



Michigan Guardianship Association

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MEMORANDUM

To: Representative Graham Filler, Chairman
House Committee on Judiciary

From: The Michigan Guardianship Association

Date: Tuesday, June 22nd, 2021

Re: **House Bills 4847, 4848, 4849 & 4850**

Please accept this communication on behalf of the 200 members of the Michigan Guardianship Association (“MGA”), who are court-appointed professional guardians and conservators. Since our founding in 1989, the Michigan Guardianship Association has been the premier initiator for the advancement of legislative reform, education, and the promotion of best practices for the protection of vulnerable individuals. As part of advancing these goals, members of MGA have been very active participants of the Attorney General’s Elder Abuse Task Force since its inception.

Unfortunately, our organization was never given an opportunity to review House Bills 4847-4850 prior to their introduction, and our first chance to review the language wasn’t until May 18th. While there are many improvements that can be made to the guardianship system, *and we look forward to working with interested parties to accomplish shared goals*, **we must oppose these bills as introduced.**

Without going line by line through each bill with our objections at this time, a few of the more obvious problems we’ve identified include:

- HB 4847. References a “certification” that does not exist;
- HB 4847. Bypasses the legislative process and gives the Supreme Court authority over guardianship certification;
- HB 4847. Limits uncertified guardians to 2 clients;
- HB 4847. Does not require attorneys to be certified;
- HB 4847. Allows financial institutions to be guardians;
- HB 4847. Prohibits the delegation of duties to noncertified staff;
- HB 4847. Requires monthly versus quarterly visits;
- HB 4848. Creates inventory and accounting requirements that are unworkable and do not take into account the professional guardian’s expertise with issues like hoarding disorder;
- HB 4848. Requires a new “sentimental value” entry on the inventory, yet does not define the term;
- HB 4848. Creates a new duty to maintain an individual in their "permanent residence", regardless of what is best for the health and welfare of the individual;



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- HB 4849. Requires Judges to appoint a dwindling supply of guardian ad litem more frequently, and requires guardian ad litem to do additional work;
- HB 4850. Creates a new and redundant fiduciary role of “emergency guardian” with contradictory notice requirements;
- HB 4850. Creates a vehicle to appoint a temporary guardian without notice to the serving guardian;
- HB 4848 and HB 4849. Create new duties for petitions and hearings that will require guardians to hire attorneys, prepare time intensive pleadings, and appear for hearings.

We are looking forward to working with the bill sponsors and the Attorney General’s office on amendments to improve these bills in a way that supports the protection of vulnerable adults and also supports professional guardians in a reasonable and sustainable way.

Hopefully with significant changes, we get to a point where our membership can move to a position of support.

Thank you for your time and attention to these important matters.