

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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Senate Bill 1045 (Substitute S-1 as reported by the Committee of the Whole)

Sponsor: Senator William Van Regenmorter

Committee: Families, Mental Health and Human Services

### CONTENT

The bill would make a number of amendments to the Estates and Protected Individuals Code (EPIC), which was enacted in 1998 and will take effect on April 1, 2000. The bill, which also would take effect on that date, would do the following:

- Allow a court to enter an appropriate order on a petition without a hearing, if every person affected by the proceeding waived notice and consented in writing to the granting of the petition.
- Provide that a surviving widow of a decedent who was domiciled in Michigan and who died intestate (without a valid will) could elect to take either her intestate share under EPIC or her dower right under the Revised Statutes of 1846.
- Provide that, instead of a testator and two witnesses' sworn statement made under oath (as presently required), a will or codicil could be made self-proved by a written statement that was not a sworn statement, indicating the facts regarding the testator and the formalities observed at the signing of the will or codicil.
- Remove a requirement that witnesses to a will be persons who will not receive assets under the will.
- Allow the collection of assets, without a declaration of a will's validity, in cases involving a debt owed to a decedent, whose estate did not exceed \$15,000 in value and did not include real property.
- Provide that a person who had a right or cause of action that could not be enforced without administration or appointment, could file an application for informal probate or informal appointment, commence a formal testacy proceeding, or file a petition for a formal proceeding, under certain circumstances.
- Require a claimant to commence a proceeding against a personal representative (or a trustee) in order to dispute a disallowed claim. (Currently, a claimant may either commence a proceeding or file a petition for allowance.)
- Add provisions concerning the appointment of a lawyer-guardian ad litem to represent a child, in a proceeding for the appointment of the child's guardian.
- Repeal several statutes that are being replaced by EPIC, and a section of EPIC that creates a special statute of limitations on a cause of action that belonged to a decedent.

MCL 700.1103 et al.

Legislative Analyst: S. Lowe

### FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 3-8-00

Fiscal Analyst: B. Bowerman

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Analysis available @ <http://www.michiganlegislature.org>

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.