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Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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Senate Bill 1032 (as reported without amendment)  
Sponsor: Senator George A. McManus, Jr.  
Committee: Families, Mental Health and Human Services

### **CONTENT**

The bill would amend the Child Protection Law to require the appointment of a child-attorney in each case filed under the Law in which judicial proceedings were necessary. Currently, in each case filed under the Child Protection Law in which judicial proceedings are necessary, the court must appoint legal counsel to represent the child. The bill, instead, would require that the court appoint a child-attorney or legal counsel, or both, for the child, in the same manner as a child-attorney or legal counsel would be appointed for a child under Senate Bill 954.

Senate Bill 1032 would delete a requirement that the legal counsel be charged, generally, with the representation of the child's best interests. The deleted provision also requires that the counsel make further investigation, as he or she considers necessary to ascertain the facts, interview witnesses, examine witnesses, make recommendations to the court, and participate in the proceedings to represent the child competently. The bill, instead, specifies that a child-attorney or legal counsel would have the same powers and duties as an attorney appointed to the same position under Senate Bill 954.

The bill is tie-barred to Senate Bill 954, which would amend the juvenile code to require the appointment of a child-attorney to represent the best interests of a child in an abuse or neglect proceeding or in a divorce case in which the circuit court waived jurisdiction over a child to the family court.

MCL 722.627 & 722.630

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate impact on State and local units of government.

The number of cases that could result in the appointment of a second attorney under the bill is not determinable.

Local county courts currently pay attorney costs in many of these cases. Reimbursement for attorneys is controlled by the local units and reimbursement rates vary. Ingham County reports that costs for appointment of attorneys for children average \$250,000 annually in Ingham County.

Date Completed: 4-21-98

Fiscal Analyst: B. Bowerman