

SB110
Victoria McCassey
Tom Howl

**SUBSTITUTE FOR
SENATE BILL NO. 110**

A bill to amend 1998 PA 386, entitled
"Estates and protected individuals code,"
by amending section 5306 (MCL 700.5306), as amended by 2004 PA 532.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 5306. (1) The court may appoint a guardian **under Sec. 700.5313** if the court finds by clear and convincing evidence both that the individual for whom a guardian is sought is an incapacitated individual and that the appointment is necessary as a means of providing continuing care and supervision of the incapacitated individual, with each finding supported separately on the record. Alternately, the court may dismiss the proceeding or enter another appropriate order.

(2) The court shall grant a guardian **under Sec. 700.5313** only those powers and only for that period of time as is necessary to provide for the demonstrated need of the incapacitated individual. The court shall design the guardianship to encourage the development of maximum self-reliance and independence in the individual. If the court is aware that an individual has executed a patient advocate designation under section 5506, the court shall not grant a guardian any of the same powers that are held by the patient advocate. A court order establishing a guardianship shall specify any limitations on the guardian's powers and any time limits on the guardianship.

(3) If the court finds by clear and convincing evidence that an individual is incapacitated and lacks the capacity to do some, but not all, of the tasks necessary to care for himself or herself, the court may appoint a limited guardian to provide guardianship services to the individual, but the court shall not appoint a full guardian.

(4) If the court finds by clear and convincing evidence that the individual is incapacitated and is totally without capacity to care for himself or herself, the court shall specify that finding of fact in an order and may appoint a full guardian.

(5) If an individual executed a patient advocate designation under section 5506 before the time the court determines that he or she became a legally incapacitated individual, a guardian does not have and shall not exercise the power or duty of making medical or mental health treatment decisions that the patient advocate is designated to make. If, however, a petition for guardianship or for modification under section 5310 alleges and the court finds that the patient advocate designation was not executed in compliance with section 5506, that the patient advocate is not complying with the terms of the designation or with the applicable provisions of sections 5506 to 5515, or that the patient advocate is not acting consistent with the ward's best interests, the court may modify the guardianship's terms to grant those powers to the guardian.

(6) If the court finds by clear and convincing evidence that the individual is incapacitated, that the person that has the care and custody of the incapacitated individual denied another person access to the incapacitated individual **without cause**, and that the incapacitated individual desires contact with the other person or that contact with the other person is in the incapacitated individual's best interest, the court **shall allow unrestricted** access with the other person.

(7) If the court finds by clear and convincing evidence that the individual is incapacitated, that the person that has the care and custody of the incapacitated individual denied another person access to the incapacitated individual for due cause (abuse, threats, theft) and if the incapacitated individual desires contact with the other person or that contact with the other person is in the incapacitated individual's best interest, the court may appoint a limited guardian solely to supervise access with the other person at that person's expense for 1 year after full and complete restitution is made to the incapacitated individual within 30 days. After 1 year of compliance, the court shall terminate the limited guardianship solely to supervise access with the other person if no further issues arise and allow unsupervised visits. All court costs shall be at the expense of the other person.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

--U.S. INSTITUTE OF SCIENCE--
Adequacy Assurance-Collegiate (Constitutional) Research Group

SBIID
Victoria McCassey
Tom Howe

In Re: HUMAN TRAFFICKING HAPPENING IN OUR COURTS/ JURY ACCOUNTABILITY/ COURT-CORRUPTION / DUE PROCESS TASKFORCE—U.S. LAW ENFORCEMENT/EDUCATORS/ PRESS: STOP THE THEFTS FROM AMERICAN CITIZENS, & ENFORCE OUR RIGHTS TO TRIAL BY JURY

Dear Honorable Law Enforcement Officers/ US Citizens,

I would like to bring your attention to the "Juryless Process Abuse Epidemic", that is currently plaguing our country, and unlawfully stripping away assets from some of our most vulnerable citizens/seniors/parents/divorcees/property-owners...a situation that we have become aware of—and seen the evidence. Too often "juryless" courts are being used as a tool to racketeer/steal assets from American hard working citizens & families, and intentionally wrongly award them to probate networks including "attorneys", "guardians", "fiduciaries", etc., via cooperating "probate/juryless judges", acting in contravention to law. These racketeering uses of our court facilities, "federally and state defined felonies" (of the corruption, obstruction, grand theft/embezzlement, jury, witness, & evidence tampering, etc. varieties), are immensely adding-to/creating the civil unrest, chaos, crime & debt rates on the streets...which in turn is endangering, harming, and KILLING POLICE OFFICERS and the general citizenry alike, this very day. Just recently, then Attorney General Jeff Sessions reported a 61% increase in police officers killed that very year...NOW IS THE TIME TO PROSECUTE!

I am of the great hope that you, from your position and dedication to support and defend the Constitution of the United States, and your personal stake herein, will take the necessary steps to ensure that these abuses are stopped and due process is in fact being provided and protected, including minimally:

1. Identify courts operating without juries in your area & jurisdiction, detailing those sitting without a jury in the courtroom, as well as those without sufficient jury review and oversight of "proposed findings" and litigant objections, etc.

2. Ensure that in your department, as well as on a state/federal level, that there is an adequate task force apprised and charged with identifying and prosecuting any/all illegal exploitation of juryless court facilities/functions, which would include the wrongful removals of proper grand/trial jury function and the facilitation/enabling of organized crime/wrongdoing, "court"/"attorney"/"bar" exploitation of litigants, assets, etc.; and personally ensuring that those findings are presented to the district grand jury for process, minimally

It has long been proven that Juryless Governance is a breeding ground for organized crime, racketeering, and crime in general—preventing the same being one of the main reason for the establishment of this country. As these are urgent matters that expand and exaggerate unnecessarily the crime and debt rates on our streets this very day, they are well within your authority and best interest to investigate and bring to justice. I look forward to your efforts in stopping these CRIMES & UNCONSTITUTIONAL activities, RESTORING PROPER GRAND/TRIAL JURY FUNCTION. As always, my staff and I are available to assist you in any way possible. Please stay safe as you protect our communities, and may God Bless you and the United States of America.

Sincerely,

U.S. Institute of Science
A Government/Law Studies Research Science Group
Adequacy Assurance-Collegiate (Constitutional) Research Group
Email us: USInstituteofScience@yahoo.com

