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BILL ANALYSIS



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Senate Bill 530 (as introduced 9-29-15)
Sponsor: Senator Judy K. Emmons
Committee: Families, Seniors and Human Services

Date Completed: 9-30-15

CONTENT

The bill would amend the juvenile code to provide that the term "relative" would include a stepparent, ex-stepparent, and parent who shares custody of a half-sibling for the purpose of placement; require notification to those individuals as required in the Foster Care and Adoption Services Act; and add a definition of "sibling".

Section 13a(1) of the juvenile code defines various terms for purposes of that section and other specified sections of the code. Subdivision (j) of that section defines "relative" as an individual who is at least 18 years of age and related to the child by blood, marriage, or adoption, as grandparent, great-grandparent, great-great-grandparent, aunt or uncle, sibling, step-sibling, nephew or niece, first cousin or first cousin once removed, and the spouse of any of those individuals, including after the marriage has ended by death or divorce.

The bill specifies that, for the purpose of this subdivision only, a stepparent, ex-stepparent, or the parent who shares custody of a half-sibling is a relative for purposes of placement. Notification to the stepparent, ex-stepparent, or the parent who shares custody of a half-sibling would be required as described in the Foster Care and Adoption Services Act. (Under that Act, if a child has been placed in a supervising agency's care under the juvenile code, the agency is required to identify, locate, notify, and consult with relatives to determine placement with a fit and appropriate relative who would meet the child's needs. The notification must comply with certain requirements.)

The bill also would define "sibling" as a child who is related through birth or adoption by at least one common parent. "Sibling" would include that term as defined by the American Indian or Alaskan native child's tribal code or custom.

The bill would take effect 90 days after its enactment.

(In addition to defining "relative", Section 13a(1)(j) provides that a child may be placed with the parent of a man whom the court has probable cause to believe is the putative father if there is no man with legally established rights to the child. The other references to "relative" in Section 13a are in the definition of "foster care", which includes care provided to a juvenile in a relative's home under a court order, and in provisions that establish procedures concerning a child who is under the family court's jurisdiction due to neglect or abuse, and provide for placement options. Specifically, Section 13a(b)(11) requires the Department of Health and Human Services to perform a criminal record check before or within seven days after a child is placed in a relative's home, and to order a home study to be performed and submitted to the court within 30 days after the placement.

The other sections of the juvenile code that use the term "relative", as defined by Section 13a(1)(j), do the following:

- Allow a new placement with a relative after a child has been placed in foster care, if the change of placement is less than 90 days after the child's removal from the home (Section 13b).
- Require a court to consider communication concerning a child from various individuals, including a relative with whom the child has been placed, the case service plan, and other evidence, before the court enters an order of disposition (Section 18f).
- Require a court to hold review hearings if a child is under the care and supervision of an agency and is placed with a relative and the placement is intended to be permanent (Section 19).
- Specify that a court is not required order an agency to initiate proceedings to terminate parental rights (under circumstances in which such an order otherwise would be required after a permanency planning hearing) if a child is being care for by relatives (Section 19a).

The term "sibling" is used in Section 13b, which requires an agency, before making a change in foster care placement, to notify the court and provide it with certain information, including whether the change will separate or reunite siblings or affect sibling visitation.

"Sibling" also is used in Section 19b, which provides for the termination of parental rights to a child who remains in foster care after a review hearing or a permanency planning hearing, and includes in the grounds for termination: 1) that the child or a sibling of the child has suffered physical injury or physical or sexual abuse involving the parent or in the parent's home; 2) that parental rights to one or more siblings of the child have been terminated due to serious or chronic neglect or physical or sexual abuse; and 3) that the parent abused the child or a sibling of the child and the abuse included abandonment of a young child, criminal sexual conduct, severe physical abuse, murder, or other specified violations.)

MCL 712A.13a

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

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

Fiscal Analyst: Ryan Bergan

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