

SENATE BILL NO. 379

February 24, 1999, Introduced by Senator HAMMERSTROM and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 18f of chapter XII (MCL 712A.18f), as amended by 1998 PA 480.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER XII

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Sec. 18f. (1) If, in a proceeding under section 2(b) of

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this chapter, an agency advises the court against placing a child

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in the custody of the child's parent, guardian, or custodian, the

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agency shall report in writing to the court what efforts were

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made to prevent the child's removal from his or her home or the

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efforts made to rectify the conditions that caused the child's

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removal from his or her home. The report shall include all of

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the following:

1 (a) If services were provided to the child and his or her
2 parent, guardian, or custodian, the services, including in-home
3 services, that were provided.

4 (b) If services were not provided to the child and his or
5 her parent, guardian, or custodian, the reasons why services were
6 not provided.

7 (c) Likely harm to the child if the child were to be sepa-
8 rated from his or her parent, guardian, or custodian.

9 (d) Likely harm to the child if the child were to be
10 returned to his or her parent, guardian, or custodian.

11 (2) Before the court enters an order of disposition in a
12 proceeding under section 2(b) of this chapter, the agency shall
13 prepare a case service plan that shall be available to the court
14 and all the parties to the proceeding.

15 (3) The case service plan shall provide for placing the
16 child in the most family-like setting available and in as close
17 proximity to the child's parents' home as is consistent with the
18 child's best interests and special needs. The case service plan
19 shall include, but IS not ~~be~~ limited to, the following:

20 (a) The type of home or institution in which the child is to
21 be placed and the reasons for the selected placement.

22 (b) Efforts to be made by the child's parent to enable the
23 child to return to his or her home.

24 (c) Efforts to be made by the agency to return the child to
25 his or her home.

26 (d) Schedule of services to be provided to the parent,
27 child, and if the child is to be placed in foster care, the

1 foster parent, to facilitate the child's return to his or her
2 home or to facilitate the child's permanent placement.

3 (e) Except as otherwise provided in this subdivision, unless
4 parenting time, even if supervised, would be harmful to the child
5 as determined by the court under section 13a of this chapter or
6 otherwise, a schedule for regular and frequent parenting time
7 between the child and his or her parent, which shall not be less
8 than once every 7 days. ~~At the time of the initial termination
9 hearing held to consider termination of parental rights, parent-
10 ing time is automatically suspended unless the parent establishes
11 and the court determines that the exercise of parenting time will
12 not harm the child. If the court adjourns or continues the ter-
13 mination hearing beyond the original scheduled date for any
14 reason, the court shall suspend parenting time in the interim,
15 unless the court determines that the exercise of parenting time
16 will not harm the child.~~

17 (4) Before the court enters an order of disposition, the
18 court shall consider the case service plan; any written or oral
19 information offered concerning the child from the child's parent,
20 guardian, custodian, foster parent, child caring institution,
21 relative with whom the child is placed, lawyer-guardian ad litem,
22 attorney, or guardian ad litem; and any other evidence offered,
23 including the appropriateness of parenting time, which informa-
24 tion or evidence bears on the disposition. The order of disposi-
25 tion shall state whether reasonable efforts have been made to
26 prevent the child's removal from his or her home or to rectify
27 the conditions that caused the child's removal from his or her

1 home. The court may order compliance with all or any part of the
2 case service plan as the court considers necessary.

3 (5) If a child continues in placement outside of the child's
4 home, the case service plan shall be updated and revised at
5 90-day intervals as required by the rules promulgated under 1973
6 PA 116, MCL 722.111 to 722.128. The agency shall consult with
7 the foster parents when it updates and revises the case service
8 plan, and shall attach a statement summarizing the information
9 received from the foster parents to the updated and revised case
10 service plan. Updated and revised case service plans shall be
11 available to the court and all the parties to the proceeding.
12 Within 10 days after receipt of a written request, the agency
13 shall provide the person who is providing the foster care with
14 the information itemized in section 13a(13) of this chapter.

15 (6) To ensure that the case service plan addresses the
16 child's medical needs in relation to abuse and neglect, the
17 family independence agency shall review a child's case with the
18 child's attending physician of record during a hospitalization or
19 with the child's primary care physician, but only if a physician
20 has diagnosed the child's abuse or neglect as involving 1 or more
21 of the following:

22 (a) Failure to thrive.

23 (b) Munchausen syndrome by proxy.

24 (c) Shaken baby syndrome.

25 (d) A bone fracture that is diagnosed as being the result of
26 abuse or neglect.

1 (e) Drug exposure.

2 (7) If a child is placed outside of his or her home and the
3 family independence agency is required to review the child's case
4 with a physician under subsection (6), then in a judicial pro-
5 ceeding to determine if the child is to be returned to his or her
6 home, the court must allow the child's attending physician of
7 record during a hospitalization or the child's primary care phy-
8 sician to testify regarding the case service plan. The court
9 shall notify each physician of the hearing's time and place.