

ELDER LAW & DISABILITY RIGHTS SECTION
Respectfully submits the following position on:

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SB 0092, Paragraphs E & F

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The Elder Law & Disability Rights Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Elder Law & Disability Rights Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Elder Law & Disability Rights Section is 1,739.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 15. The number who voted in favor to this position was 15. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of section:

Elder Law & Disability Rights Section

Contact person:

Rosemary H. Buhl

Phone:

517-853-6900

Bill Number:

[SB 0092](#) (Bieda) Probate; powers of attorney; written acknowledgment of responsibilities by agent appointed under a power of attorney; require. Amends sec. 5501 of [1998 PA 386](#) (MCL 700.5501).

Date position was adopted:

February 4, 2012

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:

15

Number who voted in favor and opposed to the position:

15 Voted for position

0 Voted against position

Position:

Support and Amend

Explanation of the position, including any recommended amendments:

Amend bill to comply with the recommendations of the Probate and Estate Planning Section's Committee. To delete paragraphs E & F and replace with "(E) unless provided for in the durable power of attorney, the attorney-in-fact shall not create and "in trust for", also known as a payable-on-death account, or make, change or, delete a transfer-on-death or payable-on-death designation concerning the principal's assets, if the action would alter the payable-on-death designation".

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

<http://legislature.mi.gov/doc.aspx?2011-SB-0092>