

ESTATES AND PROTECTED INDIVIDUALS CODE (EXCERPT)
Act 386 of 1998

700.5301c Designation of standby guardians.

Sec. 5301c.

(1) At a hearing convened under this part, the court may designate 1 or more standby guardians. The court may designate as standby guardian a competent person that is suitable and willing to serve in the order of priority under section 5313.

(2) The nominated standby guardian must receive a copy of the petition nominating the person to serve, the court order establishing or modifying guardianship, and the order designating the standby guardian.

(3) A standby guardian shall file an acceptance of the person's designation under subsection (2) within 28 days after receiving notice of the order designating the standby guardian.

(4) If the standby guardian is unable or unwilling to serve, the standby guardian shall promptly notify the court and interested persons in writing.

(5) A standby guardian does not have authority to act unless the guardian is unavailable for any reason, including any of the following:

(a) The guardian dies.

(b) The guardian is permanently or temporarily unavailable.

(c) The court removes or suspends the guardian.

(6) During an emergency affecting the legally incapacitated individual's welfare when the guardian is unavailable, the standby guardian may temporarily assume the powers and duties of the guardian. A person may rely on the standby guardian's representation that the standby guardian has the authority to act if the person is given the order issued under subsection (2) and acceptance filed under subsection (3). A person that acts in reliance on the representations and documentation described in this subsection without knowledge that the representations are incorrect is not liable to any person for so acting and may assume without further inquiry the existence of the standby guardian's authority.

(7) A standby guardian's appointment as guardian is effective, without further proceedings or reiteration of acceptance, immediately on the guardian's unavailability as described in subsection (5). The standby guardian has the same powers and duties as the prior guardian.

(8) On assuming office, the standby guardian shall promptly notify the court, any known agent appointed under a power of attorney executed under section 5103, and interested persons. On receiving notice under this subsection, the court may enter an order appointing a standby guardian as guardian without the need for additional proceedings. The guardian appointed under this subsection shall serve the court's order on the interested persons.

History: Add. 2024, Act 1, Imd. Eff. Feb. 21, 2024

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