
17 **ADVOCATE DESIGNATION WITH WHOM THE INDIVIDUAL WOULD LIKE TO VISIT**
18 **AND COMMUNICATE, THE IDENTITY OF THAT INDIVIDUAL.**

19 **(x) WHETHER IT IS APPROPRIATE FOR THE INDIVIDUAL TO VISIT OR**
20 **COMMUNICATE WITH AN INDIVIDUAL DESCRIBED IN SUBPARAGRAPH (ix).**

21 (2) The court shall not order compensation of the guardian ad
22 litem unless the guardian ad litem states on the record or in the
23 guardian ad litem's written report that he or she has complied with
24 subsection (1).

25 (3) If the individual alleged to be incapacitated wishes to
26 contest the petition, to have limits placed on the guardian's
27 powers, or to object to a particular person being appointed

1 guardian and if legal counsel has not been secured, the court shall
2 appoint legal counsel to represent the individual alleged to be
3 incapacitated. If the individual alleged to be incapacitated is
4 indigent, this state shall bear the expense of legal counsel.

5 (4) If the individual alleged to be incapacitated requests
6 legal counsel or the guardian ad litem determines it is in the
7 individual's best interest to have legal counsel, and if legal
8 counsel has not been secured, the court shall appoint legal
9 counsel. If the individual alleged to be incapacitated is indigent,
10 this state shall bear the expense of legal counsel.

11 (5) If the individual alleged to be incapacitated has legal
12 counsel appointed under subsection (3) or (4), the appointment of a
13 guardian ad litem terminates.

14 Sec. 5306. (1) The court may appoint a guardian if the court
15 finds by clear and convincing evidence both that the individual for
16 whom a guardian is sought is an incapacitated individual and that
17 the appointment is necessary as a means of providing continuing
18 care and supervision of the incapacitated individual, with each
19 finding supported separately on the record. Alternately, the court
20 may dismiss the proceeding or enter another appropriate order.

21 (2) The court shall grant a guardian only those powers and
22 only for that period of time as is necessary to provide for the
23 demonstrated need of the incapacitated individual. The court shall
24 design the guardianship to encourage the development of maximum
25 self-reliance and independence in the individual **AND TO CONTINUE**
26 **THE EXISTING RELATIONSHIPS WITH QUALIFIED PERSONS.** If the court is
27 aware that an individual has executed a patient advocate

1 designation under section 5506, the court shall not grant a
2 guardian any of the same powers that are held by the patient
3 advocate. A court order establishing a guardianship ~~shall~~**MUST**
4 specify any limitations on the guardian's powers and any time
5 limits on the guardianship.

6 (3) If the court finds by clear and convincing evidence that
7 an individual is incapacitated and lacks the capacity to do some,
8 but not all, of the tasks necessary to care for himself or herself,
9 the court may appoint a limited guardian to provide guardianship
10 services to the individual, but the court shall not appoint a full
11 guardian.

12 (4) If the court finds by clear and convincing evidence that
13 the individual is incapacitated and is totally without capacity to
14 care for himself or herself, the court shall specify that finding
15 of fact in an order and may appoint a full guardian.

16 (5) If an individual executed a patient advocate designation
17 under section 5506 before the time the court determines that he or
18 she became a legally incapacitated individual, a guardian does not
19 have and shall not exercise the power or duty of making medical or
20 mental health treatment decisions that the patient advocate is
21 designated to make. If, however, a petition for guardianship or for
22 modification under section 5310 alleges and the court finds that
23 the patient advocate designation was not executed in compliance
24 with section 5506, that the patient advocate is not complying with
25 the terms of the designation or with the applicable provisions of
26 sections 5506 to 5515, or that the patient advocate is not acting
27 consistent with the ward's best interests, the court may modify the

1 guardianship's terms to grant those powers to the guardian.

2 Sec. 5306a. (1) An individual for whom a guardian is sought or
3 has been appointed under section 5306 has all of the following
4 rights:

5 (a) To object to the appointment of a successor guardian by
6 will or other writing, as provided in section 5301.

7 (b) To have the guardianship proceeding commenced and
8 conducted in the place where the individual resides or is present
9 or, if the individual is admitted to an institution by a court, in
10 the county in which the court is located, as provided in section
11 5302.

12 (c) To petition on his or her own behalf for the appointment
13 of a guardian, as provided in section 5303.

14 (d) To have legal counsel of his or her own choice represent
15 him or her on the petition to appoint a guardian, as provided in
16 sections 5303, 5304, and 5305.

17 (e) If he or she is not represented by legal counsel, to the
18 appointment of a guardian ad litem to represent the individual on
19 the petition to appoint a guardian, as provided in section 5303.

20 (f) To an independent evaluation of his or her capacity by a
21 physician or mental health professional, at public expense if he or
22 she is indigent, as provided in section 5304.

23 (g) To be present at the hearing on the petition to appoint a
24 guardian and to have all practical steps taken to ensure this,
25 including, if necessary, moving the hearing site, as provided by
26 section 5304.

27 (h) To see or hear all the evidence presented in the hearing

1 on the petition to appoint a guardian, as provided in section 5304.

2 (i) To present evidence and cross-examine witnesses in the
3 hearing on the petition to appoint a guardian, as provided in
4 section 5304.

5 (j) To a trial by jury on the petition to appoint a guardian,
6 as provided in section 5304.

7 (k) To a closed hearing on the petition to appoint a guardian,
8 as provided in section 5304.

9 (l) If a guardian ad litem is appointed, to be personally
10 visited by the guardian ad litem, as provided in section 5305.

11 (m) If a guardian ad litem is appointed, to an explanation by
12 the guardian ad litem of the nature, purpose, and legal effects of
13 a guardian's appointment, as provided in section 5305.

14 (n) If a guardian ad litem is appointed, to an explanation by
15 the guardian ad litem of the individual's rights in the hearing
16 procedure, as provided in section 5305.

17 (o) If a guardian ad litem is appointed, to be informed by the
18 guardian ad litem of the right to contest the petition, to request
19 limits on the guardian's powers, to object to a particular person
20 being appointed guardian, to be present at the hearing, to be
21 represented by legal counsel, and to have legal counsel appointed
22 if the individual is unable to afford legal counsel, as provided in
23 section 5305.

24 (p) To be informed of the name of each person known to be
25 seeking appointment as guardian, including, if a guardian ad litem
26 is appointed, to be informed of the names by the guardian ad litem
27 as provided in section 5305.

1 (q) To require that proof of incapacity and the need for a
2 guardian be proven by clear and convincing evidence, as provided in
3 section 5306.

4 (r) To the limitation of the powers and period of time of a
5 guardianship to only the amount and time that is necessary, as
6 provided in section 5306.

7 (s) To a guardianship designed to encourage the development of
8 maximum self-reliance and independence as provided in section 5306.

9 (t) To prevent the grant of powers to a guardian if those
10 powers are already held by a valid patient advocate, as provided in
11 section 5306.

12 (u) To periodic review of the guardianship by the court,
13 including the right to a hearing and the appointment of an attorney
14 if issues arise upon the review of the guardianship, as provided in
15 section 5309.

16 (v) To, at any time, seek modification or termination of the
17 guardianship by informal letter to the judge, as provided in
18 section 5310.

19 (w) To a hearing within 28 days of requesting a review,
20 modification, or termination of the guardianship, as provided in
21 section 5310.

22 (x) To the same rights on a petition for modification or
23 termination of the guardianship including the appointment of a
24 visitor as apply to a petition for appointment of a guardian, as
25 provided in section 5310.

26 (y) To personal notice of a petition for appointment or
27 removal of a guardian, as provided in section 5311.

1 (z) To written notice of the nature, purpose, and legal
2 effects of the appointment of a guardian, as provided in section
3 5311.

4 (aa) To choose the person who will serve as guardian, if the
5 chosen person is suitable and willing to serve, as provided in
6 section 5313.

7 (bb) To consult with the guardian about major decisions
8 affecting the individual, if meaningful conversation is possible,
9 as provided in section 5314.

10 (cc) To quarterly visits by the guardian, as provided in
11 section 5314.

12 (dd) To have the guardian notify the court within 14 days of a
13 change in the individual's residence, as provided in section 5314.

14 (ee) To have the guardian secure services to restore the
15 individual to the best possible state of mental and physical well-
16 being so that the individual can return to self-management at the
17 earliest possible time, as provided in section 5314.

18 (ff) To have the guardian take reasonable care of the
19 individual's clothing, furniture, vehicles, and other personal
20 effects, as provided in section 5314.

21 (GG) IF THE INDIVIDUAL IS ABLE TO EXPRESS HIS OR HER
22 PREFERENCE, TO VISIT AND COMMUNICATE WITH INDIVIDUALS OF HIS OR HER
23 CHOICE. IF THE INDIVIDUAL IS UNABLE TO EXPRESS HIS OR HER
24 PREFERENCES, AND IF THE INDIVIDUAL NAMED ANOTHER INDIVIDUAL IN A
25 PATIENT ADVOCATE DESIGNATION WITH WHOM THE INDIVIDUAL WOULD LIKE TO
26 VISIT AND COMMUNICATE, THE INDIVIDUAL HAS THE RIGHT TO VISIT AND
27 COMMUNICATE WITH THAT OTHER INDIVIDUAL.

1 (2) A guardian ad litem shall inform the ward in writing of
2 his or her rights enumerated in this section. The state court
3 administrative office and the ~~office of services to the aging~~ **AND**
4 **ADULT SERVICES AGENCY** created in section 5 of the older
5 Michiganians act, 1981 PA 180, MCL 400.585, shall promulgate a form
6 to be used to give the written notice under this section, which
7 ~~shall~~ **MUST** include space for the court to include information on
8 how to contact the court or other relevant personnel with respect
9 to the rights enumerated in this section.

10 Sec. 5310. (1) On petition of the guardian and subject to the
11 filing and approval of a report prepared as required by section
12 5314, the court shall accept the guardian's resignation and make
13 any other order that is appropriate.

14 (2) The ward or a person interested in the ward's welfare may
15 petition **THE COURT** for an order removing the guardian, appointing a
16 successor guardian, modifying the guardianship's terms, or
17 terminating the guardianship. A request for this order may be made
18 by informal letter to the court or judge. A person who knowingly
19 interferes with the transmission of this kind of request to the
20 court or judge is subject to a finding of contempt of court.

21 (3) Except as otherwise provided in the order finding
22 incapacity, ~~upon~~ **ON** receiving a petition or request under this
23 section, the court shall set a date for a hearing to be held within
24 28 days after the receipt of the petition or request. An order
25 finding incapacity may specify a minimum period, not exceeding 182
26 days, during which a petition or request for a finding that a ward
27 is no longer an incapacitated individual, or for an order removing

1 the guardian, modifying the guardianship's terms, or terminating
2 the guardianship, ~~shall~~**MUST** not be filed without special leave of
3 the court.

4 (4) Before removing a guardian, appointing a successor
5 guardian, modifying the guardianship's terms, or terminating a
6 guardianship, and following the same procedures to safeguard the
7 ward's rights as apply to a petition for a guardian's appointment,
8 the court may send a visitor to the present guardian's residence
9 and to the place where the ward resides or is detained to observe
10 conditions and report in writing to the court.

11 (5) A QUALIFIED PERSON MAY PETITION THE COURT FOR A FINDING
12 THAT THE WARD IS AN ISOLATED ADULT AND FOR AN ORDER OF VISITATION
13 WITH THE WARD UNDER SECTION 5603. A QUALIFIED PERSON MAY ALSO
14 PETITION THE COURT FOR AN ORDER THAT REQUIRES THE GUARDIAN TO
15 NOTIFY THE QUALIFIED PERSON IN WRITING WITHIN 14 DAYS AFTER EITHER
16 OF THE FOLLOWING EVENTS:

17 (A) A CHANGE OF THE WARD'S RESIDENCE.

18 (B) THE WARD'S ADMISSION TO A HOSPITAL OR SKILLED NURSING
19 FACILITY. AS USED IN THIS SUBDIVISION, "SKILLED NURSING FACILITY"
20 MEANS THAT TERM AS DEFINED IN SECTION 20109 OF THE PUBLIC HEALTH
21 CODE, 1978 PA 368, MCL 333.20109.

22 Sec. 5507. (1) A patient advocate designation may include a
23 statement of the patient's desires on care, custody, **COMMUNICATION**
24 **AND VISITATION WITH OTHERS**, and medical treatment or mental health
25 treatment, or both. A patient advocate designation may also include
26 a statement of the patient's desires on the making of an anatomical
27 gift of all or part of the patient's body under part 101 of the

1 public health code, 1978 PA 368, MCL 333.10101 to 333.10123. The
2 statement regarding an anatomical gift under this subsection may
3 include a statement of the patient's desires regarding the
4 resolution of a conflict between the terms of the advance health
5 care directive and the administration of means necessary to ensure
6 the medical suitability of the anatomical gift. The patient may
7 authorize the patient advocate to exercise 1 or more powers
8 concerning the patient's care, custody, medical treatment, **OR**
9 mental health treatment, the making of an anatomical gift, or the
10 resolution of a conflict between the terms of the advance health
11 care directive and the administration of means necessary to ensure
12 the medical suitability of the anatomical gift that the patient
13 could have exercised on his or her own behalf.

14 (2) A patient may designate in the patient advocate
15 designation a successor individual as a patient advocate who may
16 exercise the powers described in subsection (1) for the patient if
17 the first individual named as patient advocate does not accept, is
18 incapacitated, resigns, or is removed.

19 (3) Before a patient advocate designation is implemented, a
20 copy of the patient advocate designation must be given to the
21 proposed patient advocate and must be given to a successor patient
22 advocate before the successor acts as patient advocate. Before
23 acting as a patient advocate, the proposed patient advocate must
24 sign an acceptance of the patient advocate designation.

25 (4) The acceptance of a designation as a patient advocate must
26 include substantially all of the following statements:

- 27 1. This patient advocate designation is not effective unless

1 the patient is unable to participate in decisions regarding the
2 patient's medical or mental health, as applicable. If this patient
3 advocate designation includes the authority to make an anatomical
4 gift as described in section 5506, the authority remains
5 exercisable after the patient's death.

6 2. A patient advocate shall not exercise powers concerning the
7 patient's care, custody, and medical or mental health treatment
8 that the patient, if the patient were able to participate in the
9 decision, could not have exercised on his or her own behalf.

10 3. This patient advocate designation cannot be used to make a
11 medical treatment decision to withhold or withdraw treatment from a
12 patient who is pregnant that would result in the pregnant patient's
13 death.

14 4. A patient advocate may make a decision to withhold or
15 withdraw treatment that would allow a patient to die only if the
16 patient has expressed in a clear and convincing manner that the
17 patient advocate is authorized to make such a decision, and that
18 the patient acknowledges that such a decision could or would allow
19 the patient's death.

20 5. A patient advocate shall not receive compensation for the
21 performance of his or her authority, rights, and responsibilities,
22 but a patient advocate may be reimbursed for actual and necessary
23 expenses incurred in the performance of his or her authority,
24 rights, and responsibilities.

25 6. A patient advocate shall act in accordance with the
26 standards of care applicable to fiduciaries when acting for the
27 patient and shall act consistent with the patient's best interests.

1 The known desires of the patient expressed or evidenced while the
2 patient is able to participate in medical or mental health
3 treatment decisions are presumed to be in the patient's best
4 interests.

5 7. A patient may revoke his or her patient advocate
6 designation at any time and in any manner sufficient to communicate
7 an intent to revoke.

8 8. A patient may waive his or her right to revoke the patient
9 advocate designation as to the power to make mental health
10 treatment decisions, and if such a waiver is made, his or her
11 ability to revoke as to certain treatment will be delayed for 30
12 days after the patient communicates his or her intent to revoke.

13 9. A patient advocate may revoke his or her acceptance of the
14 patient advocate designation at any time and in any manner
15 sufficient to communicate an intent to revoke.

16 10. A patient admitted to a health facility or agency has the
17 rights enumerated in section 20201 of the public health code, 1978
18 PA 368, MCL 333.20201.

19 PART 6

20 ISOLATED ADULTS

21 SEC. 5601. THE VENUE FOR A VISITATION PROCEEDING UNDER SECTION
22 5603 IS IN THE COUNTY WHERE THE ALLEGEDLY ISOLATED ADULT RESIDES OR
23 IS PRESENT.

24 SEC. 5603. (1) A QUALIFIED PERSON MAY PETITION THE COURT FOR A
25 FINDING THAT AN INDIVIDUAL WHO IS AT LEAST 18 YEARS OF AGE IS BEING
26 ISOLATED FROM A QUALIFIED PERSON BY ANOTHER INDIVIDUAL.

27 (2) A PETITION UNDER THIS SECTION MUST INCLUDE ALL OF THE

1 FOLLOWING:

2 (A) THE PETITIONER'S INTEREST AS A QUALIFIED PERSON.

3 (B) THE RESIDENCE OF THE ALLEGEDLY ISOLATED ADULT OR WHERE HE
4 OR SHE IS PRESENT.

5 (C) A STATEMENT OF FACTS AS TO WHY THE PETITIONER'S VISITATION
6 WITH THE ALLEGEDLY ISOLATED ADULT IS BEING INTERFERED WITH OR
7 DENIED.

8 (D) THE IDENTITY OF ANY PERSON ALLEGED TO BE INTERFERING WITH
9 OR DENYING VISITATION BETWEEN THE PETITIONER AND THE ALLEGEDLY
10 ISOLATED ADULT UNDER SUBDIVISION (C).

11 (3) IN A PROCEEDING UNDER THIS SECTION, NOTICE OF HEARING MUST
12 BE GIVEN TO EACH OF THE FOLLOWING:

13 (A) THE ALLEGEDLY ISOLATED ADULT.

14 (B) THE RESPONDENT.

15 (4) NOTICE MUST BE SERVED PERSONALLY ON THE ALLEGEDLY ISOLATED
16 ADULT. NOTICE TO ALL OTHER PERSONS MUST BE GIVEN AS PRESCRIBED BY
17 COURT RULE.

18 (5) A COPY OF THE PETITION UNDER THIS SECTION MUST BE ATTACHED
19 TO THE NOTICE OF HEARING.

20 (6) ON THE FILING OF A PETITION UNDER SUBSECTION (1), THE
21 COURT SHALL SET A DATE FOR HEARING ON THE ISSUE OF ISOLATION.

22 (7) IT IS PRESUMED THAT IT IS IN THE BEST INTEREST OF AN
23 ALLEGEDLY ISOLATED ADULT TO VISIT WITH A QUALIFIED PERSON. THE
24 RESPONDENT MAY REBUT THE PRESUMPTION UNDER THIS SUBSECTION WITH
25 CLEAR AND CONVINCING EVIDENCE OF ANY OF THE FOLLOWING:

26 (A) THAT THE PETITIONER COMMITTED MENTAL, PHYSICAL, OR
27 FINANCIAL ABUSE AGAINST THE ALLEGEDLY ISOLATED ADULT.

1 (B) THAT VISITATION BETWEEN THE PETITIONER AND THE ALLEGEDLY
2 ISOLATED ADULT WOULD BE HARMFUL TO THE ALLEGEDLY ISOLATED ADULT'S
3 HEALTH OR MENTAL WELL-BEING.

4 (8) IF AN ALLEGEDLY ISOLATED ADULT WHO IS THE SUBJECT OF A
5 PETITION UNDER THIS SECTION OBJECTS TO VISITATION WITH THE
6 PETITIONER, THE PETITIONER MUST DEMONSTRATE BY CLEAR AND CONVINCING
7 EVIDENCE THAT THE ALLEGEDLY ISOLATED ADULT'S OBJECTION RESULTED
8 FROM THE RESPONDENT'S UNDUE INFLUENCE OVER THE ALLEGEDLY ISOLATED
9 ADULT. IF THE PETITIONER DEMONSTRATES CLEAR AND CONVINCING EVIDENCE
10 UNDER THIS SUBSECTION, THE COURT SHALL GRANT THE PETITIONER
11 REASONABLE VISITATION AND NOTICE OF CHANGE IN RESIDENCY AS PROVIDED
12 IN SUBSECTION (9).

13 (9) IF THE COURT FINDS THAT THE PETITIONER IS A QUALIFIED
14 PERSON, THAT THE INDIVIDUAL SUBJECT TO A PETITION UNDER THIS
15 SECTION IS AN ISOLATED ADULT, AND THAT VISITATION BETWEEN THE
16 ISOLATED ADULT AND THE PETITIONER IS BEING DENIED, THE COURT MAY
17 ENTER AN ORDER THAT DOES ANY OF THE FOLLOWING:

18 (A) ESTABLISHES REASONABLE TIMES FOR THE PETITIONER TO VISIT
19 THE ISOLATED ADULT.

20 (B) REQUIRES THE RESPONDENT TO NOTIFY THE PETITIONER WITHIN 14
21 DAYS AFTER ANY OF THE FOLLOWING:

22 (i) A CHANGE IN THE ISOLATED ADULT'S RESIDENCE.

23 (ii) THE ISOLATED ADULT'S ADMISSION TO A HOSPITAL OR SKILLED
24 NURSING FACILITY. AS USED IN THIS SUBPARAGRAPH, "SKILLED NURSING
25 FACILITY" MEANS THAT TERM AS DEFINED IN SECTION 20109 OF THE PUBLIC
26 HEALTH CODE, 1978 PA 368, MCL 333.20109.

27 (10) IF THE COURT DETERMINES THAT A PETITIONER FILED A

1 PETITION UNDER THIS SECTION IN BAD FAITH, THE COURT MAY ASSESS
2 REASONABLE ATTORNEY FEES INCURRED BY THE RESPONDENT AND ANY
3 GUARDIAN AD LITEM COST AGAINST THE PETITIONER.

4 (11) IF THE COURT GRANTS THE PETITIONER'S PETITION, THE COURT
5 MAY ASSESS AGAINST THE RESPONDENT ANY OF THE FOLLOWING:

6 (A) THE COST OF FILING AND SERVING THE PETITION.

7 (B) ANY COST FOR A GUARDIAN AD LITEM.

8 (C) REASONABLE ATTORNEY FEES INCURRED BY THE PETITIONER.

9 (12) AS USED IN THIS SECTION, "RESPONDENT" MEANS AN INDIVIDUAL
10 ALLEGED TO HAVE INTERFERED WITH OR DENIED VISITATION BETWEEN AN
11 ALLEGEDLY ISOLATED ADULT AND A PETITIONER UNDER THIS SECTION.