

To Mich House Subcommittee on General Government 3/15/22 Meeting
Chair VanWoerkom

PUBLIC COMMENT ON ATTORNEY GENERAL OFFICE

While the Attorney General's leadership on Gaurdianship Reform is to be commended, the reform bills should not fail to include enforcement of the Constitutional rule of **least-restrictive-to-liberty interventions**.

MCL 700.5306, HB 4849, SB 505, GAURDIANSHIP BILLS SHOULD INCLUDE THE "LEAST RESTRICTIVE TO LIBERTY ALTERNATIVE" REQUIREMENT

Adult full guardianship should be drastically reduced in Michigan and used only as a last resort. The idea that an adult person's life is to be "taken over" and subjected to the control of a stranger, or any other person, should be met with the highest level of Constitutional scrutiny and legislative protections. The guardian reform bills are progress, however, it is crucial that the statute also be amended to require both the court and guardian to adhere to the **Least-Restrictive-to-Liberty** rule, which the Constitution and most of the other states require. The statute should require that only if there is no other possible way to protect a person from substantial physical or financial harms, then guardianship may be imposed. And the guardian is not to act as dictator, but rather respect the wishes and choices of the subject to the greatest extent possible, while depriving the subject of their freedoms and rights to the least extent possible. Under Michigan law (700.5303) all that is required is that the court provide the petitioner with information about alternatives to full guardianship. This does not sufficiently protect the rights and interests of persons subject to guardianship proceedings.

Those who object to imposition of a guardian in Michigan usually lose. In a typical year 9,000 petitions are approved while 200 denied. The speed, simplicity and frequency in which guardianships are appointed and the difficulty and rarity of their removal is frightening. Too often the result is punishment, oppression, violation and exploitation rather than protection. If the state wants to help a person protect their money, then the state should pay guardian fees, legal fees, etc., or find alternatives. Similarly, depriving a person of their right to informed consent for health care is a prescription for disaster, as is depriving them of their freedom of speech, or other rights to make the most basic and intimate decisions in life. Freedom is valued in America, and even when the state just wants to help someone, this help should burden freedom and liberty the least amount possible. Statutes in the other states should provide guidance on how to word this amendment to 330.5306.

Thank you. Sincerely,



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