

Legislative Analysis



FGM: ALLOW TERMINATION OF PARENTAL RIGHTS

House Bill 4716 as introduced
Sponsor: Rep. Peter J. Lucido
Committee: Law and Justice
Updated on 6-16-17

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

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

REVISED 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 knowingly allowed the child (or a sibling) to undergo female genital mutilation (FGM).

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. House Bill 4716 would amend the Juvenile Code (at MCL 712A.19b) to add the following to those circumstances:

That the child's parent knowingly allowed a person to perform 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.

(This conduct would fall under the category of a parent abusing the child or a sibling of the child.)

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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