524.5-413 WHO MAY BE CONSERVATOR; PRIORITIES.

- (a) Except as otherwise provided in paragraph (d), the court, in appointing a conservator, shall consider persons otherwise qualified in the following order of priority:
- (1) a conservator, guardian of the estate, or other like fiduciary appointed or recognized by an appropriate court of any other jurisdiction in which the protected person resides;
- (2) a person nominated as conservator by the respondent, including the respondent's most recent nomination made in a durable power of attorney, if the respondent has attained 14 years of age and at the time of the nomination had sufficient capacity to express a preference;
- (3) an agent appointed by the respondent to manage the respondent's property under a durable power of attorney;
 - (4) the spouse of the respondent;
 - (5) an adult child of the respondent;
 - (6) a parent of the respondent;
- (7) an adult with whom the respondent has resided for more than six months before the filing of the petition;
 - (8) an adult who is related to the respondent by blood, adoption, or marriage; and
 - (9) any other adult or a professional conservator.
- (b) A person having priority under paragraph (a), clause (1), (4), (5), or (6), may designate in writing a substitute to serve instead and thereby transfer the priority to the substitute.
- (c) The court, acting in the best interest of the protected person, may decline to appoint a person having priority and appoint a person having a lower priority or no priority. With respect to persons having equal priority, the court shall select the one it considers best qualified.
- (d) Any individual or agency which provides residence, custodial care, medical care, employment training, or other care or services for which they receive a fee may not be appointed as conservator unless related to the respondent by blood, marriage, or adoption.

History: 2003 c 12 art 1 s 52; 2009 c 150 s 14; 2015 c 11 s 1