

MENTAL HEALTH CODE (EXCERPT)
Act 258 of 1974

330.1637 Discharge or modification order; petition; hearing; order.

Sec. 637.

(1) A guardian for an individual with a developmental disability or the individual's estate who was appointed before the effective date of this act under former chapter 3 of Act No. 288 of the Public Acts of 1939 or a guardian appointed under this chapter may be discharged, or have his or her duties modified, when the individual's capacity to perform the tasks necessary for the care of his or her person or the management of his or her estate have changed so as to warrant modification or discharge. The individual with a developmental disability, the individual's guardian, or any interested person on his or her behalf may petition the court for a discharge or modification order under this section.

(2) A request under subsection (1), if made by the individual with a developmental disability, may be communicated to the court by any means, including oral communication or informal letter. Upon receipt of the communication the court shall appoint a suitable person who may, but need not be, an employee of the state, county, community mental health services program, or court, to prepare and file with the court a petition reflecting the communication.

(3) The court, upon receipt of a petition filed under this section, shall conduct a hearing. At the hearing, the individual shall have all of the rights indicated in sections 615 and 617.

(4) Upon conclusion of the hearing, the court shall enter a written order setting forth the factual basis for its findings and may do any of the following:

- (a) Dismiss the petition.
- (b) Remove the guardian and dissolve the guardianship order.
- (c) Remove the guardian and appoint a successor.
- (d) Modify the original guardianship order.
- (e) Make any other order that the court considers appropriate and in the interests of the individual with a developmental disability.

History: Add. 1978, Act 527, Imd. Eff. Dec. 21, 1978 ;-- Am. 1995, Act 290, Eff. Mar. 28, 1996

Compiler's Notes: Act 288 of 1939, referred to in this section, was repealed by Act 125 of 1949 and Act 642 of 1978.