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Senate Bill 1442 (as introduced 9-30-04)
Sponsor: Senator Mark H. Schauer
Committee: Judiciary

Date Completed: 10-5-04

CONTENT

The bill would amend the juvenile code to require the family division of circuit court (family court) to conduct a permanency planning hearing within 12 months after a child was removed from his or her home, for a child who remained in foster care and for whom parental rights had not been terminated. The bill also would revise the timeframe for the family court to hold a permanency planning hearing in abuse cases.

Under the code, except in certain abuse cases, if a child remains in foster care and parental rights to the child have not been terminated, the family court must conduct a permanency planning hearing within one year after an original petition is filed. Under the bill, the family court would have to hold the permanency planning hearing 12 months after the child was removed from his or her home. As currently required, subsequent permanency planning hearings would have to be held at least every 12 months during the continuation of foster care. The bill also specifies that a permanency planning hearing could not be canceled or delayed even if a petition for permanent custody were pending.

In addition, the code requires the family court to conduct a permanency planning hearing within 28 days after a petition is adjudicated and the parent is found to have abused the child or his or her sibling and the abuse included one or more of the following:

- Abandonment of a young child.
- Criminal sexual conduct involving penetration, attempted penetration, or assault with intent to penetrate.
- Battering, torture, or other severe physical abuse.
- Loss or serious impairment of an organ or limb.
- Life-threatening injury.
- Murder or attempted murder.
- Voluntary manslaughter.
- Aiding, abetting, attempting, conspiring, or soliciting murder or voluntary manslaughter.

The bill would require the family court to conduct a permanency planning hearing within 30 days, instead of 28, under those circumstances.

MCL 712A.19a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Fiscal Analyst: Bethany Wicksall

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