

SFA

BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

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MAY 05 1988

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House Bill 4641, 4642 (Substitute H-2), and 4643

Sponsor: Representative Debbie Stabenow

House Committee: Judiciary

Senate Committee: Criminal Justice, Urban Affairs, and Economic Development

Date Completed: 4-28-88

SUMMARY OF HOUSE BILLS 4641, 4642 (H-2), and 4643 as passed by the House:

House Bill 4641 would amend the Social Welfare Act to allow money in a county's Child Care Fund to be used by a designated agency providing juvenile justice services. That designation would be made by a county's board of commissioners, except in Wayne County, where it would be made by the county executive.

House Bill 4642 would amend the juvenile code to establish uniform procedures for dealing with abused and neglected children. The bill would do all of the following:

- Extend the jurisdiction of the the juvenile division of Probate Court (juvenile court) over abused and neglected children to include all children under age 18. (The current limit is age 17.)
- Allow the juvenile court, after a preliminary abuse and neglect hearing or inquiry, to authorize a petition and either to release the child to his or her parents, guardian, or custodian or to order placement with someone else.
- Allow placement with someone other than a parent only if the court determined, after a hearing, that custody with a parent, guardian or custodian presented a substantial risk of harm to the child and no other arrangement was reasonably available, and that conditions of custody away from a parent, guardian or custodian were adequate to safeguard the child.
- Eliminate, by January 1, 1992, court-provided foster care services for abused and neglected children.
- Require prosecuting attorneys to provide legal consultation to the Department of Social Services (DSS), and provide for legal representation of parents in abuse and neglect proceedings.
- Require an agency responsible for a child's care to prepare a case service plan before the court entered an order of disposition in an abuse and neglect proceeding.
- Require the court to hold a review hearing at various times after placement of a child in foster care to assess the record of compliance with the case service plan.
- Require the court to conduct an annual permanency planning hearing to review the child's status and progress toward returning to his

or her home.

- Provide for proceedings to terminate parental rights and place a child in permanent juvenile court custody.
- Require periodic hearings for children who remained in foster care after the termination of parental rights to review the child's placement and the progress made toward permanent placement and adoption.

House Bill 4643 would amend Public Act 220 of 1935, which provides for the commitment of children to the Michigan Children's Institute, to provide for the review of those commitments by the juvenile court.

MCL 400.117c (House Bill 4641)
712A.1 et al. (House Bill 4642)
400.203 (House Bill 4643)

Legislative Analyst: P. Affholter

FISCAL IMPACT

House Bills 4641, 4642, and 4643 would result in an increase in State spending due to changes in the juvenile code. The Department of Social Services estimates the cost to exceed \$15.0 million.

The bills would have an indeterminate fiscal impact on local units of government.

Fiscal Analyst: W. Griffieth

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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.