

# Legislative Analysis

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## PROFESSIONAL GUARDIAN/CONSERVATORS: PROCESS AND BENEFITS

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 49 as passed by the Senate**  
**Sponsor: Sen. Darwin L. Booher**  
**House Committee: Judiciary**  
**Senate Committee: Judiciary**  
**Complete to 3-13-17**

Analysis available at  
<http://www.legislature.mi.gov>

## SUMMARY:

Senate Bill 49 would amend the Estates and Protected Individuals Code (EPIC) by clarifying the process of appointing a professional guardian or conservator, and also what benefits a professional guardian or conservator is prohibited from receiving as a result of that appointment.

Currently under the law, a court may appoint or approve a professional guardian or conservator "subject to the other provisions of this section." The bill would replace "the other provisions of this section" with "Subsections (2) and (3)," making it clear for a court which procedures it must follow to appoint or approve a professional guardian or conservator.

The bill also clarifies what benefits a professional guardian or conservator is prohibited from receiving. The bill states that a professional guardian or conservator appointed under EPIC cannot receive, because of that appointment, a benefit *from the estate of the ward, developmentally disabled individual, incapacitated individual, or protected individual*, beyond compensation specifically authorized for that type of fiduciary by EPIC or the Mental Health Code, *unless specifically allowed by the court*. (The *italicized* words are newly added by the bill.)

MCL 700.5106

## FISCAL IMPACT:

The bill would have no fiscal impact on the state or on local units of government

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