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BILL ANALYSIS



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House Bill 4716 (Substitute H-1 as passed by the House)
Sponsor: Representative Peter J. Lucido
House Committee: Law and Justice
Senate Committee: Judiciary

Date Completed: 9-28-17

CONTENT

The bill would amend the juvenile code to allow a court to terminate a parent's parental rights to a child if the parent were convicted of knowingly performing a female genital mutilation operation or transporting a minor from the State for that purpose.

The bill is tie-barred to House Bills 4636 and 4637 (Public Acts 68 and 69 of 2017). (House Bills 4636 and 4637 enacted Sections 136 and 136a of the Michigan Penal Code, which, effective October 9, 2017, will prohibit a person from knowingly performing a female genital mutilation operation on a minor or transporting a minor from the State for that purpose, respectively.)

The juvenile code provides that if a child remains in foster care in the temporary custody of the court following a review hearing or a permanency planning hearing, or the child remains in the custody of a guardian or limited guardian, upon petition of the prosecuting attorney or the child's guardian or custodian, a concerned person, an agency, or the Children's Ombudsman, the court must hold a hearing to determine whether the parental rights to the child should be terminated. If the court terminates all parental rights to the child, the child is placed in the permanent custody of the court.

A parent's parental rights to a child may be terminated for a variety of reasons. For example, the court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, that the parent is convicted of one of more of the following offenses, and the court determines that termination is in the child's best interest because continuing the parent-child relationship would be harmful to the child:

- First- or second-degree murder.
- Criminal sexual conduct in any degree.
- Assault with intent to commit criminal sexual conduct.
- A violation of a Federal or another state's law with provisions substantially similar to the above offenses.

The bill also would allow a court to terminate a parent's parental rights if the parent were convicted of a violation of Section 136 or 136a of the Penal Code (or a substantially similar Federal law or law of another state), and the court determined that termination was in the child's best interest because continuing the parent-child relationship would be harmful to the child.

The bill would take effect 90 days after its enactment.

MCL 712A.19b

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill could have a negative fiscal impact on State and local government if the number of children entering the foster care system rose. Placement and treatment for foster care are funded through the Federal government, the Department of Health and Human Services, and county governments. The payer for the care of a youth depends on various eligibility factors and removal circumstances, so the increased cost responsibility would depend on case-by-case factors.

In addition, it is possible that the bill could lead to an increase in hearings to terminate parental rights. Any increase in hearings would increase resource demands on local court systems.

Fiscal Analyst: Ryan Bergan
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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.