



STATE OF MICHIGAN
OAKLAND COUNTY PROBATE COURT

DANIEL A. O'BRIEN
Probate Judge

September 20, 2021

Honorable Graham Filler, Chairman
House Judiciary Committee
Michigan House of Representatives
P.O. Box 30014
Lansing, Michigan 48909

Re: House Bills 4847-4850

Dear Representative Filler:

As a sitting Probate Judge in Oakland County, I wanted to communicate my personal opposition to **House Bills 4847, 4848, 4849, and 4850.**

1. I'm concerned that these attempts at reform will drive more professional guardians out of the profession, putting more vulnerable individuals at risk. Professional guardians serve as many as 5,000 indigent people in Michigan without compensation. Who will step forward to serve these people when these bills drive current hardworking professionals out? Another unaccountable, unresponsive bureaucracy run by the executive branch?
2. I'm concerned that these attempts at reform will deprive judges of valuable information and tools that we need to protect vulnerable individuals. For example, by limiting the information that a guardian-ad-litem can report and the judge's use of that information, the bills interfere with the judge's ability to efficiently and effectively administer justice for the people we serve. There is already a system in place to check judges from misusing such information. Do we no longer have faith in our appellate system?
3. I'm concerned that these attempts at reform will deprive judges of the flexibility in decision-making we need to protect vulnerable individuals. For example, "interpersonal disputes" among family members is perhaps the biggest obstacle to a family member fairly and impartially serving the best interests of **only** the vulnerable individual. See *In re Guardianship of Dorothy Redd*, 321 Mich App 398, 412-413 (2017). Again, do we no longer have faith in our appellate system to review judges' decisions in these matters?

I am told that the board of the Michigan Probate Judges Association (MPJA) intends to support these bills. Please be advised that the general membership of the MPJA was never consulted and that any such letter does NOT express my views on these bills. These bills are not a reasonable solution to address any problems within the system.

Please hold the bills in your committee until they can be amended to properly address the above concerns.

Thank you for your time and attention.

Sincerely,