

# SENATE BILL No. 250

April 10, 1991, Introduced by Senators EMMONS and WELBORN  
and referred to the Committee on Family Law, Criminal  
Law, and Corrections.

A bill to amend section 13a of chapter XIIIA of Act No. 288  
of the Public Acts of 1939, entitled as amended

"An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act,"

as added by Act No. 224 of the Public Acts of 1988, being section  
712A.13a of the Michigan Compiled Laws.



1 terms and conditions as are necessary for either the physical  
2 health or mental well-being of the child.

3 (4) IF A PETITION UNDER SUBSECTION (2) IS AUTHORIZED, AND  
4 THE COURT AFTER HEARING FINDS PROBABLE CAUSE TO BELIEVE THAT A  
5 PARENT, GUARDIAN, OR CUSTODIAN COMMITTED THE ABUSE, THE COURT MAY  
6 ORDER THAT PARENT, GUARDIAN, OR CUSTODIAN TO LEAVE THE HOME AND  
7 RELEASE THE CHILD TO THE OTHER PARENT, GUARDIAN, OR CUSTODIAN IF  
8 THE COURT DETERMINES THAT BOTH OF THE FOLLOWING CONDITIONS  
9 EXIST:

10 (A) THE PRESENCE IN THE HOME OF THE PERSON WHO IS ALLEGED TO  
11 HAVE COMMITTED THE ABUSE PRESENTS A SUBSTANTIAL RISK OF HARM TO  
12 THE CHILD'S LIFE, PHYSICAL HEALTH, OR MENTAL WELL-BEING AND NO  
13 PROVISION OF SERVICES OR OTHER ARRANGEMENT EXCEPT REMOVAL OF THE  
14 ALLEGED PERPETRATOR CAN ADEQUATELY SAFEGUARD THE CHILD FROM THE  
15 RISK.

16 (B) THE CONDITIONS OF CUSTODY WITH THE REMAINING PARENT,  
17 GUARDIAN, OR CUSTODIAN ARE ADEQUATE TO SAFEGUARD THE CHILD FROM  
18 THE RISK AND IT IS IN THE BEST INTEREST OF THE CHILD FOR THE  
19 CHILD TO REMAIN IN THE HOME.

20 (5) ~~-(4)-~~ If a petition under subsection (2) is authorized,  
21 the court may order placement of the child with someone other  
22 than a parent if the court after hearing determines that both of  
23 the following conditions exist:

24 (a) Custody of the child with a parent, guardian, or custo-  
25 dian presents a substantial risk of harm to the child's life,  
26 physical health, or mental well-being and no provision of service  
27 or other arrangement except removal of the child is reasonably

1 available to adequately safeguard the child from ~~such~~ THE  
2 risk.

3 (b) Conditions of custody of the child away from a parent,  
4 guardian, or custodian are adequate to safeguard the child's  
5 health and welfare.

6 (6) ~~-(5)-~~ If the court orders placement of the child outside  
7 the child's home, the court shall inform the parties of the  
8 following:

9 (a) That the agency has the responsibility to prepare an  
10 initial services plan within 30 days of the child's placement.

11 (b) The general elements of an initial services plan as  
12 required by the rules promulgated pursuant to Act No. 116 of the  
13 Public Acts of 1973.

14 (c) That without a court order participation in an initial  
15 services plan is voluntary.

16 (7) ~~-(6)-~~ In determining placement of a child pending trial,  
17 the court shall order the child placed in the most family-like  
18 setting available consistent with the needs of the child.

19 (8) ~~-(7)-~~ Unless visitation, even if supervised, would be  
20 harmful to the child, the child's parent shall be permitted to  
21 visit frequently with the child.

22 (9) ~~-(8)-~~ Upon the motion of any party, the court shall  
23 review custody and placement orders and initial services plans  
24 pending trial and may modify those orders and plans as the court  
25 considers pursuant to this section are in the best interests of  
26 the child.