

**Public Policy Position
SB 0798 S-1**

The Probate & Estate Planning Section is a voluntary membership section of the State Bar of Michigan, comprised of 3,458 members. The Probate & Estate Planning Section is not the State Bar of Michigan and the position expressed herein is that of the Probate & Estate Planning Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Probate & Estate Planning Section has a public policy decision-making body with 23 members. On December 5, 2020, the Section adopted its position after a discussion and vote at a scheduled meeting. 21 members voted in favor of the Section's position on SB 0798 S-1, 1 member voted against this position, 0 members abstained, 1 member did not vote.

Oppose as Drafted**Explanation:**

The Estates and Protected Individuals code currently allows an individual whose access to a ward is restricted by the ward's guardian to bring the issue before the court. If the ward has capacity to decide visitation questions for himself or herself, he or she can seek a modification of the guardianship to effect his or her decision. If the ward lacks that capacity, the individual being denied access can seek the relevant modification. Furthermore, the bill makes no distinction of standing between, for example, a member of the ward's family, on the one hand, and someone with whom the ward has had no prior contact, on the other.

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