

September 21, 2021

The Honorable Graham Filler, Chairman  
The Honorable Mike Mueller, Majority Vice-Chair  
The Honorable David LaGrand, Minority Vice Chair  
Members of the House Judiciary Committee

Re. Michigan Elder Abuse Task Force Legislation

Dear Representatives,

Evaluations of guardianships of the state's most vulnerable populations is long overdue. With the recent formulation of the Attorney General's Elder Abuse Task Force (EATF) and the comprehensive examination of the Estates and Protected Individuals Code (EPIC) by this collaborative, Michigan's citizenry subject to this statute can potentially see greater protections against unjust and overly expansive use of guardianship.

The Arc Michigan strongly supports the actions of the EATF, as well as the bi-partisan legislation introduced as a culmination of two years' work on this vital issue. House Bills 4847, 4848, 4849, and 4850, and Senate Bills 503, 504, 505 and 506 address multiple concerns uncovered by the EATF. In a press release by Attorney General Dana Nessel, she shared that this package of bills will:

- Require a judge to justify on the record why a family member who is willing to serve as a guardian is not suitable. While the law already provides that family members have priority, the modification serves as an additional safeguard to ensure family members get due consideration;
- Eliminate a judge's ability to prevent a challenge to an appointed guardianship/conservatorship for up to six months;
- Require guardian and conservator certification and visitation frequency;
- Establish a clear asset/income threshold for appointment of a conservator;
- Improve the basic standard for medical testimony; and more.<sup>1</sup>

It is our belief that with the passage of this proposed legislation, it will help protect those people currently under guardianship, as well as those who may be facing guardianship in the future.

However, the work will not be complete until all people currently under guardianships and those facing guardianships are treated with respect and dignity. Individuals protected under the Mental Health Code (MHC) face the same, and in many cases worse, ramifications than those protected under EPIC. We would strongly encourage the introduction of additional legislation that replicates the work being done in EPIC be initiated for improving the MHC for people with intellectual / developmental disabilities.

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<sup>1</sup> [https://www.michigan.gov/ag/0,4534,7-359-92297\\_47203-562330--,00.html](https://www.michigan.gov/ag/0,4534,7-359-92297_47203-562330--,00.html)

In addition, we would advocate for expanded use of self-determination and other supports for decision-making in lieu of court-appointed guardianship.

We offer our expertise and partnership should you pursue these policy goals going forward. We greatly appreciate your consideration in ensuring that our state's most vulnerable populations are protected against predatory and unscrupulous practices of those who take advantage of our loved ones.

Sincerely,

A handwritten signature in black ink, appearing to read "S Boyd". The signature is fluid and cursive, with the first letter "S" being particularly large and stylized.

Sherri Boyd  
Executive Director  
The Arc Michigan