



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1442 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Senator Mark H. Schauer
Committee: Judiciary

CONTENT

The bill 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

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the State. The foster care review and permanency planning hearings affect the State's compliance with the Title IV-E Eligibility Review provisions. The bill is directly tied to a penalty of approximately \$2.5 million from a Federal child and family services review, and a \$283,200 Title IV-E disallowance for errors determined in a Federal review of foster care and permanency planning hearings. The disallowed funds must be repaid to the Federal government and a Performance Improvement Plan (PIP) implemented. A second Title IV-E Review will be conducted after the PIP has been completed. Any cases determined to be in error will reduce Title IV-E funding from the point the cases became ineligible, and could cost as much as all of the cases' expenditures. The amount of the disallowance cannot be determined at this time.

To the extent that it would change the number of hearings held, the bill could have an indeterminate fiscal impact on local court costs and Family Independence Agency caseload costs.

Date Completed: 11-3-04

Fiscal Analyst: Constance Cole
Bethany Wicksall