

Summary of House Bill 5103

Public Administrators are local attorneys appointed in each county to, among other duties, serve as personal representatives of decedent estates when there is no family or when an impartial fiduciary is needed.

Another role of the Public Administrators, however, is to seek authority as a special personal representative or a special fiduciary for the limited purpose of authorizing the final disposition of a decedent's remains who had no family, and no will.

In the wake of the discovery of a small number of questionable practices on the part of a few county Public Administrators, a reform package was enacted as Public Acts 13 or 2018. Among other reforms, PA 13 extended the time period, from 42 days to 63 days after a decedent's death, within which a Public administrator cannot be appointed to represent an estate. The measure also requires a formal proceeding for a county Public Administrator to be appointed.

Since enactment of these reforms, some public administrators have been reluctant to seek authority under EPIC section 3206(8) for the limited purpose of authorizing final disposition for a decedent. Obviously, the final disposition of a decedent cannot wait 63 days. HB 5103 would correct the problem by amending PA 13 to allow for the court to appoint a general personal representative who can during that 63-day time period can authorize final dispositions.

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