



LEGISLATION INTRODUCED IN THE MICHIGAN HOUSE AND SENATE TO CERTIFY PROFESSIONAL GUARDIANS AND CONSERVATORS

HOW DOES IT AFFECT GUARDIANS AND CONSERVATORS ACROSS THE STATE?

Professional Guardians and Conservators will be required to become certified, if they wish to continue working as a Professional Guardian or Conservator and continue acquiring new cases.

- A “Professional Guardian/Conservator” is one who serves as guardian or conservator, or both, for 3 or more, unrelated, non-family members.
 - Certification of family members and nonprofessional guardians (those serving as guardian for no more than two unrelated family members) is **not required**.
- A Certified Guardian or Conservator takes priority for appointments, when a Certified Guardian or Conservator is available and willing to serve.
- Certification requirements shall apply to all persons wishing to be appointed by the Probate Court as a Professional Guardian or Conservator.
 - Certification is also required for any staff member of a Professional Guardian or Conservator ***independently*** making health care, financial, legal, and housing decisions for the person under guardianship or conservatorship
 - Staff of a professional guardian serving in an administrative, non-decision-making capacity, shall not be required to be certified, as long as they work under the oversight of a Certified Professional Guardian.
- Any person serving as a guardian or conservator on the effective date of this act, ***who does not plan to take on any additional cases, does not need to be certified***.
- Certification shall only be issued to an individual, not an institution or business entity.
- Attorneys or employees of Financial Institutions serving as Guardian or Conservator, are also required to meet certification requirements.
- State certification requirements shall take effect 24-months after the effective date of the Act.
- LARA will be responsible for the administration and oversight of the State Certification Program for guardians and conservators.

WHAT ARE THE INITIAL CERTIFICATION REQUIREMENTS?

- Applicant must be 21 years old at time of application for certification.
 - Applicant must have completed 12 hours of Continuing Education Units in the previous 24-month period, as offered by a state or national trade association dedicated to the advancement of the Guardianship Profession.
 - Applicant must possess, at a minimum, a high school diploma, and other educational requirements as required by the Center for Guardianship Certification in order to sit for the regular certification exam.
 - Applicant must successfully pass the standard certification examination provided by the Center for Guardianship Certification organization, or its successor organization, and submit results with application.
 - Applicant must have criminal background check completed and is required to submit a copy of that background check with your state certification application.
 - Applicant must not have been found civilly liable or criminally convicted in an action that involves fraud, misrepresentation, material omission, misappropriation, moral turpitude, theft, exploitation, abuse or conversion.
 - A Professional Guardian or Conservator has a duty to report any crimes that would prohibit them from serving as a guardian or conservator to LARA and the Probate Registrar in the county(s) in which they have active cases, within 30 days of conviction.
 - Applicant must not have been relieved of responsibilities as a guardian or conservator by a court, employer, or client for actions involving fraud, misrepresentation, material omission, misappropriation, theft, exploitation, abuse or conversion.
 - Applicant must not have been found liable in a subrogation action by an insurance or bonding agent.
 - Applicant must submit proof of Professional Liability Insurance with their application.
 - Initial application fee will be \$250 per application.
- Certification is good for 24 months from date of issuance and LARA shall issue a unique certification number to each Professional Guardian or Conservator who meets the requirements for certification.
- On a monthly basis, LARA shall post an updated list of certified guardians and their employer on their website.
- In addition, on a monthly basis, the state agency shall post an updated list of certified guardians who **no longer meet** the requirements for certification on their website. This could be due to a criminal conviction or expiration of certification.

IF CERTIFICATION IS ONLY GOOD FOR TWO YEARS, WHAT DO YOU HAVE TO DO TO RENEW?

- 1) Complete and submit the renewal application.
- 2) Submit proof of having completed 12 hours of Continuing Education Units in the previous 24-month period, as offered by a state or national trade association dedicated to the advancement of the guardianship profession or other relevant education.
- 3) Complete and submit a new background check.
- 4) Submit proof of Professional Liability Insurance.
- 5) Pay A \$100.00 certification renewal fee.

NOTE: Any convictions of crimes on the list of prohibited offenses (noted in the Initial Certification Requirements) would permanently bar the person from serving as a Professional Guardian or Conservator.