



CHILD ABUSE INVESTIGATION

**Senate Bill 515 (Substitute H-4*)
Sponsor: Sen. Joanne G.Emmons**

**Senate Bill 516 (Substitute H-3)
Sponsor: Sen. Joel D.Gougeon**

**Senate Bill 517 (Substitute H-3)
Sponsor: Sen. George A. McManus, Jr.**

**Addendum to SFA analysis (12-2-97)
Senate Committee: Families, Mental
Health and Human Services
House Committee: Human Services and
Children**

ADDENDUM TO SENATE FISCAL AGENCY ANALYSIS OF SB 513, 515, 516, and 517 DATED 6-18-97:

The Senate Fiscal Agency Analysis reflects the bills as passed by the Senate, and includes Senate Bill 513. However, Senate Bill 513 was not reported out of the House Committee.

HOUSE COMMITTEE ACTION:

The House Human Services and Children Committee adopted Substitute H-4* for Senate Bill 515, and Substitutes H-3 for Senate Bills 516 and 517. The provisions of the substitute bills are as follows:

Senate Bill 515.

Central Registry. Under the Child Protection Law (CPL), the Family Independence Agency (FIA) must maintain a central registry of abuse and neglect cases. The bill, as passed by the Senate, would permit the FIA to release certain identifying information in the registry, under certain circumstances, without a person's consent. The House committee substitute would delete this provision.

Responses to Reports on Abuse or Neglect. The bill, as passed by the Senate, would require a local law enforcement agency or the FIA to inform a person who has made a report on child abuse or neglect as to the disposition of the report, including whether the case was substantiated or not. The House committee substitute would delete this provision. Instead, under the substitute bill, if the person who made the report was among those persons who are required, under the CPL, to report suspected cases of child abuse or neglect, the FIA would have to inform the person in writing as to the disposition of the case and include the following information:

- Whether the case had been substantiated, and the rationale for that decision.
- Whether legal action had begun and, if so, the nature of that action.
- Notification that the information being conveyed was confidential.

The information submitted could not include personally identifying information for a person named in a report or record that was made under the provisions of the act.

Petition for Jurisdiction of a Child. The House committee substitute would specify that, within 24 hours after the FIA had concluded by a preponderance of the evidence that a child was sexually abused or "severely physically injured," as defined under the act, the FIA would have to submit a petition to have the court take jurisdiction of the child, as required under the act. (Note: This is similar to provisions included in Senate Bill 516, as passed by the Senate. The House committee substitute would delete the language from Senate Bill 516.) Under the bill, the petition would have to be submitted if one or more of the following applied:

** The FIA had reasonable cause to believe that a child, or a sibling of a child, had been abused by a parent, guardian, or custodian, or a person 18 years of age or older who resided in the child's home, and the abuse included one or more of the following: abandonment; criminal sexual conduct involving penetration, attempted penetration, or assault with intent to penetrate; battering, torture, or other severe physical abuse; loss or serious impairment of an organ or limb; life threatening injury; or murder or attempted murder.

** The parent's rights to another child had been terminated because the court had assumed jurisdiction over the child as a result of neglect, as defined under the act or a similar law of another state.

** The parent's rights to another child had been voluntarily terminated following the initiation of proceedings to have the court assume jurisdiction over the child as a result of neglect, as defined under the act or a similar law of another state.

If a petition were submitted for the above reasons, the FIA would have to include a request for termination of parental rights at an initial dispositional hearing, as authorized under the act. In addition, the FIA would have to hold a conference among the appropriate agency personnel to agree upon a course of action if it were to consider petitioning for termination of parental rights at the initial dispositional hearings even though the facts of the child's case did not require departmental action. The agency would also have to notify the child's attorney of the conference, and, if an agreement couldn't be reached with the attorney at this conference, the agency director or the director's designee would have to resolve the disagreement after consulting the attorneys representing both the agency and the child.

Senate Bill 516. The House committee substitute would replace references to the "juvenile division of the probate court" with the "family division of circuit court" throughout the

bill to conform to the provisions of Public Act 388 of 1996, which created the family division of the circuit court (family court), and includes other provisions, as follows:

Petitions. The House committee substitute would delete provisions that authorized the FIA to file a petition with the court alleging extreme cases of child abuse and to petition for termination of parental rights. Most of these provisions would, instead, be included in the House committee substitute for Senate Bill 515.

The juvenile code specifies grounds for the termination of parental rights. The bill, as passed by the Senate, specified that these would include that the parent had been convicted of a crime whose victim was a child and the nature of which made the parent unfit to associate with children. The House committee substitute would delete this provision, and, instead, would specify the following:

- That the parent had abused the child or a sibling, and the abuse included one or more of several factors, including abandonment, criminal sexual conduct involving penetration, and murder or attempted murder.
- That the parent's rights to another child had been terminated following the initiation of proceedings to have the court obtain jurisdiction of the child because of parental neglect, or of proceedings under a similar law of another state.
- That the parent's rights to another child had been voluntarily terminated following the initiation of proceedings to have the court obtain jurisdiction of the child because of parental neglect, or of proceedings under a similar law of another state.

Time Periods/Adjournment or Continuance. The bill, as passed by the Senate, required that the court authorize a petition with the court alleging extreme cases of child abuse or neglect and adhere strictly to each prescribed time period for management and disposition of the child's case. The House committee substitute would delete this provision. The Senate-passed bill also specified that the court could adjourn a hearing or grant a continuance regarding an abuse or neglect case only for good cause, or under two specified circumstances: a motion was made in writing at least 10 days before the hearing, or upon the court's own motion, but only for a period of not more than 30 days. The House committee substitute would amend this provision to specify that a motion would have to be made at least 14 days before the hearing, or, if upon the court's own motion, for a period of not more than 28 days.

Attorney for the Child. The code provides that a court-appointed attorney must serve until discharged by the court. The bill, as passed by the Senate, prohibited the court from discharging the attorney until the child was adopted, had a permanent guardian, or was no longer a state or court ward. The House committee substitute would specify, instead, that, if the child's case was petitioned following the initiation of proceedings to have the court obtain jurisdiction of the child because of parental neglect, the court could not discharge the attorney as long as the child was under the jurisdiction of the court or of the Michigan Children's Institute or other agency.

Petition for Termination of Parental Rights. The bill, as passed by the Senate, would require that the court issue an opinion or order regarding a petition for termination of parental rights within 70 days after the initial hearing on the petition began. The House committee substitute would add that failure by the court to issue an opinion within 70 days would not dismiss the petition.

Senate Bill 517.

The House committee substitute would replace references to the "juvenile division of the probate court" with the "family division of circuit court" throughout the bill to conform to the provisions of Public Act 388 of 1996, which created the family division of the circuit court (family court).

Foster Care Placement. The bill, as passed by the Senate, amended current provisions regarding foster care placement to specify that licensing rules or statutes could be waived for a foster home that was otherwise out of compliance with current licensing rules to allow the placement of a child, if the placement would be in the best interests of the child. The House committee substitute would revise this provision to more closely conform to the provisions of the House committee substitute for Senate Bill 492, which specifies that a variance could be granted for a licensed foster family home or foster family group home to allow a child and one or more siblings to remain together.

Analyst: R. Young

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.