

**State Bar of Michigan
Probate and Estate Planning Section
Annual Report dated May 31, 2019
Addendum**

Public Policy Positions Taken on Legislation from June 1, 2018 through May 31, 2019:

HB6467	Michigan Uniform Transfers to Minor, Amount Modification
HB6470	Natural Resources & Environmental Protection Act, Watercraft
HB6471	Estates & Protected Individuals Code, General Amendments
SB1182	Revised Judicature Act of 1961, Attorney Fees
SB1183	Revised Judicature Act of 1961, Attorney Fee Awards

Other Public Policy Positions Taken on Legislation from June 1, 2018 through May 31, 2019:

- Proposal to Add a Section to EPIC Concerning Undisclosed Trusts (700.7409a) (the Section proposes to add a provision that will permit a settlor to create a trust that does not require disclosure to the beneficiaries under certain circumstances)
- Amendments to MCL 700.5508 (proposal to add definition of “attending medical professional”)
- Amendments to MCL 700.5507(2) (permitting patient advocate designation to include instructions for patient advocate)
- Amendments to MCL 700.5506 (added provision clarifying that a patient may name more than one patient advocate to act together)
- MCL 554.531(3) (increase limit for transfers under this section)
- Amendments to MCL 700.3206(14)(a) (revised definition of “armed forces”)
- Amendment to MCL 700.7103 and 700.7506 (revised provision for determine who is the settlor of a trust)
- Amendments to EPIC Standby Guardian Sections (proposed revisions to prior public policy positions)

- Amendments to Safe Families for Children Act, MCL 722.1551 et seq. (to clarify the application of the statute)
- MCR 5.307(A) (the Section oppose amending Michigan Court Rule 5.307(A) to require that the inventory be filed with the probate court, because it is contrary to MCL 700.3706(2))
- MCL 554.531(3) (the Section supports amending MCL 554.531(3) to increase the limit from \$10,000 to \$50,000 for a transfer by a third party (other than a personal representative, trustee, or conservator) to a custodian under the Uniform Transfers to Minors Act, 1998 PA 433, MCL 554.521 et seq.)

- "A bill to amend 1998 PA 386, entitled 'Estates and protected individuals code,' by amending..." (the Section supports making various changes to EPIC)

Status of Legislative Projects as of January Probate Council Meeting:

Probate Council Initiatives (or Revisions to Proposed Legislation) that Were Enacted During 2017-2018 Legislative Session

- Override to *Jajuga* case. HB 4410. 2018 PA 143.
- Certificate of Trust coordination. HB 5362, 5398. 2018 PA 491, 2018 PA 492.
- Divided and Directed Trusteeships. HB 6129, 6130, 6131. 2018 PA 662, 18 PA 663, 18 PA 664.

Probate Initiatives That Have Gone Through LSB and Need Sponsors in 2019-2020 Session

- ART Legislation.
- EPIC Omnibus Bill.
- Community Property Trust bill.
- Tenancy by the Entireties Trust bill.

Probate Initiatives that Need to Be Reviewed by LSB and Need Sponsors (or be added to other bills)

- Voidable Transactions Act fix to harmonize with the Qualified Dispositions in Trusts Act (Rob Tiplady's request).
- Undisclosed Trusts.

Probate Initiatives that Need To Be Drafted and Approved by Probate Council

- Proposal from Drafter/Beneficiary Ad Hoc Committee?
- Proposal from Premarital Agreement Legislation Ad Hoc Committee?
- Vehicle Title Transfer on Death?

Probate Initiatives that Stalled

- No uncapping for transfers to LLC's.
- Limit liability for Trustees of ILITs.
- Expand kinds of personal property that can be held as tenancy by the entireties.

Miscellaneous

In October, the Michael Irish Award was awarded to Nancy Little.

Recommendations for next Council

Keep up the good work! The officers, members, ex-officios, liaisons, and many volunteers make the Probate Council meetings welcoming, rewarding, and productive. A few suggestions:

- Continue to press for enactment of ART and the EPIC Omnibus, including testimony at hearings on our bills.
- Consider other ways of permitting more Section members to attend the meetings and contribute. The remote attendance is a good start. Have video conferences so those that are attending remotely feel more engaged in the meeting?
- Consider community educational outreach about issues with internet-based forms.
- Collaborate with Business Law Section's committee on non-profit law to address issues with the non-profit corporation act.