

2022 Gal Training Seminar

UPDATES ON PROBATE LEGISLATION AND COURT RULES

Adopted Public Acts and Court Rules

2022 P.A. 74 Publication in newspaper in county where Court is located;

2022 P.A. 76 Defines newspaper for print publication purposes and directs website requirements for such newspapers;

2022 P.A. 157 Amends funeral representative section .3206 (primarily sections 4-10) 72 hour provision vs. previous 48 hour provision; added health facility or veteran's facility to party who can make reasonable attempt in good faith to contact a person described as person with priority in section 3 or section 4;

2022 P.A. 214 allows County Board to establish County Mental Health Board to establish mechanism for private transportation of mental health patients;

M.C.R. 2.407 Video conferencing

M.C.R. 5.140 Use of Video Conferencing Technology: in uncontested petitions or motions in guardianship, conservatorship, protected individual and decedent's estates there is presumption this technology is to be used(subject to right to be present and to M.C.R. 2.407(B)(5)

Proposed and/or Pending Legislation

Proposed S.B. 1102 and 1103 Extensive revisions to requirements for professional guardians (certification within 2 years after effective date of amendatory act to 5106(a); certification of employees of professional guardians;

detailed process outlined for certification; referred to committee on Judiciary and Public Safety 6/23/22;

Pending Legislation S.B. 1148, 1149, 1150 Referred on 9/7/2022 to committee on Judiciary and Public Safety (would repeal 5501-5505 of EPIC DPOA and Designation of Patient Advocate; amend 333.10121 & 333.103011 to reflect adoption of uniform power of attorney act; amend 324.20101b to reflect adoption of uniform power of attorney act;

Proposed H.B. 4898 referred to committee on Judiciary and Public Safety 6/15/22: would amend EPIC to adjust threshold amounts of different decedent assets to adjust for inflation for each calendar year;

Proposed H.B. 4899 referred to committee on Judiciary and Public Safety 6/15/22: Amend vehicle code to increase total value of vehicle or watercraft for which surviving spouse or heir may apply to transfer title;

Proposed H.B. 4900, 4901 4899 referred to committee on Judiciary and Public Safety 6/15/22: amend Natural Resources and Environmental Protection Act to increase total value to allow be transferred and adjust for inflation;

Proposed H.B. 6252 referred to committee on Judiciary and Public Safety 6/21/22: modify requirement for priority of appointment of Professional Guardians;

Proposed H.B. 6253 referred to committee on Judiciary and Public Safety 6/21/22: modify requirements to be appointed guardian and conservator;

Proposed H.B. 6355 referred to committee on Health policy 9/7/22: amend mental health code to require psychological evaluation in hospital emergency room not longer than certain period of time due to mental health episode;

Recent Past Court Rule Amendments of importance:

MCR 5.105(A)(3) When serving by publication a verified declaration of intent to give notice by publication (PC 617) must be filed with Court;

MCR 5.162 A proposed judgment or order must be prepared in accordance with MCR 2.602(A) and MCR 1.106(D)(2). Judgments and orders that dispose of the last pending claim must include a statement immediately preceding the Judge's signature that "it resolves the last pending claim and closes the case."