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SFA**BILL ANALYSIS**

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Senate Bill 490 (Substitute S-1 as reported)
Sponsor: Senator Joel D. Gougeon
Committee: Families, Mental Health and Human Services

CONTENT

The bill would amend the juvenile code to do the following:

- Prohibit a court from ordering the placement of a child in his or her home, without ordering the alleged perpetrator to leave the home, if the court had reasonable cause to believe that a parent or other adult in the home had sexually abused or severely physically abused the child.
- Require a psychological evaluation and/or counseling to determine the appropriateness of parenting time, if parenting time could be harmful to a juvenile.
- Require the court to order a home study if an abused or neglected child were placed in the home of a relative.
- Require the court to consider the appropriateness of parenting time before entering an order of disposition, and at foster care review hearings and permanency planning hearings.
- Establish procedures for a change in foster care placement, including hearings and an investigation by a foster care review board.
- Require parenting time to be suspended if a petition to terminate parental rights had been filed.
- Specify that written reports, case service plans, and court orders would have to be provided (rather than available) to the foster parent, child caring institution, or relative with whom a child was placed.
- Require foster care review hearings and permanency planning hearings to be held every 91 days.

MCL 712A.13a et al.

Legislative Analyst: S. Margules

FISCAL IMPACT

State Government

Family Independence Agency. The bill would have an indeterminate fiscal impact on State government. The psychological evaluations, which would be required when a parent was removed from the home and there was a concern regarding the effect of parenting time, would increase in number. Psychological assessments currently are ordered at the FIA worker's discretion. Therefore, the bill would possibly increase the number of assessments ordered. The maximum cost of a general assessment for parents is \$300. The maximum cost of a general psychological assessment for a child is \$200. A more specialized (sexual assault) assessment could cost more. Home studies prior to placements with relatives are not done now before a child becomes a ward of the court; however, the FIA staff indicate that a change in this policy is being considered. Child abuse and neglect cases do have home studies done because the problem is seen as a family problem. The cost of a home study includes staff time, transportation, and materials costs. Providing foster parents with copies of reports related to the child placed with them would result in a minimal increase in costs for copying and distribution of the reports. The bill would increase the required number of

permanency planning hearings. The cost of a hearing includes staff time, transportation, court costs, and reimbursement of costs for the foster parents.

State Court Administrative Office - Foster Care Review Board. Requiring a foster care review board to investigate a proposed change in foster care placement and report findings and recommendations in three days would require additional resources. Currently 19 boards made up of volunteer members in 15 counties review selected cases. In addition, this legislation would require the local community boards to investigate and make recommendations when a foster parent filed an appeal of an agency decision. The July 1996 report of the Binsfeld Children's Commission made a similar recommendation for foster parents to be given an opportunity to appeal decisions. This would mean possible expansion of the current community boards that review cases as well as additional resources for the foster care review board office, whose staff are responsible for attending the hearings that are held one day a month. In addition, office staff are also responsible for compiling and presenting the recommendations of the local community boards to the courts, agency, and other interested parties. It is not know how many foster parents would potentially appeal decisions to a foster care review board, but in order to address any of these potential cases in a timely fashion as well as conduct normal business, the foster care review board could be required to increase its field representatives, which consist of two persons.

Local Government

The section of the bill that would require a home study to be done might be interpreted as a State mandate to local government. If there were no court orders for the children for whom home studies would be required, these children would be between systems; they would be awaiting a trial and would not be court or State wards yet. This means that the locals could be required to bear the costs of the studies.

Date Completed: 5-12-97

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.