

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

• (517) 373-5383

Senate Bill 1028

Sponsor: Senator Jack Welborn

Committee: Criminal Justice and Urban Affairs

**RECEIVED**

Date Completed: 9-17-90

**OCT 24 1990**SUMMARY OF SENATE BILL 1028 as introduced 6-29-90:

Mich. State Law Library

The bill would amend the domestic violence prevention and treatment Act to require that notice be given to sheriffs of the presence of children in a domestic violence shelter; require that notice of a child's hospitalization be given to the parent still occupying the child's residence; and require that, upon court order, the parent be informed of the hospital's name and location.

The bill would require a shelter resident to give the following information to personnel operating the shelter:

- The name and age of each child the shelter resident brought to the shelter.
- The address of the domicile and the name of the child's natural or adoptive parent residing in the domicile.

"Shelter resident" would mean a person who removed a child from a domicile to reside for any period of time with the child in a shelter. "Domicile" would mean a residence from which a shelter resident removed a child and that continued to be occupied by a natural or adoptive parent of the child.

A prime sponsor (a county, city, village, or township, or a private, nonprofit association or organization) receiving funds under the Act would be required to do the following:

- Within 24 hours after a shelter resident arrived with one or more children at a shelter established or maintained by or under the sponsorship of the prime sponsor, give the following information to the sheriff of the county in which the shelter resident's domicile was located: the information received from the shelter resident concerning children brought to the shelter and the parent residing in the domicile; and a description of the shelter resident and each child.
- Immediately notify the sheriff if a child of the shelter resident were hospitalized for any reason. The prime sponsor would have to inform the sheriff of the name and location of the hospital and the reason for the hospitalization.

A prime sponsor that knowingly violated these requirements would be ineligible for funding under the Act.

A sheriff who received notice from a prime sponsor about the presence of children could not release information regarding the location of a shelter resident or

child. If a person contacted the sheriff and provided proof that he or she was the natural or adoptive parent of a child in the shelter, the sheriff would have to inform the parent that the child was located in a shelter and that the parent would be notified if the child were hospitalized while residing in the shelter.

If a sheriff received notice that a child residing in a shelter was hospitalized, the sheriff would have to attempt to notify the child's natural or adoptive parent of the hospitalization and the reason for it. The parent then could petition the probate court in the county in which the domicile was located for an order requiring the sheriff to release the name and location of the hospital. The court would be required to provide for expedited hearings for the petition, and to balance the parental rights of the natural or adoptive parent against the shelter resident's or child's need for protection. The court could grant an ex parte hearing (without notice to or representation of the other party), and appoint counsel or a guardian ad litem to represent the resident or child. In granting a petition, the court would have to order any measures it considered necessary to protect the safety of the resident or child.

Upon receiving a court order to release the name and location of the hospital, the sheriff would be required to do so.

Proposed MCL 400.1511-400.1514

Legislative Analyst: S. Margules

#### FISCAL IMPACT

The bill would have an indeterminate fiscal impact on local units of government and no fiscal impact on the State.

Administrative costs to local sheriff departments and probate courts would depend on the number of cases covered by the bill. The amount of these costs cannot be anticipated.

Fiscal Analyst: F. Sanchez

S8990\S1028SA

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.