



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1440 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Senator Michael D. Bishop
Committee: Judiciary

CONTENT

The bill would amend the juvenile code to require the family division of circuit court (family court) to conduct an initial foster care review hearing within 182 days after removal of a child from his or her home, rather than within 91 days after entry of a court order regarding the child's foster care placement, in a case involving neglect or abandonment.

Currently, when a child is under the jurisdiction of the family court in a proceeding under Section 2(b) of the code (which generally involves neglect or abandonment), and the child is placed and remains in foster care (except in a permanent foster family agreement or a permanent placement with a relative), a review hearing must be held within 91 days after the order of disposition is entered and every 91 days after that as long as the child is subject to the jurisdiction, control, and supervision of the family court or of the Michigan Children's Institute (MCI) or other agency. Under the bill, the family court would have to hold a review hearing within 182 days after the child was removed from his or her home and not later than every 91 days after that as long as the child was under the court's jurisdiction. After the first year, the bill also would require a review hearing to be held not more than 182 days from the immediately preceding review hearing until the case was dismissed.

The bill also would establish a similar review hearing schedule for a child under the family court's jurisdiction who remained in his or her home.

A review hearing could not be canceled or delayed beyond the time required in the bill, regardless of whether a petition to terminate parental rights or another matter was pending.

MCL 712A.19

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the State. The foster care review and permanency planning hearings affect the State's compliance with the Title IV-E Eligibility Review provisions. The bill is directly tied to a penalty of approximately \$2.5 million from a Federal child and family services review, and a \$283,200 Title IV-E disallowance for errors determined in a Federal review of foster care and permanency planning hearings. The disallowed funds must be repaid to the Federal government and a Performance Improvement Plan (PIP) implemented. A second Title IV-E Review will be conducted after the PIP has been completed. Any cases determined to be in error will reduce Title IV-E funding from the point the cases became ineligible, and could cost as much as all of the cases' expenditures. The amount of the disallowance cannot be determined at this time.

To the extent that it would change the number of hearings held, the bill could have an indeterminate fiscal impact on local court costs and Family Independence Agency caseload costs.

Date Completed: 11-3-04

Fiscal Analyst: Constance Cole, Bethany Wicksall