

# Legislative Analysis



## FOSTER CARE: PARENTING STANDARD

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

### Senate Bills 1090 & 1091

(As reported from House committee without amendment)

Sponsor: Sen. Judy K. Emmons

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 12-13-16

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

*(Enacted as Public Acts 496 and 497 of 2016)*

## SUMMARY:

Senate Bill 1091 would amend the Juvenile Code regarding a child in foster care when the parental rights had not been terminated. It would require the family court to make certain determinations regarding an agency's efforts to finalize a permanency plan and require the court to determine whether an agency, foster home, or institutional placement had followed a reasonable and prudent parenting standard.

Under the Juvenile Code, the family court must conduct a permanency planning hearing within 12 months after a child is removed from his or her home if the child remains in foster care and parental rights to the child have not been terminated. Subsequent permanency planning hearings must be held within 12 months after each preceding permanency planning hearing while foster care continues. The code also requires the court to conduct a permanency planning hearing within 30 days after there is a judicial determination that reasonable efforts to reunite the child and family are not required.

Senate Bill 1091 would require the court, at or before each permanency planning hearing, to determine whether the agency [responsible for the care and supervision of the child] had made reasonable efforts to finalize the permanency plan. At the hearing, the court would have to determine whether and when (if applicable) the following would have to occur:

- The child could be returned to the parent, guardian, or legal custodian.
- A petition to terminate parental rights should be filed.
- The child could be placed in a legal guardianship.
- The child could be permanently placed with a fit and willing relative.
- The child could be placed in another planned permanent living arrangement, but only in cases in which the agency had documented to the court a compelling reason for determining that it would not be in the best interest of the child to follow one of the first four options.

The court also would have to determine whether the agency, foster home, or institutional placement had followed the reasonable and prudent parenting standard "that the child has had regular opportunities to engage in age or developmentally appropriate activities."

Senate Bill 1090 would amend the juvenile code to define "reasonable and prudent parenting standard" as "decisions characterized by careful and sensible parental decisions

that maintain a child's health, safety, and best interest while encouraging the emotional and developmental growth of the child when determining whether to allow a child in foster care to participate in extracurricular, enrichment, cultural, and social activities."

Senate Bill 1090 is tie-barred to Senate Bill 1091.

**FISCAL IMPACT:**

The bills would have no fiscal impact on state or local government.

**POSITIONS:**

A representative of the Michigan Department of Health and Human Services testified in support of the bills. (11-29-16)

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