



Senate Fiscal Agency
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**BILL ANALYSIS**

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Senate Bills 482 and 483 (as introduced 9-10-15)
Sponsor: Senator Rick Jones
Committee: Families, Seniors and Human Services

Date Completed: 10-28-15

CONTENT

Senate Bill 483 would amend the juvenile code to do the following:

- Require a reasonable effort to be made to place siblings removed from their home in the same placement, or provide for frequent sibling visitation, unless the State documented that either of these would be contrary to the safety or well-being of any of the siblings.
- Require a court to determine if sibling visitation or contact would be beneficial to siblings, if they could not be placed together.
- Require a case service plan to include efforts to be made by an agency to provide frequent in-person visitation, if siblings were not jointly placed, unless a court determined that the visitation or contact would not be beneficial.

Senate Bill 482 would amend the Foster Care and Adoption Services Act to do the following:

- Require a supervising agency to make a reasonable effort to place siblings removed from their home in the same placement, or provide for frequent sibling visitation, unless the supervising agency documented that either of these would be contrary to the safety or well-being of any of the siblings.
- Require a supervising agency to make a reasonable effort to facilitate sibling visitation or contact with siblings who were not jointly placed, unless a court determined that visitation or contact would not be beneficial.

Senate Bill 482 is tie-barred to Senate Bill 483. Both bills would take effect 90 days after their enactment.

Senate Bill 483

The juvenile code governs, among other things, the placement of children removed from their parent's care under a variety of circumstances. The bill would require reasonable efforts to be made to place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the State documented that a joint placement would be contrary to the safety or well-being of any of the siblings.

The bill would define "siblings" as children who have one or more parents in common. The relationship could be biological or through adoption, and would include siblings as defined by the American Indian or Alaskan Native Child's Tribal Code or custom.

In the case of siblings removed from their home who were not jointly placed, the bill would require a reasonable effort to be made to provide for frequent visitation or other ongoing interaction, unless the State documented that frequent visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings.

If siblings could not be placed together or not all the siblings were placed outside of the home, a court would have to determine whether sibling visitation or contact would be beneficial to them. If visitation or contact would be beneficial, the court would have to order visitation or contact to the extent reasonable.

Under the code, before a court enters an order of disposition in a proceeding under Section 2(b), an agency must prepare a case service plan that must be available to the court and to all of the parties of the proceeding. The case service plan must provide for placing the child in the most family-like setting available, and must include services to be provided by and responsibilities and obligations of the agency as well as activities, responsibilities, and obligations of the parent. Under the bill, the plan also would have to include efforts to be made by the agency to provide frequent in-person visitation or other ongoing interaction between siblings unless the court determined under Section 13a of the code that sibling visitation would not be beneficial to one or more of the siblings.

(Section 2(b) relates to jurisdiction concerning a juvenile in situations involving abuse or neglect. Section 13a establishes procedures that apply to those cases.)

Senate Bill 482

The Foster Care and Adoption Services Act pertains to, among other things, the placement of children within a supervising agency's care. The bill would require a supervising agency to place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the agency documented that a joint placement would be contrary to the safety or well-being of any of the siblings. ("Siblings" would be defined in the same way as proposed by Senate Bill 483.)

In the case of siblings removed from their home who were not jointly placed, the bill would require the supervising agency to provide for frequent visitation or other ongoing interaction, unless it documented that frequent visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings.

If siblings could not be placed together or not all the siblings were placed in foster care, the supervising agency would have to make reasonable efforts to facilitate sibling visitation or contact with siblings unless a court determined that visitation or contact would not be beneficial under Section 13a(15) of the juvenile code (which Senate Bill 483 would amend as described above).

MCL 722.952 & 722.954a (S.B. 482)
712A.13a & 712A.18f (S.B. 483)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills could result in a fiscal impact on locally operated child placing agencies and would have no fiscal impact on the State. Currently, Department of Health and Human Services policy and provisions of the Federal court agreement related to *Duane B. v. Snyder* require the Department to place sibling groups together when feasible and appropriate and to assure visitations, when appropriate, between siblings when not placed together.

Depending on the current policies of locally operated agencies regarding sibling placements, there could be a fiscal impact. There are several child placing agencies that are operated by

community mental health agencies and some agencies operated by circuit courts or counties. These locally operated agencies are not subject to the settlement requirements. To the extent that the requirements under the bills would be new, the agencies could realize some additional costs.

Fiscal Analyst: John Maxwell