

Legislative Analysis



FOSTER CARE PLACEMENTS: KEEP SIBLINGS TOGETHER

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

House Bill 5521 as introduced
Sponsor: Rep. Klint Kesto

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

Senate Bill 483 (Substitute S-1 as passed the Senate)
Sponsor: Sen. Rick Jones
House Committee: Judiciary
Senate Committee: Families, Seniors and Human Services (SB 483)

Complete to 4-11-16

SUMMARY:

House Bill 5521 and Senate Bill 483 would amend different acts to require reasonable efforts be made to place siblings removed from their homes in the same foster placement. If not jointly placed, visits between the siblings would be required unless contrary to the safety or well-being of any of the siblings. Each bill would take effect 90 days after enactment.

House Bill 5521 would amend the Foster Care and Adoption Services Act (MCL 722.952 and 722.954a). The stated purpose of the act is to assist foster parents to provide a stable, loving family environment for children who are placed outside of their homes on a temporary basis and to help eliminate barriers to the adoption of children and to promote the provision of a stable and loving family environment to children who are without permanent families.

The bill would amend the act to require that reasonable efforts be made to do the following:

- Place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the supervising agency documents that a joint placement would be contrary to the safety or well-being of any of the siblings.
- If the siblings were not jointly placed, provide for frequent visitation or other ongoing interaction between the siblings, unless documented by the supervising agency that frequent visitation or ongoing interaction would be contrary to the safety or well-being of any of the siblings.

If the siblings could not be placed together, or if not all the siblings were being placed in foster care, the supervising agency would be required to make reasonable efforts to facilitate sibling visitation or contact with siblings unless a court determines that visitation or contact would not be beneficial under Section 13a(15) of Chapter XIIA (Juvenile Code) of the Probate Code.

"Sibling" would be defined to mean children who have one or more parents in common. The relationship could be biological or through adoption and includes siblings as defined by the American Indian or Alaskan Native child's tribal code or custom.

The bill is tie-barred to Senate Bill 483, meaning that it cannot take effect unless SB 483 is also enacted into law.

Senate Bill 483 would make similar amendments to Chapter XIIA (Juvenile Code) and technical amendments to Chapter X (Adoption Code) of the Probate Code (MCL 710.24 et al.). Under the Juvenile Code, the Family Division of circuit court has jurisdiction over juveniles under certain circumstances; for example, for certain criminal or juvenile delinquency proceedings, and also if the juvenile is the victim of abuse or neglect and in certain divorce proceedings.

If juveniles are removed from their home, the bill would require reasonable efforts be made to do the following:

- Place siblings in the same foster care, kinship guardianship, or adoptive placement unless the state documents that a joint placement would be contrary to the safety or well-being of any of the siblings.
- If the siblings are not jointly placed, provide for at least monthly visitation or other ongoing interaction unless the visits would be contrary to the safety or well-being of any of the siblings.

If the siblings cannot be placed together or not all of the siblings are being placed outside of the home, the court must determine whether sibling visitation or contact will be beneficial to the siblings. If so, the court must order sibling visitation or contact to the extent reasonable.

The bill would also require that the case service plan include the efforts to be made by the agency to provide frequent in-person visitation or other ongoing interaction between siblings unless the court determines under Section 13a of the code that sibling visitation or contact will not be beneficial to one or more of the siblings.

(A service case plan is a document prepared before the court enters an order of disposition in a juvenile proceeding by the agency having responsibility for the juvenile's care and supervision that includes the services to be provided by the agency and responsibilities and obligations of the agency and the parents.)

"Sibling" would be defined to mean a child who is related through birth or adoption by at least one common parent, and includes that term as defined by the American Indian or Alaskan Native child's tribal code or custom.

Lastly, the bill revises references to "husband" in two sections of the Adoption Code to instead refer to "spouse."

FISCAL IMPACT:

A fiscal analysis is in process.

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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.