



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



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bills 218, 219, and 220 (as introduced 3-2-11)
Sponsor: Senator Judy K. Emmons (S.B. 218 & 220)
Senator Mark C. Jansen (S.B. 219)
Committee: Families, Seniors, and Human Services

Date Completed: 3-21-11

CONTENT

Senate Bill 218 would amend the Michigan Adoption Code to permit the designee of an authorized representative of the Department of Human Services (DHS) to consent to the adoption of a child.

Senate Bill 219 would amend Public Act 220 of 1935 (which deals with the Michigan Children's Institute) to authorize the Michigan Children's Institute (MCI) superintendent or his or her designee to consent to the guardianship of a child committed to the MCI.

Senate Bill 220 would amend the juvenile code to authorize a designee of the Michigan Children's Institute superintendent to consent to the appointment of a guardian for a child.

The bills are described in detail below

Senate Bill 218

Generally, the Michigan Adoption Code requires each parent to give consent to the adoption of a child, unless the rights of the parent have been terminated, the child has been released for the purpose of adoption to a child placing agency or the DHS, or other circumstances exist.

Consent also must be given by the authorized representative of the DHS or of a child placing agency to whom the child has been released or permanently committed by an order of the family court.

Under the bill, consent could be given by the authorized representative of the DHS or his or her designee.

Senate Bill 219

Currently, the MCI superintendent is authorized to consent to the adoption, marriage, or emancipation of any child who may have been committed to the MCI, according to applicable law. Under the bill, the superintendent's designee would have the same authority. In addition, the superintendent or his or her designee would be authorized to consent to the guardianship of any child who may have been committed to the MCI, as provided in Section 19c of the juvenile code (the section that Senate Bill 220 would amend).

A child for whom a guardian was appointed under those provisions would cease to be a ward of the State.

Senate Bill 220

Under the juvenile code, if a child remains in placement following the termination of parental rights to the child, the family court must conduct review hearings and permanency planning hearings. The court may appoint a guardian for the child, if it determines that doing so is in the child's best interest. The court may not appoint a guardian without the MCI superintendent's written consent. Under the bill, the court could not appoint a guardian without the written consent of the superintendent or his or her designee.

The code requires the MCI superintendent to consult with the child's lawyer guardian ad litem when considering whether to grant consent. Under the bill, that requirement also would apply to the superintendent's designee.

MCL 710.43 (S.B. 218)
400.209 (S.B. 219)
712A.19c (S.B. 220)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

It is possible that the bills would have the effect of reducing the State and County foster care payments. If the backlog at the MCI is causing children to remain in foster care for additional time, elimination of the backlog could result in some savings in foster care payments. These potential savings could be offset, in part, by increased payments for guardianship assistance and adoption subsidies. Because the Department of Human Services does not have readily available data on the number of backlogged cases or the amount of corresponding and potentially avoidable foster care payments made each year, it is not possible to provide an estimate of savings.

Fiscal Analyst: Frances Carley

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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.