



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

BILL ANALYSIS



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

Senate Bill 694 (as introduced 9-27-11)
Sponsor: Senator Tom Casperson
Committee: Judiciary

Date Completed: 2-13-12

CONTENT

The bill would amend the juvenile code to revise a provision granting jurisdiction to the family court over a juvenile whose home or environment is an unfit place for the juvenile to live due to certain factors, which would include any offense against a child, under the bill. The bill also would give the family court jurisdiction when the juvenile's home or environment "will be" an unfit place to live.

Under the code, the family division of circuit court (family court) has authority and jurisdiction in proceedings concerning a juvenile under 18 years of age whose home or environment is an unfit place for the juvenile to live, due to neglect, cruelty, drunkenness, criminality, or depravity on the part of a parent, guardian, nonparent adult, or other custodian. The bill would refer to abuse and substance abuse, rather than cruelty and drunkenness, in that provision. Also, under the bill, the court would have jurisdiction over a juvenile whose home or environment "is or will be an unfit place" for the juvenile to live.

For purposes of that provision, the bill would define "criminality" as a violation of State or Federal law by a parent, guardian, nonparent adult, or other custodian, that by its nature or effect renders the home unfit whether or not the violation results in a conviction. Any offense against a child, whether or not the child was related to the parent, guardian, nonparent adult, or other custodian, would be presumed to render the home unfit.

"Is or will be an unfit place" would mean that unfitness may be anticipatory in nature, as where the allegation pertains to a noncustodial parent, an incarcerated parent, or a parent who is otherwise intermittently or temporarily absent from the home.

MCL 712A.2

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill could increase costs to the State and the counties. To the extent that the courts used this revised provision and also the extent that it would affect the courts' placement decisions, the State could realize some additional costs. It is not clear whether the provision would affect the courts' placement decisions in any significant way, however. If more out-of-home placements were required due to the potential unfitness of a home, the per diem costs of certain cases could increase from approximately \$60 per day for an in-home placement to approximately \$202 per day for placement in a private, residential facility.

The counties split the costs of juvenile justice placements 50-50 with the State through the Child Care Fund. Therefore, the county share would increase as the State's share increased.

Fiscal Analyst: Frances Carley

S1112\sb694sa.

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.