ELDRS Update

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From the Chair

By Susan Lucile Chalgian, Chalgian & Tripp Law Offices, East Lansing

2026 has been an incredible year for our Section already! As David Shaltz describes in detail below, we have received two important decisions, one published from the Michigan Court of Appeals and one from the Michigan Supreme Court, which support concepts our Section has ceaselessly advocated for. We had Section members meeting with legislators in February to push legislation forward that was written by our Section. We had membership increase after a successful venture with the Young Lawyers Section. Looking forward, we are planning an amazing fall conference to take place on September 23-25, 2026, in Grand Rapids. Please continue to engage with the Section and please look for registration information coming soon for the fall conference.

Save the Date

2026 Fall Conference
September 23-25
Embassy Suites
Grand Rapids

A Duo of Stellar Appellate Decisions on Medicaid Law and Practice in MI

By David L. Shaltz, Of Counsel, Chalgian and Tripp Law Offices PLLC, East Lansing

This article describes two important appellate decisions issued in March 2026. They profoundly affect how citizens access Medicaid benefits in Michigan. The Elder Law and Disability Rights Section (ELDRS) of the State Bar of Michigan participated in both cases as amicus curiae.

***In re Estate of Sizick*, __ Mich __; __ NW2d __ (2026) (Docket No. 166921).** In this unanimous decision written by Chief Justice Megan K. Cavanagh, the Michigan Supreme Court breathed new life into the use of probate court protective orders of spousal support as a viable tool in Medicaid planning.

Background. On June 1, 2021, ELDRS member Norm Harrison of Saginaw, petitioned the local probate court for a protective order (PO) of spousal support for Janet Sizick, the spouse of Jerome Sizick. On June 16, 2021, Janet submitted an Assets Declaration to the Michigan

Department of Health and Human Services (MDHHS). The very next day, MDHHS issued an Initial Asset Assessment (IAA) notice setting $101,513.77 as Janet's Medicaid protected spousal amount. The probate court conducted a hearing on the PO petition on June 21, 2021. The Michigan Department of Health and Human Services (MDHHS) appeared and objected to it. Saginaw County Probate Judge Patrick J. McGraw granted the petition. He issued a PO transferring all of the couple's countable assets ($203,027.54) and part of Jerome's monthly income to Janet for her support. Under the Department's policy in BEM 402, that court order of spousal support supplanted the protected spousal amount in the IAA. On July 28, 2021, a copy of the PO was provided to Jerome's MDHHS eligibility specialist. On August 6, 2021, Jerome's Medicaid application with supplemental information was submitted to the local MDHHS office. Under the Department's policy in BAM 115, his eligibility for Medicaid should have been determined within the 45-day standard of promptness. That did not happen. Instead, on July 21, 2021, the Department filed an appeal with the Michigan Court of Appeals (COA) challenging the PO. On August 6, 2021, an attorney in the agency's Bureau of Legal Affairs instructed the local MDHHS office to "Please do not process the case. We need to ensure the Department does not have a determination because (for lack of a better phrase), that will mess up our appeal." A stay of the PO was never issued by the probate court or the COA.

The Court of Appeals Decisions. *In re Estate of Jerome W. Sizick*, unpublished per curiam opinion of the Court of Appeals, issued May 26, 2022 (Docket No. 357785) (*Sizick I*). The COA determined Jerome Sizick met the requirements in MCL 700.5401(3)(a) for issuance of a PO. However, relying on *In re Estate of Schroeder*, 335 Mich App 107; 966 NW2d 209 (2020), the Court found the probate court erred in assessing Jerome's needs in the absence of a final determination of his eligibility for Medicaid. Stated another way, it was wrong for the court to factor in the availability of Medicaid benefits to meet Jerome's needs when no eligibility determination had yet been made by MDHHS. The COA vacated the probate court's findings under MCL 700.5401(3)(b) and remanded the case to the probate court for further findings on the needs of both spouses and to identify the property being transferred.

On June 8, 2022—more than three hundred days after Jerome filed his Medicaid application—MDHHS finally made an eligibility determination. Because the COA vacated the PO, the Department denied the application due to excess assets.

Based on the COA's decision in *Sizick I*, Janet filed a petition with the probate court to conduct an evidentiary hearing seeking an amended protective order. A hearing was conducted on October 25, 2022, in which further testimony and documentary evidence was submitted detailing Janet's needs, Jerome's nursing home bills, the couple's assets, the value of those assets and who owned them. On December 13, 2022, Judge McGraw issued two orders. One granted Janet's request for an amended PO in which the Court once again ordered Jerome to transfer all the couple's assets and part of his income to Janet for her support. The second order made the amended PO retroactive to June 21, 2021, the date of the original probate court hearing because, "but for [the DHHS's] own actions to not process the Medicaid Application, Jerome Sizick would have been deemed eligible for Medicaid." MDHHS then filed a claim of appeal to challenge those orders.

In re Estate of Jerome W. Sizick, unpublished per curiam opinion of the Court of Appeals, issued January 18, 2024 (Docket No. 364321) (*Sizick II*). In evaluating whether the amended PO satisfied the requirements of MCL 700.5401(3)(b), the COA again depended on *Schroeder*. It stated:

> *Schroeder* thus stands for the rather unremarkable position that, when assessing an institutionalized spouse's needs related to MCL 700.5401(3)(b), the probate court must consider those needs as they are. This in turn means the court cannot consider whether Medicaid will cover the institutionalized spouse's needs if the institutionalized spouse has yet to qualify for such benefits.

The COA found that nothing in the amended PO's recitation of the facts and its reasoning showed that the probate court adequately considered Jerome's needs and circumstances. The evidence about Jerome's projected patient-pay amount was rejected because under *Schroeder* "the probate court could not consider this as evidence of Jerome's needs because Jerome had not yet qualified for Medicaid." The COA concluded the probate court abused its discretion by failing to operate within the proper legal framework. It vacated the amended PO and again remanded the case to the probate court to "properly address MCL 700.5401(3)(b)." It also rejected the probate court's decision to backdate the amended PO.

Proceedings Before the Michigan Supreme Court. On April 10, 2024, Jerome filed an application for leave to appeal with the Michigan Supreme Court (MSC). On May 22, 2024, ELDRS member David L. Shaltz, of Chalgian & Tripp Law Offices in East Lansing, filed a motion with the MSC to file a joint amicus curiae brief on behalf of the ELDRS and the Michigan Chapter of the National Academy of Elder Law Attorneys (NAELA). The next day the MSC granted the motion and accepted the amicus curiae brief. Due to Jerome Sizick's death in late April 2024, the MSC issued an order on June 5, 2024, substituting the personal representative of his estate as the named petitioner-appellant. On September 13, 2024, the MSC issued an order directing the parties and inviting the amici to file supplemental briefs addressing whether the appeal was rendered moot because of Jerome's death. On January 24, 2025, the MSC issued another order in which it directed the parties and invited the amici to file supplemental briefs to address three questions:

> (1) whether this appeal has been was rendered moot by the death of Jerome E.

> Sizick; (2) if so, whether an exception to the mootness doctrine is applicable here; and (3) if the appeal is not moot or if a mootness exception applies, whether *In re Estate of Schroeder*, 335 Mich App 107 (2020), wrongly held that a probate court, in evaluating a petition for a protective order of spousal support under MCL 700.5401, cannot consider whether Medicaid benefits will be available to a protected individual in measuring his or her needs prior to a Medicaid eligibility determination.

On August 27, 2025, the MSC granted the motion of the amici to participate in oral argument on the appeal. On October 9, 2025, Norm Harrison and David Shaltz presented oral arguments to the Court. They can be seen at https://www.youtube.com/watch?v=jNbZuVt3aVo.

The Decision. On March 18, 2026, the MSC issued a unanimous decision overruling *Schroeder*, reversing the COA's decision to vacate the 2022 PO in *Sizick* II and remanded the case to the probate court for further proceedings consistent with its decision.

The Court found the appeal was not moot because, after his first Medicaid application was denied by MDHHS, Jerome requested an administrative hearing with the Michigan Office of Administrative Hearings and Rules (MOAHR) to challenge that decision. Likewise, after MDHHS denied Jerome's second Medicaid application submitted in late 2022 or early 2023, he requested a hearing to challenge that determination. MOAHR consolidated these two appeals and held them in abeyance pending the outcome of Jerome's application for leave to appeal with the MSC. The Court held the case is not moot because a decision to reinstate the PO will have a practical effect on the pending MOAHR proceedings, i.e., if Jerome prevails, his estate will be entitled to retroactive Medicaid benefits on his behalf that will offset the debt his estate owes the nursing home.

The Court then addressed the principal issue presented by Jerome and the amici in their briefs: *When issuing a protective order of spousal support under MCL 700.5401(3), can a probate court properly consider whether Medicaid benefits will be available to a protected individual prior to an eligibility decision by MDHHS?* With respect to a probate court's duty to consider the needs of both the protected individual and the community spouse, the Court observed "The statute contemplates an individualized assessment of the needs and circumstances of each person. And because any protective order issued must account for those individuals' ongoing support needs for the foreseeable future, this assessment necessarily involves a prospective analysis." This includes whether the protected individual is or will be eligible for Medicaid benefits. In this regard, the Court held that *Schroeder* was wrongly decided and overruled it. The Court rejected *Schroeder's* conclusion that courts cannot consider "Medicaid-related circumstances" under MCL 700.5401(3)(b) if the institutionalized spouse is "not receiving Medicaid benefits" and is "awaiting [a] Medicaid determination." It found "no such requirement is included in the statute."

The MSC acknowledged there is a clearly defined methodology in MDHHS policy for accurately determining whether an individual will be eligible for Medicaid. Because of that, the Court found *Schroeder's* insistence that "there must actually be Medicaid determinations regarding eligibility and patient-pay amounts" when a probate court evaluates a petition for a PO, is "arbitrary." The Court recognized the practical consequence of *Schroeder* is it "only allows courts to consider Medicaid-related circumstances if the institutionalized spouse's nonexempt assets are already diminished to the point the institutionalized spouse is already under the eligibility threshold of Medicaid." The result is the spousal impoverishment protection in the Medicaid Catastrophic Coverage Act of 1988 which allows assets transferred via court order to be excluded from an institutionalized spouse's eligibility determination is nullified. The Court held "the correct analysis under MCL 700.5401(3)(b) requires consideration of both spouse's ongoing and foreseeable support needs, see *Vansach*, 324 Mich App at 395-396, including whether Medicaid benefits will be available to the institutionalized spouse under DHHS's clearly defined eligibility parameters."

In *Sizick I and Sizick II*, the Court of Appeals relied on *Schroeder* in finding the probate court erred in its analysis of Jerome's needs under MCL 700.5401(3)(b) and thus abused its discretion by issuing the 2022 PO. The MSC disagreed with that conclusion. It held the probate court properly considered Jerome and Janet's respective needs, there was sufficient evidence presented at the 2022 hearing to support the transfer of assets and award of support ordered by the probate court and the Court detected no error or abuse of discretion in the probate court's findings and conclusions under MCL 700.5401(3)(b)." It further held that the Court of Appeals erred by vacating the 2022 PO, and it reversed its judgment in that regard. That PO was reinstated and the case was remanded for further proceedings consistent with the decision.

The MSC's decision to overrule *Schroeder* makes the use of probate court protective orders of spousal support, under the appropriate circumstances, a viable Medicaid planning tool in Michigan once again. The decision is cogent and provides practitioners with a road map of the evidence necessary to successfully petition the probate court for a protective order of spousal support under MCL 700.5401(3)(a) and (b).

Estate of Charla Brown v Dep't of Health and Human Services, **__ Mich App __; __ NW2d __ (2026) (Docket No. 368825)*.*** This case is a big win for individuals who enter reasonable caregiver arrangements with family, friends, and others. The COA found the MDHHS policy in BEM 405 requiring written personal care and home care contracts creates "an irrebuttable presumption of divestment in the absence of a policy-compliant and written notarized contract.” The Court ruled this policy is “inconsistent with federal law” because it bars individuals applying for Medicaid from qualifying for the exception to a divestment penalty under 42 USC 1396p(c)(2)(C)(ii) if they prove with convincing evidence their purchase of home care and personal care services was exclusively for a purpose other than to qualify for Medicaid.

Background. In 2019, Charla Brown was hospitalized for almost two months. After being discharged to a nursing home, she was hospitalized again. Her doctors recommended she return to nursing home care. The cost of that care would have enabled her to quickly spend down her excess assets and qualify for Medicaid. Instead, Charla chose to discharge to home to achieve a better quality of life. She made an oral agreement with her daughter and a professional, independent caregiver to pay them privately for the personal care services she needed to enable her to live at home. This arrangement worked because the daughter retired from her job as a teacher to take care of her mom and both caregivers accepted payment well below the market rate in the local community for those services.

Two years later, Charla was admitted to a nursing home. She applied for Medicaid to help pay for the cost of her care. With the application, she submitted a statement from her treating physician verifying the personal care services she received in her home were necessary to prevent her transfer to a nursing home. Her application was approved, but MDHHS imposed a five-month, twenty-day divestment penalty period for the $54,427.39 in payments Charla made to the caregivers because she did not have a written personal care contract with them. She then requested a hearing to challenge the Department’s decision.

The Hearing Decision. The administrative law judge (ALJ) was sympathetic to Charla’s “persuasive argument that the Petitioner was not trying to qualify for MA but was trying to avoid residential placement.” Nonetheless, the ALJ did not apply the policy in BEM 405, page 11 to the facts to determine whether the evidence showed there was no divestment because Charla made the transfers to the caregivers exclusively for a purpose other than to qualify for Medicaid. Nor did the ALJ apply the policy in BEM 405, pages 1 and 6, to the facts to determine whether the evidence showed there was no divestment because the fair market value of the services provided by the caregivers exceeded what Charla paid for them. Instead, the ALJ affirmed the Department’s decision because there was no written agreement that complied with the policy on personal care contracts in BEM 405, pages 9-11. Charla then appealed the administrative hearing decision to Ingham County Circuit Court.

The Circuit Court Decision. Charla made two arguments to the court. The first was the Department’s application of its policy on personal care contracts was unlawful because it creates an irrebuttable presumption that in the absence of a written personal care contract that complies with the policy in BEM 405, pages 9-11, all payments for those services are automatically deemed to be a transfer for less than fair market value regardless of whether the evidence showed the fair market value of the services Charla received was more than what she paid for them. The second was the Department did not evaluate whether Charla's payments to the caregivers were not divestment because the evidence showed they were made exclusively for a purpose other than to qualify for Medicaid. On August 30, 2023, the circuit court reversed the Department's decision to treat Charla's payments to her caregivers as divestment, ordered the divestment penalty to be removed and found the Department's policy on personal care contracts "is unlawful because of noncompliance with governing federal law." Following the circuit court's denial of the agency's motion for reconsideration, the Department filed an application for leave to appeal with the COA. It was granted on June 12, 2024.

The Court of Appeals Decision. In support of its argument that its policy on personal care contracts is authorized by law, MDHHS relied on the unpublished Court of Appeals decision in *Jensen ex rel Jensen v Department of Human Services,* unpublished per curiam opinion of the Court of Appeals, issued February 19, 2015 (Docket No. 319098). The Department contended its decision to impose a divestment penalty was lawful because Charla Brown did not have a written personal care contract that complied with MDHHS policy. It also asserted the policy in BEM 405, page 11 that provides an exception to application of a divestment penalty for transfers made exclusively for a purpose other than to qualify for Medicaid is not applicable to Charla. The Department pointed to language in the policy that says the exception applies only to individuals who have no reason to believe they might need long-term care services when a transfer of assets is made.

The ELDRS and the Michigan Chapter of NAELA submitted a joint amicus curiae brief in support of Charla Brown's arguments.

Oral argument was presented to the Court on March 4, 2026. It can be viewed by going to YouTube and entering a search for MCOA Oral Arguments March 4, 2026 – Panel 5. It appears at 1 hour, 48 minutes, and 19 seconds into the session.

On March 26, 2026, the COA issued a unanimous decision that affirmed "the circuit court's conclusion that the personal-care and homecare requirements in BEM 405 are inconsistent with federal law." The Court said, ". . . BEM 405 must be applied in a manner that does not create an irrebuttable presumption, resulting in a divestment penalty." Based on its analysis of BEM 405 and 42 USC 1396p(c)(2)(C)(ii), the COA found, "because Medicaid law requires the DHHS to consider evidence of a transfer made for a purpose other than qualification for Medicaid when assessing a divestment penalty, the application of BEM 405's personal-care contract policy is not authorized by federal law, and the circuit court properly reversed respondent's determination." The circuit court's decision was vacated and the case was remanded back to the ALJ to "reevaluate divestment under the proper legal framework." MDHHS did not appeal the COA's decision to the Michigan Supreme Court.

There are three important takeaways from this decision. The first is in footnote 4 of the opinion. There the Court rejected the Department's position that *Jensen* is a bar to challenging a divestment determination in all cases in which there is no written personal care contract that complies with the agency's policy. The second is the Court's implicit rejection of the Department's position that a person who has reason to believe they will need long-term care cannot qualify for an exception to application of a divestment penalty if they prove with convincing evidence a transfer of assets was made exclusively for a purpose other than to qualify for Medicaid. Third, in cases where there is no Medicaid-compliant written personal care contract, the advocacy strategy should be to gather and present all the available evidence showing the purchase of personal care and home care services was exclusively for a purpose other than to qualify for Medicaid, including how the arrangement saved taxpayer dollars compared to the cost of Medicaid-funded nursing home care. Like the Michigan Supreme Court's decision in *Hegadorn v Dep't of Human Servs Dir*, 503 Mich 231; 931 NW2d 571 (2019), this decision provides practitioners a useful overview of the law applicable to Michigan's Medicaid program and the legal principles governing appellate review of decisions made by state agencies.

Kudos to ELDRS member Susan Chalgian of Chalgian & Tripp Law Offices in East Lansing for her outstanding representation of Charla Brown throughout this case. Congratulations also to ELDRS member Kelly King-Penner of Mannor Law Group in Grand Blanc for her work on the amicus brief. At the close of oral arguments, the Chief Judge of the Court of Appeals panel assigned to this matter made a point of acknowledging that brief as "excellent."

Allyship is Essential in Disability Advocacy

By Brianne Marie Gidcumb, Michigan White Pine Law, Clinton Twp., and Nadia Dionne Vann

According to a recent survey, approximately 14.5% of Michiganders identify as disabled.[1]

As attorneys and advocates, we are expected to be allies for those we represent and serve. An ally is member of a social group who is working to end oppression and understand their own privilege. However, being an ally means more than expressing sympathy or good intentions. We

[1] Thomas, N., Bach, S., & Houtenville, A. (2025). Annual Disability Statistics Compendium: 2025 (Table 1.4). Durham, NH: University of New Hampshire, Institute on Disability. Retrieved from https://www.researchondisability.org/annual-disabilitystatistics-collection/2025-compendium-table-contents/section-1-population-prevalence-compendium-2025.

must be willing to listen, learn, and act. True allyship is grounded in respect for differently abled individuals as experts in their own lives, and in a commitment to challenging the barriers, both visible and invisible, that limit access and inclusion.

Allyship can take on many forms and does not require superhuman strength. Allyship can begin as simply as being mindful of how we speak about disability, knowing that our words can either reinforce harmful stereotypes, or promote dignity and respect. Another critical part of allyship is recognizing and addressing ableism which can take many forms, from physical barriers like inaccessible buildings to social attitudes that underestimate or stigmatize people with disabilities. Allies should educate themselves about these issues and advocate for change. This may mean pushing for accessible design, supporting inclusive policies, or simply questioning assumptions in everyday conversations.

Allies can actively contribute by considering accessibility at events, in digital spaces, and in their communications. Actions like providing captions for videos, ensuring physical spaces are navigable, or offering multiple meeting format options and materials are small actions that, when done consistently, can make environments more welcoming and equitable.

Effective allies understand their role is to support and report by following the guidance of the community with whom they aim to stand. This is an ongoing process involving continuous learning, self-reflection, and action. There may be bumps along the way but remember there is no finish line or perfect standard to achieve. What matters is the commitment to growth and the willingness to act when activated.

This year, the Disability Rights Committee would like to challenge our section to activate allyship and champion change. The Disability Rights Committee will sponsor a series of webinars and articles focused on allyship and building community. We will also be asking for your input about courthouses and government buildings across Michigan in an effort to move our focus on accessibility forward.

Our journey continues, our work is not done, and we feel fortunate to have the Elder Law and Disability Rights Section as allies.

Legislative Update

By Todd Tennis, Capitol Services, Inc.

The Michigan Legislature has begun to pass its version of the 2027 budget, and so far they are still on track to complete the process before the July 1 statutory deadline. The Senate budget is very similar to Gov. Whitmer’s budget proposal from February. This is not surprising seeing as the Senate is controlled by the governor’s own political party. The House, however, is looking to make cuts in nearly every department, reducing state personnel and trimming several programs. For example, the MI-Choice waiver (which is important to ELDRS) would see a substantial increase in the governor's and Senate's budget (increasing to a little over $600 million), while the House would peg it at $586 million. This is typical of the House strategy this year, which looks at making relatively minor reductions (or smaller increases) to several programs instead of eliminating them wholesale.

The budget process is also happening in the shadow of several property tax reform proposals that could have an impact on the final appropriation deal. The governor and Senate leaders have proposed various degrees of property tax relief aimed mostly at senior citizens. The House has a bolder plan that would make massive cuts in property taxes, while much of the revenue loss would be replaced by applying the sales tax to various services. The details are vague on the latter point, but it is reminiscent of the last time the legislature looked at a sales tax on services over a decade ago, a process that ended with the idea being scrapped due to its complexity and seeming arbitrariness.

While the Legislature has been focused on the budget process, there has been some movement of other policy bills of interest to ELDRS.

Pension Assignment Bills Reported from House Judiciary Committee
On April 15, the House Judiciary Committee reported out a package of bills backed by ELDRS aimed at protecting adult children of retirees in a state operated pension system. House Bills 4657-4660 were introduced by Rep. Tyrone Carter (D-Detroit), Rep. Stephanie Young (D-Detroit), Rep. Kara Hope (D-Delhi Twp.) and Rep. Doug Wozniak (R-Shelby Twp.). They seek to allow survivor pension benefits to be placed into a trust to avoid possible complications with the recipient's means-tested disability benefits. The bills were supported unanimously by the House Committee and are now awaiting action on the House floor.

Remote Witnessing Bills Still Awaiting Last Piece of Puzzle
Earlier this year, ELDRS was successful in having introduced a pair of bills amending the Michigan Law on Notarial Acts and the Uniform Power of Attorney Act. Rep. Sarah Lightner (R-Spring Lake), the chair of the House Judiciary Committee and the key sponsor of the act, has stated a goal of moving the bills from the Judiciary Committee in May or June. We are still awaiting the introduction of the last bill in the package that would amend the Estates and Protected Individuals Code to allow for remote witnessing of legal documents. We are hopeful that this third bill can be introduced soon and the package can move in the House before the summer recess.

Bills Impacting How Conservators and Guardians Address Property Reported from Committee
A pair of bills aimed at providing additional oversight on conservators and guardians was reported from the House Families and Veterans Committee on April 28. House Bills 5739 and

5740 were introduced by Rep. Jay DeBoyer (R-St. Clair County) and Rep. Kathy Schmaltz (R-Jackson). The focus of both bills is to add court oversight in situations where a ward receives or accumulates assets exceeding $25,000. Guardians and conservators would be required to notify the court of the assets and "petition the court for instructions on what to do with the property." The bills are intended to provide greater transparency in cases where a ward receives a windfall from the sale of property, an inheritance, or some other source. Instead of being referred directly to the House floor, they were referred to the House Rules Committee for further review.

Death with Dignity Package Introduced

A package of bills was introduced in the House in late April seeking to create a new Death with Dignity Act. House Bills 5825-5828, sponsored by Rep. Edwards (D-Detroit), Rep. Paiz (D-Detroit), Rep. Rheingans (D-Ann Arbor), and Rep. Brenda Carter (D-Detroit) would allow terminally ill individuals to request life-ending medication from a physician. The bills also amend regulatory and insurance codes to allow for this practice. To be eligible, an individual would have to suffer from a terminal disease with a life expectancy of no more than six months. They would also be provided counseling in alternative options such as hospice care.

A similar package of bills was introduced last session but did not move. The legislation faces opposition from the Michigan Catholic Conference as well as most medical professional associations. These bills were referred to the House Government Operations Committee which basically assures that they will not move any further.

ELDRS Tracked Legislation:

HB 4408 Trusts (Wozniak)
Revises powers of appointment.
Text/Analysis
Reported in House (4/29/2026; By Judiciary Committee)

HB 4412 Hospitalization (Steele)
Revises person requiring treatment and modifies certain procedures for treatment.
Text/Analysis
Received in Senate (3/24/2026; To Health Policy Committee)

HB 4413 Outpatient Treatment (Tisdel)
Expands hospital evaluations for assisted outpatient treatment.
Text/Analysis
Received in Senate (3/24/2026; To Health Policy Committee)

HB 4414 Outpatient Treatment (Kuhn)
Provides outpatient treatment for misdemeanor offenders with mental health issues.
Text/Analysis
Received in Senate (3/24/2026; To Health Policy Committee)

HB 4418 Probate (Thompson)
Allows designation of a patient surrogate for health care decisions.
Text/Analysis
Reported in Senate (1/29/2026; S-3 substitute adopted; By Civil Rights, Judiciary and Public Safety Committee)

HB 4419 Probate (Witwer)
Allows designation of a patient surrogate for health care decisions.
Text/Analysis
Reported in Senate (1/29/2026; By Civil Rights, Judiciary and Public Safety Committee)

HB 4523 Trusts (Wozniak)
Modifies duties and powers of trustee.
Text/Analysis
Reported in House (4/29/2026; By Judiciary Committee)

HB 4657 Trusts (Carter, T.)
Allows naming a special needs trust as beneficiary.
Text/Analysis
Reported in House (4/15/2026; By Judiciary Committee)

HB 4658 Trusts (Young)
Allows naming a special needs trust as beneficiary.
Text/Analysis
Reported in House (4/15/2026; By Judiciary Committee)

HB 4659 Trusts (Hope)
Allows naming a special needs trust as beneficiary.
Text/Analysis
Reported in House (4/15/2026; By Judiciary Committee)

HB 4660 Trusts (Wozniak)
Allows naming a special needs trust as beneficiary.
Text/Analysis
Reported in House (4/15/2026; By Judiciary Committee)

HB 4696 Guardians (Meerman)
Modifies definition of relative under the guardianship assistance act.
Text/Analysis
Received in Senate (4/21/2026; To Housing and Human Services Committee)

HB 4697 Guardians (Young)
Modifies eligibility for guardianship assistance payments.
Text/Analysis
Received in Senate (4/21/2026; To Housing and Human Services Committee)

HB 4734 County Services (BeGole)
Allows designation of a patient surrogate for health care decisions.
Text/Analysis
Reported in Senate (1/29/2026; By Civil Rights, Judiciary and Public Safety Committee)

HB 5387 Veterans (Cavitt)
Includes missing veterans at risk in the missing senior or vulnerable adult alert.
Text/Analysis
Received in Senate (3/24/2026; To Veterans and Emergency Services Committee)

HB 5405 Medical Services (Wozniak)
Allows certain personal service agreements.
Text/Analysis
Introduced (12/18/2025; To Health Policy Committee)

HB 5658 Occupations - Notaries Public (Lightner)
Modifies and expands use of communication technology to perform electronic notarizations and remote electronic notarizations.
Text/Analysis
Introduced (3/3/2026; To Judiciary Committee)

HB 5659 Powers of Attorney (Lightner)
Allows use of two-way real-time audiovisual technology to execute a power of attorney.
Text/Analysis
Introduced (3/3/2026; To Judiciary Committee)

HB 5701 Probate (Wozniak)
Allows for electronic signature of wills.
Text/Analysis
Introduced (3/10/2026; To Judiciary Committee)

HB 5739 Guardians and Conservators (DeBoyer)
Modifies powers and duties.
Text/Analysis
Committee Hearing in House Families and Veterans Committee (4/28/2026)

HB 5740 Guardians and Conservators (Schmaltz)
Provides requirements upon discovery of certain assets.
Text/Analysis
Committee Hearing in House Families and Veterans Committee (4/28/2026)

HB 5825 Death (Edwards)
Creates death with dignity act.
Text/Analysis
Introduced (4/21/2026; To Government Operations Committee)

HB 5826 Death (Paiz)
Prohibits licensing sanctions for compliance with death with dignity act under certain circumstances.
Text/Analysis
Introduced (4/21/2026; To Government Operations Committee)

HB 5827 Death (Rheingans)
Establishes sentencing guidelines for crimes under the death with dignity act.
Text/Analysis
Introduced (4/21/2026; To Government Operations Committee)

HB 5828 Death (Carter, B.)
Prohibits invoking suicide clauses in insurance policies if in compliance with death with dignity act.
Text/Analysis
Introduced (4/21/2026; To Government Operations Committee)

SB 351 Solicitation (Cavanagh)
Creates telephone solicitation act.
Text/Analysis
Received in House (2/3/2026; To Regulatory Reform Committee)

SB 352 Solicitation (Victory)
Prohibits filing fees for attorney general in enforcing the telephone solicitation act.
Text/Analysis
Received in House (2/3/2026; To Regulatory Reform Committee)

SB 353 Trade Practices (Moss)
Revises unfair trade practices relating to deceptive telephone solicitations.
Text/Analysis
Received in House (2/3/2026; To Regulatory Reform Committee)

SB 354 Solicitations (Anthony)
Removes provisions relating to the regulation of home solicitations and telephone solicitations.
Text/Analysis
Received in House (2/3/2026; To Regulatory Reform Committee)

SB 355 Solicitations (McBroom)
Repeals provisions relating to telephone solicitations.
Text/Analysis

Calendar of Events

By Erma S. Yarbrough-Thomas, Neighborhood Legal Services Michigan Elder Law & Advocacy Center, Redford

ELDRS – www.michbar.org/elderlaw

Council Meetings

- June 5 - 12 pm, zoom
- August 7 - 12 pm, zoom

ELDRS Events

- 2026 Fall Conference **-** September 23-25**,** Embassy Suites**,** Grand Rapids

NAELA – www.naela.org

- May 14 - Drafting Special Needs Trusts: Ensuring True Intentions. Webinar 1-2 pm EDT, Presenter: Robert W. Fechtman, CELA, Fechtman Law Office, Indianapolis, IN
- May 20 - Straight from the Front Lines: Protecting Older Americans from Scams, Fraud & Financial Exploitation, Webinar 4-5 pm EDT
- May 27-May 30 - 2026 NAELA Annual Conference: Milwaukee, WI
- July 29-August 12 - Trust and Estate Tax Returns: Forms to Filing: A Three-part Series on Trust & Estate Tax Returns - Virtual on July 29, August 5 and August 12
- September 30 - Navigating LTSS: Eligibility, Funding & Planning Updates, 1-2 pm EDT, Webinar, Presenter Lauren Marinaro, Fink Rosner Erschow-Levenberg Marinaro, LLC, Clark, NJ

ICLE/SBM – www.icle.org

- May 13 - Fundamentals of Partnership Taxation for Estate Planners: Conquering Subchapter K, In Person, 1-5:15 pm, Grand Traverse Resort & Spa, Acme, Speaker Paul S. Lee, Consiglio Advisors LLC, New York, NY
- May 14-May 16 - Probate & Estate Planning Institute, 66th Annual, Live Presentation, Grand Traverse Resort & Spa, Acme
- June 5 - Probate & Estate Planning Institute, 66th Annual, In Person, 7:30 am - 6:25 pm, Vibe Credit Union Showplace, Novi
- September 15 - Drafting an Estate Plan, In Person, Morris Lawrence Building at Washtenaw Community College, Ann Arbor, 9 am - 3:30 pm, Speaker, Douglas A. Mielock, Foster Swift Collins & Smith PC, Lansing