

**Public Policy Position  
HB 4597**

The Elder Law & Disability Rights Section is a voluntary membership section of the State Bar of Michigan, comprised of 1,129 members. The Elder Law & Disability Rights Section is not the State Bar of Michigan and the position expressed herein is that of the Elder Law & Disability Rights Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Elder Law & Disability Rights Section has a public policy decision-making body with 20 members. On June 3, 2023, the Section adopted its position after a discussion and vote at a scheduled meeting. 15 members voted in favor of the Section's position, 0 members voted against this position, 1 member abstained, 4 members did not vote.

**Support with Recommended Amendments**

**Explanation:**

- The UPOAA should be in EPIC, not a standalone statutory section
- No Statutory Form – silent on digital assets, potential to cause non-statutory forms to be more difficult to be accepted, increase risk of elder abuse and misuse, statutory form likely will not be updated with changing of times, false sense of security
- Section 108 – modify the UPOAA to provide that a Guardian or Conservator can terminate a Power of Attorney (which is our current law)
- Section 114 - change (2)(e): ...consistent with the principal's best interest based on relevant factors, which may include but not be limited to...; language from the Michigan Trust Code should be included for consistency with regard to the delegation; APS removed in (9), and provide "other court appointed fiduciary" instead of "other fiduciary"
- Section 116 - (c) would read ""a person that, at the time of the petition, is exercising authority to make health care decisions for the principal provided, however, the petition is limited to matters related to the payment of expenses related to medical and health concerns of the principal.";  
Remove (d)-(i)
- Section 217 - In the last part of the sentence before the colon, add "which may include" the following; remove (b); change "a gift in trust", to "a gift in any trust"

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