



Report on Public Policy Position

Name of Committee:

Committee on Justice Initiatives

Contact Person:

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Proposed Court Rule or Administrative Order Number:

ADM File No. 2005-37 - Proposed Amendment of Rules 5.101, 5.105, 5.113, 5.125, 5.206, 5.302, 5.306, 5.307, 5.309, and 5.403 of the Michigan Court Rules and Proposed Adoption of Rules 5.410 and 5.411 of the Michigan Court Rules

These amendments are published in response to a proposal submitted by the Michigan Probate Judges Association and the State Bar of Michigan's Probate and Estate Planning Section. This was a joint effort to increase the oversight of guardianship and conservatorship proceedings, as well as to improve other procedures in probate court.

Date position was adopted:

April 12, 2007

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

19

Number who voted in favor and opposed to the position:

11 Voted for position

0 Voted against position

0 Abstained from vote

8 Did not vote

Position:

Support provision of rules (5.403(C) and (D) related to temporary guardianships that requires petitions for such guardianships to specify in detail the emergency situation requiring such temporary guardianships.

Explanation of the position, including any recommended amendments:

Support - Reiterating JPI/CJI previous position of support for provision of the rule requiring that the record include the factual grounds for temporary guardianships in order to ensure that such guardianships are appropriate and that the alleged reasons for such guardianships are clear for any appeals purposes.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://courts.michigan.gov/supremecourt/Resources/Administrative/2005-37.pdf>