

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 1124 (Substitute S-1 as reported)
Sponsor: Senator Dale L. Shugars
Committee: Judiciary

CONTENT

The bill would amend the juvenile code to provide for jurisdiction of the family division of circuit court (family court) over nonparent adults in child abuse and neglect cases. The court could enter an order requiring a nonparent adult to participate in the development of, or to comply with, a case service plan; permanently removing the nonparent adult from the home; or permanently restraining him or her from coming into contact with or within close proximity of the child. A nonparent adult would be subject to criminal penalties for violating an order. In addition, a nonparent adult's injury or abuse of a child could be grounds for termination of parental rights.

"Nonparent adult" would mean a person who was at least 18 years old and who, regardless of his or her domicile, met all of the following criteria in relation to a child over whom the family court took jurisdiction in an abuse or neglect case: had substantial and regular contact with the child; had a close personal relationship with the child's parent or with a person responsible for the child's health or welfare; and was not the child's parent or someone related to the child by blood or affinity to the third degree. The bill would take effect 60 days after its enactment.

MCL 712A.2 et al.

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. The bill would increase the number of cases opened by the Family Independence Agency, including the development of a case service plan and provision of those services for each case. The number of cases is not known at this time. However, an estimate of costs would include the staff time for services. Each protective services worker responsible for case services handles an average of 24 cases at any one time. The annual average staff person cost, including benefits and associated support staff, could range from \$75,000 to \$77,000.

Given that the bill would create a new crime with a maximum sentence of one year in prison or a fine of \$1,000, or both, for the first offense and two years or \$2,000, or both, for second or subsequent offenses, costs of incarceration and/or fine revenues for the local government could increase. There are no data available to indicate how many nonparent adults would violate an order of the family court. Conviction for this crime would not prohibit conviction for another crime resulting from the same transaction, which could increase the length of sentence in State or local facilities for certain offenders. Given that local incarceration costs vary by county, if one assumed five annual convictions each receiving a one-year jail sentence, that each offender would serve all of the term in jail, and that local incarceration costs are \$11,000 a year, costs for local government would increase by \$55,000 annually.

Date Completed: 5-15-98

Fiscal Analyst: C. Cole/K. Firestone

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Analysis available @ <http://www.michiganlegislature.org>

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