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BILL ANALYSIS



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Senate Bills 1090 and 1091 (as enrolled)
Sponsor: Senator Judy K. Emmons
Senate Committee: Families, Seniors and Human Services
House Committee: Judiciary

Date Completed: 12-22-16

CONTENT

Senate Bill 1091 would amend the juvenile code to require the family court to make certain determinations regarding an agency's efforts to finalize a permanency plan, in cases involving a child in foster care to whom parental rights had not been terminated; and require the court to determine whether an agency, foster home, or institutional placement had followed a reasonable and prudent parenting standard.

Senate Bill 1090 would amend the juvenile code to define "reasonable and prudent parenting standard".

Senate Bill 1090 is tie-barred to Senate Bill 1091. Each bill would take effect 90 days after enactment.

Senate Bill 1090

The bill would define "reasonable and prudent parenting standard" as "decisions characterized by careful and sensible parental decisions that maintain a child's health, safety, and best interest while encouraging the emotional and developmental growth of the child when determining whether to allow a child in foster care to participate in extracurricular, enrichment, cultural, and social activities".

Senate Bill 1091

Under the juvenile code, if a child who has been removed from his or her home remains in foster care and parental rights to the child have not been terminated, the family court must conduct a permanency planning hearing within 12 months after the child's removal from the home. Subsequent permanency planning hearings must be held within 12 months after each preceding permanency planning hearing while foster care continues.

The code also requires the court to conduct a permanency planning hearing within 30 days after there is a judicial determination that reasonable efforts to reunite the child and family are not required.

A permanency planning hearing must be conducted to review the status of the child and the progress being made toward his or her return home, or to show why the child should not be placed in the permanent custody of the court.

The bill would require the court, at or before each permanency planning hearing, to determine whether the agency had made reasonable efforts to finalize the permanency plan. At the

hearing, the court would have to determine whether and, if applicable, when the following would have to occur:

- The child could be returned to the parent, guardian, or legal custodian.
- A petition to terminate parental rights should be filed.
- The child could be placed in a legal guardianship.
- The child could be permanently placed with a fit and willing relative.
- The child could be placed in another planned permanent living arrangement, but only in cases in which the agency had documented to the court a compelling reason for determining that it would not be in the best interest of the child to follow one of the first four options.

In addition, the court would have to determine whether the agency, foster home, or institutional placement had followed the reasonable and prudent parenting standard "that the child has had regular opportunities to engage in age or developmentally appropriate activities".

MCL 712A.1

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Fiscal Analyst: Ryan Bergan
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