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To: Members of the House Judiciary Committee
From: Nicole Shannon, Michigan Elder Justice Initiative
Subject: HB 4644
Date: June 14, 2023

The Michigan Elder Justice Initiative is a private non-profit providing legal and other advocacy to older adults and adults with disabilities. We are a program of Michigan Statewide Advocacy Services, a non-profit that provides statewide support to civil Legal Services programs that serve low-income and older adults.

The Michigan Elder Justice Initiative is proud to support the work of the Elder Abuse Task Force, including HB 4644. We have been members of the Elder Abuse Task Force since Day 1 back in March 2019. We know the care that has gone into this legislation.

As an organization that serves older adults and adults with disabilities who are primarily low-income, MEJI knows this legislation is one of the most important steps this body can take to reduce unnecessary guardianships. Specifically, this legislation makes these important changes:

- Makes durable powers of attorney accessible to low- and middle-income adults.
 - The statutory form means that individuals no longer need to retain an attorney to draft a financial power of attorney. Patient Advocate Designations are already available for free on michiganlegalhelp.org, the website run in a collaboration with the State Bar Foundation, Michigan Supreme Court, and Michigan Statewide Advocacy Services. Durable powers of attorney could easily be just as accessible.
 - Many low- and middle-income adults assume that a durable power of attorney is only necessary for people with substantial assets. After all, who needs an “estate plan” without a substantial estate? By creating this statutory form, this important part of life-planning can be available to all.

- Strengthens this important alternative to guardianship.
 - Accessible durable powers of attorney mean giving Michiganders access to the gold standard in avoiding guardianship. Instead of requiring a court order, a potential family feud, legal fees, a congested probate docket, and potentially a corporate guardian, an individual can keep their private business private, and out of the judicial system. The individual can choose their fiduciary and ensure their wishes will be followed, even after losing capacity. This reduces the burden on the judicial, guardianship, and conservatorship systems, while at the same time preserving independence, dignity, and autonomy.
 - This bill will increase the acceptance of powers of attorney. When a financial institution declines to accept a power of attorney because their risk managers prefer a corporate form, it is bad for Michiganders. It results in unnecessary guardianships and conservatorships, it reduces the usefulness of this important tool, and it wastes the resources of those who have chosen to execute a durable power of attorney. By increasing acceptance, Michiganders can ensure their wishes will be respected.
- Reduces the emotional burden.
 - Discussing death and disability is uncomfortable. Calling an attorney, making an appointment, and discussing these issues with a stranger is enough to keep people from even starting the process. By giving Michiganders the opportunity to use the statutory form in the privacy of their own home, it will reduce the barriers in getting adults to take charge of their futures.

The Michigan Elder Justice Initiative urges the passage of HB 4644. Thank you for your time.

Sincerely,



Nicole Shannon
Systemic Advocacy Attorney
Michigan Elder Justice Initiative