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BILL



ANALYSIS

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Senate Bill 485 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Senator Rick Jones
Committee: Families, Seniors and Human Services

CONTENT

The bill would amend the juvenile code to require a court to permit the parent of a child removed from the parent's custody to have parenting time at least once every seven days, unless the court determined that exigent circumstances required less frequent parenting time or that parenting time could be harmful to the child.

The code provides that if a juvenile is removed from the parent's custody, the court must permit the juvenile's parents to have frequent parenting time. The bill specifies that unless the court determined that exigent circumstances required less frequent parenting time or that parenting time, even if supervised, would be harmful to the juvenile's life, physical health, or mental well-being, parenting time would have to be regular and frequent, and at least one time every seven days. If the court determined that parenting time, even if supervised, could be harmful, the court could suspend parenting time until the risk of harm no longer existed.

Under the code, the court must order the juvenile to have a psychological evaluation or counseling, or both, to determine the appropriateness and conditions of parenting time. The bill instead would make this order permissive.

If a court finds that a juvenile concerning whom a petition is filed is not within the code, the court must enter an order dismissing the petition. If, however, the court finds that a juvenile is subject to the code, the court may enter certain orders of disposition that are appropriate for the welfare of the juvenile and society. The bill would require the court to permit the parenting time referred to above, if the juvenile were removed from the parent's custody at any time in the course of a proceeding under Section 2(b) or (c) of the code.

(Section 2(b) relates to the jurisdiction of a court in proceedings concerning a juvenile in situations involving abuse or neglect. Section 2(c) pertains to situations in which jurisdiction of a juvenile has been waived to the family division of circuit court based on a complaint for divorce.)

MCL 712A.13a & 712A.18

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 12-7-15

Fiscal Analyst: Ryan Bregan