

Legislative Analysis



FGM: ALLOW TERMINATION OF PARENTAL RIGHTS

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House Bill 4716 (Substitute H-1, as adopted by committee)

Sponsor: Rep. Peter J. Lucido

Committee: Law and Justice

Complete to 6-19-17

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

The bill would add, as a circumstance that constitutes grounds for termination of a parent's parental rights to a child, that the parent is convicted of knowingly performing female genital mutilation (FGM) on a child or knowingly transporting a child, or facilitating the transport of a child, for that purpose.

The Juvenile Code provides that the family division of circuit court (family court) may terminate the parental rights to a child who remains in foster care or in the custody of a guardian or limited guardian if the court finds by clear and convincing evidence that certain circumstances exist. One of those circumstances is that the parent is convicted of certain crimes (e.g., murder in the first or second degree or a criminal sexual conduct crime) if the court determines that termination is in the child's best interests because continuing the parent-child relationship with the parent would be harmful to the child. **House Bill 4716** would amend the Juvenile Code (at MCL 712A.19b) to add a conviction of Section 136 or Section 136a of the Michigan Penal Code to that circumstance.

The bill is tie-barred to House Bill 4636 and 4637, meaning that it cannot take effect unless both of the other two bills are also enacted into law.

(House Bill 4636 and Senate Bill 337 would each add Section 136 to the Michigan Penal Code to prohibit a person from knowingly performing a surgical operation to circumcise, incise, excise, or infibulate all or part of the labia majora, labia minora, clitoris, or contiguously surrounding tissue on a child, regardless of whether the surgical operation caused physical deformity, residual pain, or loss or sensation. House Bill 4637 and Senate Bill 368 would each add Section 136a to prohibit a person from knowingly transporting a child for the purpose of conduct with regard to that child that would be a violation of Section 136 if it occurred within the state, and also facilitating conduct that would be a violation.)

FISCAL IMPACT:

House Bill 4716 would have an indeterminate fiscal impact on the state and on local court funding units. The impact would depend on costs incurred for an increased caseload in the courts and increased administrative costs. The provision added by the bill would be just one of many factors a court would have to consider when using its discretion to make a determination on the termination of parental rights. The fiscal impact would depend on the outcome of these cases.

To the extent that the bill's provisions might increase the number of youth that enter the foster care system, the bill could increase costs to the Department of Health and Human Services and to counties for increased caseload costs for foster care services. The amount of any increased costs would depend upon how many additional cases might be added and the determinations made by the courts in those cases.

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