



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 629 (as reported by the Committee of the Whole)
Sponsor: Senator Rick Jones
Committee: Judiciary

CONTENT

The bill would amend the juvenile code to allow a court to terminate a person's parental rights to a child who had been conceived as a result of the person's criminal sexual conduct (CSC).

The code requires the court to hold a hearing to determine if a person's parental rights to a child should be terminated if the child remains in foster care under certain circumstances or if certain parties petition for termination. The court may terminate a person's parental rights to the child if it finds, by clear and convincing evidence, one or more of the grounds for termination specified in the code. The bill would include in those grounds that the parent had been convicted of, or found in a fact-finding hearing to have committed, CSC and that conduct resulted in the child being conceived.

The parties who may petition for parental rights termination include a "concerned person", which refers to a foster parent who has contacted the Department of Health and Human Services, the prosecuting attorney, the child's attorney, and the child's guardian ad litem, and is satisfied that none of them will file a petition for termination. Under the bill, the term also would include a parent petitioning for termination of the other parent's parental rights because that other parent had committed CSC resulting in the child's conception.

MCL 712A.19b

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill could have an indeterminate fiscal impact on the State and local governments. The provisions of the bill could lead to an increase in hearings to terminate parental rights. An increase in hearings could increase incremental resource demands on circuit court systems.

In 2015, the Federal government enacted the Rape Survivor Child Custody Act which, among other things, provides for increased formula grants for states that have in place a law that allows the mother of a child who was conceived through rape to seek court-ordered termination of the parental rights of her rapist with regard to that child, and that authorizes the court to grant termination upon clear and convincing evidence of rape. The maximum allowed grant increase is 10% of the average of the total amount of funding provided to a state in the past three years under the STOP Violence Against Women Formula Grant Program and the Sexual Assault Services Program. The increased funding is for a two-year period and can be reauthorized up to four times. For Michigan, the maximum increase would be approximately \$400,000 per year.

Date Completed: 12-30-15

Fiscal Analyst: Ryan Bergan