

EXPAND LIST OF CRIMES FOR WHICH PARENTAL RIGHTS MAY BE TERMINATED

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Senate Bill 589 (Substitute S-2)

Sponsor: Sen. Bruce Caswell

House Committee: Criminal Justice

Senate Committee: Families, Seniors and Human Services

Complete to 9-9-14

A SUMMARY OF SENATE BILL 589 AS PASSED BY THE SENATE 6-5-14

The bill would add several more crimes for which a conviction would allow a court to terminate a parent's parental rights to a child.

Under provisions of the Probate Code, a court is authorized to terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, the existence of one or more listed factors. One factor for which termination may be ordered is if the parent is convicted of one or more listed crimes, such as criminal sexual conduct in any degree, and the court determines that termination is in the child's best interest because continuing the relationship with the parent would be harmful to the child.

Senate Bill 589 would amend the Probate Code to add to the list of crimes for which a conviction could lead to termination of the person's parental rights to a child. A court could terminate a parent's parental rights to a child for a conviction of any of the following:

- ❖ Sections 145a and 145b of the Penal Code, which pertain to solicitation of a child under 16 years of age to engage in an immoral act or to submit to an act of sexual intercourse.
- ❖ Section 145c, which pertains to child sexually abusive activity.
- ❖ Section 145d, which pertains to using the Internet or a computer to commit:
 - criminal sexual conduct in any degree,
 - a violation of Sections 145a or 145c,
 - stalking,
 - certain offenses related to explosives,
 - kidnapping,
 - taking or leading away a child under 14 years of age, or
 - a person 17 years of age or older recruiting or enticing a person less than 17 years of age to commit a crime that would be a felony if committed by an adult.

- ❖ Section 462b, which prohibits knowingly recruiting, providing, obtaining, or transporting an individual for forced labor or services.
- ❖ Section 462c, which prohibits knowingly recruiting, harboring, transporting, providing, or obtaining an individual for the purposes of holding the person in debt bondage.
- ❖ Section 462e, which would prohibit a person from knowingly recruiting, harboring, transporting, providing, or obtaining a minor for commercial sexual activity or for forced labor or services.

The bill is tie-barred to House Bill 5234, which would amend Chapter 67A of the Michigan Penal Code, entitled "Human Trafficking" and includes revisions to Sections 462b, 462c, and 462e. Senate Bill 589 would take effect 90 days after enactment.

MCL 712A.19b

FISCAL IMPACT:

Senate Bill 589 should not have a fiscal impact on the state or local units of government

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