



Senate Bill 586 Fact Sheet September 2026

What does Senate Bill 586 do?

Beginning July 21, 2026, guardians of legally incapacitated individuals can no longer move their clients from a permanent residence without getting permission from the Probate Court. Senate Bill 586 created MCL 700.5306b, a new section under the Estates and Protected Individuals Code.

The new law recognizes, "A legally incapacitated individual has the right, if possible, to remain in the individual's own surroundings, or, if not possible, in the least restrictive environment suitable to the individual's unique needs, abilities, and resources."

Who does this law apply to?

This applies to legally incapacitated individuals with guardianships under the Michigan Estates and Protected Individuals Code. This does **not** apply to people with developmental disabilities with guardianships under the Michigan Mental Health Code.

What does a guardian have to do if they want or need to move their client from their permanent residence?

The guardian must file a petition using [SCAO Form PC 704](#). The petition must include the following information:

- The address of the individual's permanent residence and proposed new
- The reason for the proposed move
- Whether the move is to the least restrictive environment suitable to the individual's unique needs, abilities, and resources, including consideration of any potential for harm and the individual's rights
- How the move will impact the individual's ability to continue to participate in the individual's community activities and personal relationships.
- The efforts made or resources explored to enable the individual to remain in the individual's own current residence, including but not limited to home and community based services, physical and occupational therapy, and available home modifications.
- How the guardian has communicated with the individual about the proposed move and whether the individual objects to or supports the proposed move.

What is a “permanent residence”?

The law defines “permanent residence” as “the individual’s true, fixed, and permanent home to which, whenever absent, the individual intends to return.” This is the same definition used to determine a person’s principal residence for property tax purposes.

When can a judge grant a petition to move a legally incapacitated individual from their permanent residence?

A judge can grant a petition to move a legally incapacitated individual from their permanent residence only after holding a hearing and finding by clear and convincing evidence that:

- The move will appropriately protect the individual’s physical health, safety, or welfare.
- The move is to the least restrictive environment suitable to the individual’s unique needs, abilities, and resources, including consideration of any potential for harm and the individual’s rights.
- If the individual does not consent to the move, there is no reasonable or appropriate way to provide similar benefits for the individual in the individual’s permanent residence through use of home and community based services, physical or occupational therapy, available home modifications, or other means.
- The move will allow the legally incapacitated individual the greatest opportunity to continue to be involved in the individual’s community activities and personal relationships.
- The move is not being arranged solely or primarily for the convenience of the guardian.

What if there is a location other than the permanent residence or the proposed new residence that meets this criteria?

If the court finds by clear and convincing evidence that there is a location other than the permanent residence or the proposed new residence that meets this criteria, the court is allowed to order the guardian to move the client to that other location.

Example: The client’s permanent residence is the home they own. The client can no longer safely use stairs, even with accommodations and modifications, and the only bedroom and bathroom are on the second story. The guardian files a petition to move the client to a nursing home that is far from the client’s friends and family.

The client, guardian ad litem, or other interested person may suggest another location that will be less restrictive and near the client’s friends and family, such as an apartment with appropriate home and community based services. The court could permit the guardian to move the client to that apartment, even though it is not the permanent residence or the new residence proposed by the guardian.

What rights does a legally incapacitated individual have if their guardian wants to move them from their permanent residence?

The individual has the right to object to a potential move. The court must appoint a guardian ad litem who does all the following:

- Advise the individual that a petition has been filed to move the individual from the individual's permanent residence.
- Explain that if the court grants the petition to move the individual, the guardian will have the authority to change the individual's permanent residence to the location specified in the petition or another location the court determines is appropriate.
- Determine, if possible, the wishes of the individual to remain in the individual's permanent residence and whether the individual objects.

The court must appoint a lawyer for the legally incapacitated individual if the individual objects, if the guardian ad litem recommends the appointment of a lawyer, or if the court decides it is appropriate for the individual to have a lawyer. The legally incapacitated individual also has the right to hire their own lawyer.

Are there any exceptions that allow a guardian to move a client without filing a petition first?

Yes. Guardians can move their clients without filing a petition first if there is an emergency, such as a situation that presents a risk of serious harm to the client. Emergency is not defined in the statute and will depend on the facts of each situation.

If a guardian moves someone because of an emergency, they still must let the court know within 14 days following the move, take all reasonable steps to preserve the permanent residence, and file a petition for court approval of the residence the guardian intends to be the individual's new permanent residence. The guardian and the court must follow the same procedures as if the petition had been filed before the move.

A guardian does not have to file a petition to move their client if the court already granted the authority at a previous hearing after making all the required findings of fact. For example, an initial petition for guardianship could request authority to move the client from their permanent residence. If the court makes all the necessary findings of fact, it can give the guardian authority to move the client without a separate petition.

What if it becomes apparent that a move that was intended to be temporary is going to become permanent?

If a guardian determines that following a temporary absence from the permanent residence, for reasons including but not limited to an emergency, travel, short term rehabilitation, or hospitalization, the legally incapacitated individual will not return to their permanent residence, the guardian must file a petition requesting to move the client from their permanent residence.

Example: If, after receiving short-term rehabilitation in a nursing home, it becomes clear that the individual has not improved enough to return home, even with accommodations, and the least restrictive environment suitable to the individual's unique needs, abilities, and resources is the nursing home, the guardian must file a petition requesting court approval to make the nursing home the individual's new permanent residence.

What if the legally incapacitated individual's circumstances change or are expected to change?

The court must order a review of an individual's placement if the legally incapacitated individual's circumstances and resources are expected to change in a way that would make their permanent residence no longer the "least restrictive environment suitable to the legally incapacitated individual's unique needs, abilities, and resources."

A guardian must file a petition to move their client if:

- The legally incapacitated individual's circumstances and resources change.
- The changes support moving an individual to the new permanent residence.
- The move is to the least restrictive environment suitable to the legally incapacitated individual's unique needs, abilities, and resources, including consideration of any potential for harm and the individual's rights under section 5306a.
- The move is not being arranged solely or primarily for the convenience of the guardian.

What about the individual's belongings?

If removal from the permanent residence requires the sale, transfer, or disposal of real property or personal property, the guardian must make reasonable efforts to communicate with the legally incapacitated individual and the individual's loved ones to identify and honor the legally incapacitated individual's wishes to preserve sentimental personal property in the overall context of the legally incapacitated individual's values, wishes, and resources. The court may remove a guardian that fails to comply with this subsection.

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