

"SIBLING" AND "RELATIVE" FOR PURPOSES OF CHILD PLACEMENT

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Senate Bill 530 (reported from House committee as H-1)

Sponsor: Sen. Judy K. Emmons

House Committee: Judiciary

Senate Committee: Families, Seniors and Human Services

Complete to 12-2-15

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

(Enacted as Public Act 228 of 2015)

BRIEF SUMMARY: Senate Bill 530 would amend the Probate Code to expand the definition of "relative" to include stepparent, ex-stepparent, and the parent who shares custody of a half-sibling, for purposes of placement. It also requires that those individuals be notified if the child is available for placement, as described in the Foster Care and Adoption Services Act, and defines "sibling."

FISCAL IMPACT: Senate Bill 530 would have no significant fiscal impact on the state of Michigan or local units of government.

THE APPARENT PROBLEM:

Currently, some individuals with close familial relationships with a child are not considered to be relatives of that child for purposes of placement.

THE CONTENT OF THE BILL:

The bill amends the definition of "relative" in the Probate Code for purposes of placement, and adds a definition of "sibling." When the court is determining placement of a child, in addition to the already-mentioned list of relatives (grandparent, great-grandparent, great-great-grandparent, aunt or uncle, great-aunt or great-uncle, great-great-aunt or great-great-uncle, sibling, stepsibling, nephew or niece, first cousin or first cousin once removed, and the spouse of any of these, even if the marriage has ended by death or divorce), this bill adds stepparent, ex-stepparent, and the parent who shares custody of a half-sibling.

Additionally, the bill defines "*sibling*" as a child who is related through birth or adoption by at least one common parent, and also includes sibling as defined by the American Indian or Alaskan native child's tribal code or custom.

Finally, stepparents, ex-stepparents, and parents of a child's half-sibling would now be notified when the child has been removed from parents and is available for placement, in accordance with the provisions for relatives under the Foster Care and Adoption Services Act.

MCL 712A.13a

HOUSE COMMITTEE ACTION:

The House committee adopted an amendment to remove Enacting Section 1, which stated that the bill would take effect 90 days after it was enacted.

ARGUMENTS:

For:

As the idea of what constitutes a family evolves, the law must recognize those important relationships and allow those relatives standing to take custody of the child, if appropriate.

A child may forge a strong relationship with a stepparent, or a half sibling and the sibling's parent. Placement with these members of the child's family, whenever possible, could be far preferable to placement with strangers. This bill anticipates the possibility of a child growing up with a parent and stepparent, the marriage dissolving, the parent being unable to care for the child, and the stepparent desiring to care for the child rather than allow him to be placed in foster care. In situations like these, an individual whom the child has historically seen as a parent would now be able to take custody of the child, with all of the rights and responsibilities as any other relative.

Against:

No one testified or voted against this bill in committee.

POSITIONS:

Representatives of the Michigan Department of Health and Human Services testified in support of the bill. (11-6-15)

Legislative Analyst: Jennifer McInerney
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