



**Disability
Rights**
Michigan

To: Chairwoman Breen and Members of the House Judiciary Committee
From: Michelle Roberts, Disability Rights Michigan
Subject: HB 4909 – 4012
Date: September 27, 2023

Disability Rights Michigan (DRM) is the private, nonprofit, nonpartisan protection and advocacy program mandated to serve Michigan's disability community. We are a law firm that provides information and referrals, conducts investigations, and provides advocacy and direct legal representation to individuals of all ages with all types of disabilities throughout Michigan. Disability Rights Michigan is honored to be an appointed member of the Elder Abuse Task Force since it began in 2019.

We are pleased to support the work of the Elder Abuse Task Force and legislation to reform Michigan's guardianship system. The proposed changes will stop unnecessary guardianships, ensure people subjected to guardianship petitions are seen, heard, and afforded the choice, dignity, and respect they deserve before, during and after petitions are filed, and ensure those subjected to guardianship do not lose their human and civil rights, their personal property, their homes, or their lives.

Disability Rights Michigan receives thousands of calls each year from individuals with disabilities seeking assistance. Our clients call to report abuse, neglect, and financial exploitation by their guardians, and for assistance to terminate an unnecessary or overly restrictive guardianship order. While the Elder Abuse Task Force focuses on eliminating elder-related abuses, the reforms before this committee will benefit all Michigan citizens. Any one of us could be subject to a guardianship petition if we acquire a disability, are seriously injured in an accident, or become vulnerable as we age. The gaps and drawbacks within the current guardianship system are complex and this legislation lays the critical foundation we need to build additional reforms going forward. This legislation is not intended to fix everything but without these changes we will fix nothing.

Sincere consideration of alternatives to guardianship must be given so that guardianships aren't appointed when supported decision-making and other legitimate and preferred options are available. Limits on caseloads and guardian certification must be instituted so our most vulnerable citizens can get their needs met by someone who knows their wishes and preferences. Guardians who are appointed to serve 600 or more individuals cannot reasonably know them, know what's best for them, or even recognize them – especially when they delegate these duties to someone else in their office. When people get their needs met in a dignified and respectful way, everyone is happier and healthier.

I would like to share two brief examples of common cases we see at Disability Rights Michigan.

First, an individual with mental health needs is appointed a guardian after periods of not taking her medications consistently. The woman is moved from her home, which she owns, and placed in a facility. A few of her belongings, mostly clothes, are placed in garbage bags and sent along with her to the facility which was intended to be her new "home". The woman requests her personal artifacts – things that are important to her such as family photos, her identification and birth certificate, mementos from throughout her life, gifts from loved ones, cold-weather clothing, and her mother's ashes. The guardian doesn't want to drive several hours to deliver the items and says it's cost prohibitive to mail them to her. The guardian had no intention of the woman returning to the community and therefore determined she didn't "need" any of her belongings and disposed of them with the trash. The proposed legislation could've helped this woman in several ways: alternatives to guardianship would've been considered, her important personal property would've been preserved, she would not have been so easily stripped from her home, and someone would've asked and considered her wishes before and throughout the process.

Next, an older woman with financial assets is petitioned for a guardian by her son. The son alleges the woman has dementia and is unable to handle her finances or take care of herself without extensive help from him. Under current law, none of this needs to be verified and, in fact, none of this was true. Nonetheless the son is appointed as her full guardian, immediately moves into her home, takes away her driver's license, keys, and her phone, and does not allow her to communicate with anyone including her sister whom she routinely visited and travelled with. The guardian stole his mother's money, physically and mentally abused her, and isolated her from everyone for well over a year. Despite her sister and others trying to intervene and get help, no one could penetrate the controlling guardian's version of the story. As more people were starting to question what was going on the guardian became more abusive. He ended up beating the woman badly enough that she needed to be air lifted for life saving treatment. Finally, this guardianship was looked at objectively and terminated. Again, this woman did not have a disability, she had done nothing wrong, and was simply a victim of a predator because she was aging.

Michigan citizens deserve better and need your support to make these changes a reality. The legislation before you can and will protect all Michigan residents, but most notably our most vulnerable. Disability Rights Michigan urges the passage of House Bills 4909 – 4012. I thank you for your time and consideration.

Sincerely,



Michelle Roberts
Executive Director
Disability Rights Michigan