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**SFA****BILL ANALYSIS**

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Senate Bill 1209 (as passed by the Senate)  
Sponsor: Senator Art Miller, Jr.  
Committee: Families, Mental Health and Human Services

Date Completed: 8-10-98

### **CONTENT**

The bill would amend the Child Protection Law to revise provisions under which the Family Independence Agency (FIA) must file an abuse or neglect petition that includes a request for termination of parental rights. Currently, the FIA is required to file such a petition with the family court if one or more of the following apply:

- The FIA determines that a parent, guardian, or custodian, or a person who is at least 18 years old and resides in the child's home, has abused the child or a sibling of the child and the abuse included abandonment of a young child; 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; and/or murder or attempted murder.
- The parent's rights to another child were terminated as a result of abuse or neglect proceedings.
- The parent's rights to another child were voluntarily terminated following the initiation of abuse or neglect proceedings.

Under the bill, in either situation involving the termination of a parent's rights to another child, the FIA would have to file a petition *if* the Agency determined that there was risk of harm to the child.

Currently, in a petition submitted under the provisions described above, the FIA must include a request for termination of parental rights at the initial dispositional hearing. Under the bill, this requirement would apply *if* a parent were a suspected perpetrator or were suspected of placing the child at an unreasonable risk of harm due to the parent's failure to take reasonable steps to intervene to eliminate that risk.

MCL 722.638

Legislative Analyst: S. Lowe

### **FISCAL IMPACT**

It appears that the bill would have an indeterminate fiscal impact on State government. According to the FIA, the change to provisions under which the FIA files a petition would conform with current department policy to remove a child from risk of harm. However, if additional children in a family were removed because the department determined that they were at risk, this would increase the number of children who come in contact with the foster care system. The bill appears to have no potential fiscal impact on local government.

Fiscal Analyst: C. Cole

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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.