

Legislative Analysis



PARENTAL RIGHTS REVISIONS

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Senate Bill 694 (Substitute H-1)

Senate Bill 1303 (Substitute S-1 as passed by the Senate)

Sponsor: Sen. Tom Casperson

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 12-13-12

A SUMMARY OF SENATE BILLS 694 & 1303 AS REPORTED BY HOUSE COMMITTEE

Senate Bill 694 would amend the Probate Code (MCL 712A.2) to add abuse and/or substance abuse on the part of a parent to the criteria that makes a home an unfit place for a child to live (and thus could trigger action on the part of a family court, including termination of parental rights).

In addition, a family court would have jurisdiction over a minor whose parent has committed a listed offense (for which registration on the Sexual Offender Registry is required) against any child whether or not the parent resides in the home or has any contact with the child who is the subject of the petition. The bill is tie-barred to Senate Bill 1301.

Senate Bill 1303 would also amend the Probate Code (MCL 712A.13a et al.) to specify that if a court finds that a parent is or will be imprisoned for two or more years, the Department of Human Services could, but is not required to, make reasonable efforts to reunify the child with the parent. The court could also order reasonable efforts to be made by the department.

Further, if a court finds that a parent is or will be imprisoned in a state prison, an out-of-state prison, or federal prison for two or more years, the department could, but would not be required to, provide services under the case service plan in an effort to reunify the child with the parent. The court could order reunification services to be made by the department.

In situations in which a child is in foster care and parental rights have not been terminated, the bill would exempt cases in which the parent is or will be imprisoned for two or more years from the act's requirement that reasonable efforts be made to reunify the child and family.

FISCAL IMPACT:

Senate Bill 694 would have a minimal fiscal impact to local courts by increasing the jurisdiction of the family division of the circuit court since the family court could now consider allegations against a parent who is currently absent from the home and also if

the home environment was considered unfit due to abuse or substance abuse on the part of a parent.

Senate Bill 694 could also have a minimal fiscal impact to the state and counties if those new hearings result in increased placements or services. The fund sourcing for those placements or services would be federal, state, or local funds, depending on the eligibility of each case. If the case is eligible for federal funding then the cost would be split between federal and state funds, and if the case is not eligible for federal funds then the cost would be split between the state and counties.

Senate Bill 1303 will likely have a negligible fiscal impact on state and local governments. Depending on how frequently DHS and the courts exercise their discretion to reunify youth whose parent is imprisoned for two or more years, the bill could reduce the number of state-funded adoption subsidies and increase the number of reunifications.

POSITIONS:

The Alger County Prosecutor testified in support of Senate Bill 694. (12-12-12)

The Michigan Judges Association supports both bills. (12-12-12)

The Michigan Probate Judges Association supports both bills. (12-12-12)

A representative of the County of Marquette indicated support for SB 694. (12-12-12)

Humboldt Township indicated support for Senate Bill 694. (12-12-12)

The Department of Human Services indicated opposition to both bills. (12-12-12)

The Michigan Coalition to End Sexual and Domestic Violence indicated opposition to both bills. (12-12-12)

The Michigan Poverty Law Program indicated opposition to Senate Bill 694. (12-12-12)

The ACLU of Michigan indicated opposition to Senate Bill 694. (12-12-12)

The Criminal Defense Attorneys of Michigan indicated opposition to Senate Bill 694. (12-12-12)

The Michigan Domestic and Sexual Violence Prevention and Treatment Board indicated opposition to Senate Bill 694. (12-12-12)

The Children's Law Section of the State Bar of Michigan indicated opposition to Senate Bill 694. (12-12-12)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.