

# Legislative Analysis

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## **GUARDIAN AD LITEM, FOSTER CARE REVIEW HEARINGS, AND PERMANENCY PLANNING HEARINGS**

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**House Bill 6310 (Substitute H-2)**  
**Sponsor: Rep. Jim Howell**

**Committee: Judiciary**

**Complete to 11-9-04**

### **A SUMMARY OF HOUSE BILL 6310 AS REPORTED FROM COMMITTEE**

The bill, which is identical to Senate Bill 1442 as passed by the Senate, 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 time frame 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 court would have to hold the hearing within 12 months after the child was removed from his or her home. Subsequent permanency planning hearings would have to be held not less than every 12 months after each preceding hearing during the continuation of foster care. A permanency planning hearing could not be canceled or delayed beyond the time required in the bill, regardless of whether a petition to terminate parental rights was 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 certain actions. The bill, instead, would require the family court to conduct a permanency planning hearing within 30 days after a judicial determination that reasonable efforts to reunite the child and family were not required. Reasonable efforts would have to be made unless certain circumstances existed.

MCL 712A.19a

### **FISCAL IMPACT:**

The bill would have an indeterminate fiscal impact on the judiciary, depending on the bill's affect on the number of court hearings.

The bill would have an indeterminate impact on the state; to the extent it increased the number of hearings held per case, it could increase foster care caseload costs for the Family Independence Agency.

The bill's provisions are also related to recent federal reviews of the state's foster care system. A recent federal Child and Family Services review resulted in a penalty of roughly \$2.5 million, while the state's initial primary Title IV-E Eligibility Review revealed disallowed costs of roughly \$283,000 for errors related to foster care and permanency planning hearings. The FIA has implemented a Performance Improvement Plan to address findings within the reviews. A follow-up Title IV-E review will be conducted, with further disallowances possible if the State is found to be in non-compliance at that time.

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