



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

House Bill 4535 (Substitute H-1 as passed by the House)

House Bill 4820 (as passed by the House) Sponsor: Representative Pam Byrnes

House Committee: Judiciary

Senate Committee: Families and Human Services

Date Completed: 12-1-09

CONTENT

House Bill 4535 (H-1) would amend the juvenile code to revise a provision that permits the family division of circuit court (family court) to terminate a parent's parental rights to a child if the parent voluntarily terminated rights to another child after abuse or neglect proceedings were initiated.

<u>House Bill 4820</u> would amend the Child Protection Law to revise a provision requiring the Department of Human Services (DHS) to petition the family court to terminate parental rights to a child if the parent voluntarily terminated parental rights to another child after abuse or neglect proceedings were initiated.

Under the bills, those provisions would apply only if parental rights were voluntarily terminated in cases that involved specified types of abuse.

The two bills are tie-barred to one another, and each bill would take effect 180 days after it was enacted. The bills are described in detail below.

House Bill 4535 (H-1)

The juvenile code permits the family court to terminate a parent's parental rights to a child under certain conditions, including if it finds that the parent's rights to another child were voluntarily terminated following the initiation of proceedings under Section 2(b) of the code.

(That section grants the family court jurisdiction in proceedings involving a juvenile under the age of 18 whose parent or legal guardian neglects to provide proper or necessary support, education, medical, surgical or other necessary care; who is subject to a substantial risk of harm to his or her mental well-being; who is abandoned by his or her parents or guardian; or who is without proper custody or guardianship. The court also has jurisdiction over a juvenile whose home or environment is an unfit place to live in because of a parent's or guardian's neglect, cruelty, drunkenness, criminality, or depravity; or whose parent has substantially failed, without good cause, to comply with a limited guardianship plan or a court-structured plan.)

Under the bill, the family court could terminate a parent's parental rights under that provision if the proceeding involved abuse that included one or more of the following:

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- -- Abandonment of a young child.
- -- Criminal sexual conduct involving penetration, attempted penetration, or assault with attempt to penetrate.
- -- Battering, torture, or other severe physical abuse.
- -- Loss or serious impairment of an organ or limb.
- -- Life-threatening injury.
- -- Murder or attempted murder.
- -- Voluntary manslaughter.
- -- Aiding and abetting, attempting to commit, conspiring to commit, or soliciting murder or voluntary manslaughter.

House Bill 4820

The Child Protection law requires the DHS to submit a petition to terminate parental rights to a child if one or more specific conditions exist, including if the parent's rights to another child were voluntarily terminated following the initiation of proceedings to investigate allegations of abuse or neglect under Section 2(b) of the juvenile code.

Under the bill, that requirement would apply only if the proceeding involved abuse that included the actions described above.

MCL 712A.19b (H.B. 4535) 722.638 (H.B. 4820) Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bills would likely reduce the number of petitions for termination of parental rights filed by the Department of Human Services and could lead to a minor reduction in the number of children supervised by the DHS in out-of-home placements.

The bill would have an indeterminate impact on the judiciary that would depend on potentially reduced numbers of cases filed by the Department of Human Services.

Fiscal Analyst: Bill Bowerman

David Fosdick

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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.