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Senate Bill 994 (as reported without amendment)  
Sponsor: Senator Rick Jones  
Committee: Families, Seniors and Human Services

### **CONTENT**

The bill would amend the juvenile code to allow a court to issue an order reinstating parental rights if the court determined that adoption or guardianship was no longer the child's permanency goal, and if certain other conditions were met.

Specifically, the bill would allow the Department of Human Services, the Michigan Children's Institute (MCI), or a child's lawyer-guardian ad litem to file a petition requesting reinstatement of a parent's parental rights. If it appeared from the petition that the child's former parent could be fit to have his or her parental rights reinstated, the court would have to hold a hearing. Before the hearing, the agency would have to complete a criminal background check and a central registry clearance check, and any information obtained would have to be submitted to the court.

In the hearing, the court would have to consider the following: whether the parent was fit and had remedied the grounds that supported termination of his or her parental rights; the age and maturity of the child and the child's preference with regard to reinstatement; whether reinstatement would present a risk to the child's health, welfare, or safety; information found as part of the agency criminal background check; and other material changes in circumstances.

If the court found by clear and convincing evidence that reinstatement was in the child's best interests, the court would have to reinstate the parent's parental rights.

If the court found that a trial period of reinstatement of parental rights was in the child's best interests, the court could order a trial period of reinstatement that would not exceed 180 days. During the trial period, the MCI would have to: a) retain legal custody of the child, b) develop a permanent plan for reunification and ensure that transition services were provided to the family, c) remove the child from placement with the former parent at any time if the child's health, welfare, or safety were at risk, and d) notify the court within three days if the child were removed from placement with the parent without a court order. If a child were removed from the placement without a court order, the court would have to order a hearing on the physical custody of the child within seven days of the removal.

Following the trial period, if the court determined by clear and convincing evidence that permanent reinstatement was in the child's best interests, the court would have to reinstate the parent's parental rights.

The bill specifies that a final or trial reinstatement order would not modify, vacate, or set aside the order terminating parental rights. An order reinstating parental rights following successful completion of the trial period would restore all rights, powers, privileges, immunities, duties, and obligations of the parent regarding the child.

Proposed MCL 712A.21a

Legislative Analyst: Jeff Mann

## **FISCAL IMPACT**

The bill could have an indeterminate fiscal impact on the State and county governments. Any potential savings would depend on the number of cases that fit the criteria for reinstatement of parental rights and also the fund sources for each case.

If a child were removed from foster care and returned to a parent, the State, and in some cases the county where the child resided, would no longer pay for foster care services for the child. In FY 2013-14, the projected average annual cost of care for a foster care child is \$26,978. The actual cost of care would depend on the type of placement, which could include residential care or a foster family home, among others, and also the foster care subsidy payment. If a child is eligible for Federal Title IV-E funding, the costs of care are matched with State General Fund/General Purpose revenue. For State wards who do not qualify for Federal funding, the payment comes from the State Ward Board and Care Fund, which is a 50-50 cost share between the State and the county where the child resides.

Data on the experiences of other states that allow for the reinstatement of parental rights are not readily available, but there are some indications that few cases would meet the criteria. In a nearly two-year period in Oklahoma, there were approximately eight cases in which parental rights had been reinstated. In Minnesota in 2013, lawmakers estimated that there were 35 children whose circumstances could have fit the proposed criteria.

The bill could have an impact on county governments, if any cases in which parental rights were reinstated were paid through the State Ward Board and Care Fund.

Date Completed: 9-29-14

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.