

Legislative Analysis



PARENTING TIME WHEN JUVENILE REMOVED FROM PARENT'S CUSTODY

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Senate Bill 485 (Substitute S-1 as passed by the Senate)

Sponsor: Sen. Rick Jones

House Committee: Judiciary

Senate Committee: Families, Seniors and Human Services

Complete to 4-12-16

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

The bill revises provisions within the Juvenile Code pertaining to parenting time between parents and a juvenile who is removed from the custody of the parents. The bill would take effect 90 days after enactment.

The Juvenile Code lists the circumstances under which a juvenile is within the jurisdiction of the Family Division of circuit court. The circumstances include both delinquency and criminal proceedings, but also when a juvenile has been subjected to abuse or neglect.

Senate Bill 485 would amend the Juvenile Code, which is within the Probate Code, as follows (changes are highlighted):

Parenting Time

Currently, if a juvenile is removed from his or her home, the circuit court must permit the juvenile's parent to have frequent parenting time with the juvenile. Instead, the bill would specify that if a juvenile is removed from the parent's custody at any time, the court shall permit the juvenile's parent to have regular and frequent parenting time with the juvenile.

Currently, if parenting time, even if supervised, may be harmful to the juvenile, the court shall order the child to have a psychological evaluation or counseling or both, to determine the appropriateness and the conditions of parenting time.

The bill instead specifies that parenting time between the juvenile and his or her parent shall not be less than one time every seven days unless the court determines either that exigent circumstances require less frequent parenting time or that parenting time, even if supervised, may be harmful to the juvenile's life, physical health, or mental well-being. If the court determines that parenting time, even if supervised, may be harmful to the juvenile's life, physical health, or mental well-being, the court may suspend parenting time until the risk of harm no longer exists.

Further, the court *could*, rather than being required to, order the *juvenile* to a psychological evaluation or counseling, or both, to determine the appropriateness and the conditions of parenting time. A provision allowing the court to suspend parenting time while the psychological evaluation or counseling is conducted would be eliminated.

In addition, Section 2(b) of the Juvenile Code gives the court authority and jurisdiction over juveniles under 18 years of age under certain listed circumstances; for example, the juvenile was subjected to abuse or neglect or alleged to have been a victim of human trafficking. Under Section 2(c), the court has jurisdiction over juveniles under 18 years of age for whom jurisdiction was waived to the Family Division based on a complaint for divorce or upon a motion related to a complaint for divorce by the prosecuting attorney, in a divorce judgment dissolving a marriage between the juvenile's parents, or by an amended judgment relative to the juvenile's custody in a divorce.

The bill would add a new provision specifying that the same manner of regular and frequent parenting time as described above for other proceedings involving juveniles would be required in a proceeding under Section 2(b) or (c).

Reimbursement

Lastly, an order of disposition that places a juvenile in or committing a juvenile to care outside of the juvenile's own home and under state, county juvenile agency, or court supervision must contain a provision for reimbursement by the juvenile, parent, guardian, or custodian to the court for the cost of care or service. The reimbursement must take into account the income and resources of those responsible for the juvenile. If the juvenile is receiving an adoption support subsidy under the Social Welfare Act, the amount of the reimbursement cannot exceed the amount of the support subsidy. The bill would also specify that the reimbursement could not exceed the amount a juvenile receives for redetermined adoption assistance under Section 115t of the Social Welfare Act.

MCL 712A.13a and 712A.18

FISCAL IMPACT:

Senate Bill 485 has no significant fiscal impact on the Department of Health and Human Services or local units of government.

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