

SUBSTITUTE FOR  
SENATE BILL NO. 1303

A bill to amend 1939 PA 288, entitled  
"Probate code of 1939,"  
by amending sections 13a, 18f, and 19a of chapter XIIA (MCL  
712A.13a, 712A.18f, and 712A.19a), section 13a as amended by 2012  
PA 163 and sections 18f and 19a as amended by 2012 PA 115.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XIIIA

2           Sec. 13a. (1) As used in this section and sections 2, 6b, 13b,  
3   17c, 17d, 18f, 19, 19a, 19b, and 19c of this chapter:

(a) "Agency" means a public or private organization, institution, or facility that is performing the functions under part D of title IV of the social security act, 42 USC 651 to 669b, or that is responsible under court order or contractual arrangement

1 for a juvenile's care and supervision.

2 (b) "Agency case file" means the current file from the agency  
3 providing direct services to the child, that can include the child  
4 protective services file if the child has not been removed from the  
5 home or the department of human services or contract agency foster  
6 care file as defined under 1973 PA 116, MCL 722.111 to 722.128.

7 (c) "Attorney" means, if appointed to represent a child in a  
8 proceeding under section 2(b) or (c) of this chapter, an attorney  
9 serving as the child's legal advocate in a traditional attorney-  
10 client relationship with the child, as governed by the Michigan  
11 rules of professional conduct. An attorney defined under this  
12 subdivision owes the same duties of undivided loyalty,  
13 confidentiality, and zealous representation of the child's  
14 expressed wishes as the attorney would to an adult client. For the  
15 purpose of a notice required under these sections, attorney  
16 includes a child's lawyer-guardian ad litem.

17 (d) "Case service plan" means the plan developed by an agency  
18 and prepared under section 18f of this chapter that includes  
19 services to be provided by and responsibilities and obligations of  
20 the agency and activities, responsibilities, and obligations of the  
21 parent. The case service plan may be referred to using different  
22 names than case service plan including, but not limited to, a  
23 parent/agency agreement or a parent/agency treatment plan and  
24 service agreement.

25 (e) "Foster care" means care provided to a juvenile in a  
26 foster family home, foster family group home, or child caring  
27 institution licensed or approved under 1973 PA 116, MCL 722.111 to

1 722.128, or care provided to a juvenile in a relative's home under  
2 a court order.

3 (f) "Guardian ad litem" means an individual whom the court  
4 appoints to assist the court in determining the child's best  
5 interests. A guardian ad litem does not need to be an attorney.

6 (g) "Lawyer-guardian ad litem" means an attorney appointed  
7 under section 17c of this chapter. A lawyer-guardian ad litem  
8 represents the child, and has the powers and duties, as set forth  
9 in section 17d of this chapter. The provisions of section 17d of  
10 this chapter also apply to a lawyer-guardian ad litem appointed  
11 under each of the following:

12 (i) Section 5213 or 5219 of the estates and protected  
13 individuals code, 1998 PA 386, MCL 700.5213 and 700.5219.

14 (ii) Section 4 of the child custody act of 1970, 1970 PA 91,  
15 MCL 722.24.

16 (iii) Section 10 of the child protection law, 1975 PA 238, MCL  
17 722.630.

18 (h) "Nonparent adult" means a person who is 18 years of age or  
19 older and who, regardless of the person's domicile, meets all of  
20 the following criteria in relation to a child over whom the court  
21 takes jurisdiction under this chapter:

22 (i) Has substantial and regular contact with the child.

23 (ii) Has a close personal relationship with the child's parent  
24 or with a person responsible for the child's health or welfare.

25 (iii) Is not the child's parent or a person otherwise related to  
26 the child by blood or affinity to the third degree.

27 (i) "Permanent foster family agreement" means an agreement for

1 a child 14 years old or older to remain with a particular foster  
2 family until the child is 18 years old under standards and  
3 requirements established by the department of human services, which  
4 agreement is among all of the following:

5 (i) The child.

6 (ii) If the child is a temporary ward, the child's family.

7 (iii) The foster family.

8 (iv) The child placing agency responsible for the child's care  
9 in foster care.

10 (j) "Relative" means an individual who is at least 18 years of  
11 age and related to the child by blood, marriage, or adoption, as  
12 grandparent, great-grandparent, great-great-grandparent, aunt or  
13 uncle, great-aunt or great-uncle, great-great-aunt or great-great-  
14 uncle, sibling, stepsibling, nephew or niece, first cousin or first  
15 cousin once removed, and the spouse of any of the above, even after  
16 the marriage has ended by death or divorce. A child may be placed  
17 with the parent of a man whom the court has found probable cause to  
18 believe is the putative father if there is no man with legally  
19 established rights to the child. A placement with the parent of a  
20 putative father under this subdivision is not to be construed as a  
21 finding of paternity or to confer legal standing on the putative  
22 father.

23 (k) "Sex offenders registration act" means the sex offenders  
24 registration act, 1994 PA 295, MCL 28.721 to 28.736.

25 (2) If a juvenile is alleged to be within the provisions of  
26 section 2(b) of this chapter, the court may authorize a petition to  
27 be filed at the conclusion of the preliminary hearing or inquiry.

1 The court may authorize the petition upon a showing of probable  
2 cause that 1 or more of the allegations in the petition are true  
3 and fall within the provisions of section 2(b) of this chapter. If  
4 a petition is before the court because the department of human  
5 services is required to submit the petition under section 17 of the  
6 child protection law, 1975 PA 238, MCL 722.637, the court shall  
7 hold a hearing on the petition within 24 hours or on the next  
8 business day after the petition is submitted, at which hearing the  
9 court shall consider at least the matters governed by subsections  
10 (4) and (5).

11 (3) Except as provided in subsections (5) and (6), if a  
12 petition under subsection (2) is authorized, the court may release  
13 the juvenile in the custody of either of the juvenile's parents or  
14 the juvenile's guardian or custodian under reasonable terms and  
15 conditions necessary for either the juvenile's physical health or  
16 mental well-being.

17 (4) The court may order a parent, guardian, custodian,  
18 nonparent adult, or other person residing in a child's home to  
19 leave the home and, except as the court orders, not to subsequently  
20 return to the home if all of the following take place:

21 (a) A petition alleging abuse of the child by the parent,  
22 guardian, custodian, nonparent adult, or other person is authorized  
23 under subsection (2).

24 (b) The court after a hearing finds probable cause to believe  
25 the parent, guardian, custodian, nonparent adult, or other person  
26 committed the abuse.

27 (c) The court finds on the record that the presence in the

1 home of the person alleged to have committed the abuse presents a  
2 substantial risk of harm to the child's life, physical health, or  
3 mental well-being.

4 (5) If a petition alleges abuse by a person described in  
5 subsection (4), regardless of whether the court orders the alleged  
6 abuser to leave the child's home under subsection (4), the court  
7 shall not leave the child in or return the child to the child's  
8 home or place the child with a person not licensed under 1973 PA  
9 116, MCL 722.111 to 722.128, unless the court finds that the  
10 conditions of custody at the placement and with the individual with  
11 whom the child is placed are adequate to safeguard the child from  
12 the risk of harm to the child's life, physical health, or mental  
13 well-being.

14 (6) If a court finds **THAT** a parent is **OR WILL BE IMPRISONED**  
15 **FOR 2 OR MORE YEARS OR IS** required by court order to register under  
16 the sex offenders registration act, the department of human  
17 services may, but is not required to, make reasonable efforts to  
18 reunify the child with the parent. The court may order reasonable  
19 efforts to be made by the department of human services.

20 (7) In determining whether to enter an order under subsection  
21 (4), the court may consider whether the parent who is to remain in  
22 the juvenile's home is married to the person to be removed or has a  
23 legal right to retain possession of the home.

24 (8) An order entered under subsection (4) may also contain 1  
25 or more of the following terms or conditions:

26 (a) The court may require the alleged abusive parent to pay  
27 appropriate support to maintain a suitable home environment for the

1 juvenile during the duration of the order.

2 (b) The court may order the alleged abusive person, according  
3 to terms the court may set, to surrender to a local law enforcement  
4 agency any firearms or other potentially dangerous weapons the  
5 alleged abusive person owns, possesses, or uses.

6 (c) The court may include any reasonable term or condition  
7 necessary for the juvenile's physical or mental well-being or  
8 necessary to protect the juvenile.

9 (9) The court may order placement of the child in foster care  
10 if the court finds all of the following conditions:

11 (a) Custody of the child with the parent presents a  
12 substantial risk of harm to the child's life, physical health, or  
13 mental well-being.

14 (b) No provision of service or other arrangement except  
15 removal of the child is reasonably available to adequately  
16 safeguard the child from risk as described in subdivision (a).

17 (c) Continuing the child's residence in the home is contrary  
18 to the child's welfare.

19 (d) Consistent with the circumstances, reasonable efforts were  
20 made to prevent or eliminate the need for removal of the child.

21 (e) Conditions of child custody away from the parent are  
22 adequate to safeguard the child's health and welfare.

23 (10) If the court orders placement of the juvenile outside the  
24 juvenile's home, the court shall inform the parties of the  
25 following:

26 (a) That the agency has the responsibility to prepare an  
27 initial services plan within 30 days of the juvenile's placement.

1 (b) The general elements of an initial services plan as  
2 required by the rules promulgated under 1973 PA 116, MCL 722.111 to  
3 722.128.

4 (c) That participation in the initial services plan is  
5 voluntary without a court order.

6 (11) Before or within 7 days after a child is placed in a  
7 relative's home, the department of human services shall perform a  
8 criminal record check and central registry clearance. If the child  
9 is placed in the home of a relative, the court shall order a home  
10 study to be performed and a copy of the home study to be submitted  
11 to the court not more than 30 days after the placement.

12 (12) In determining placement of a juvenile pending trial, the  
13 court shall order the juvenile placed in the most family-like  
14 setting available consistent with the juvenile's needs.

15 (13) If a juvenile is removed from his or her home, the court  
16 shall permit the juvenile's parent to have frequent parenting time  
17 with the juvenile. If parenting time, even if supervised, may be  
18 harmful to the juvenile, the court shall order the child to have a  
19 psychological evaluation or counseling, or both, to determine the  
20 appropriateness and the conditions of parenting time. The court may  
21 suspend parenting time while the psychological evaluation or  
22 counseling is conducted.

23 (14) Upon the motion of any party, the court shall review  
24 custody and placement orders and initial services plans pending  
25 trial and may modify those orders and plans as the court considers  
26 under this section are in the juvenile's best interests.

27 (15) The court shall include in an order placing a child in

1 foster care an order directing the release of information  
2 concerning the child in accordance with this subsection. If a child  
3 is placed in foster care, within 10 days after receipt of a written  
4 request, the agency shall provide the person who is providing the  
5 foster care with copies of all initial, updated, and revised case  
6 service plans and court orders relating to the child and all of the  
7 child's medical, mental health, and education reports, including  
8 reports compiled before the child was placed with that person.

9 (16) In an order placing a child in foster care, the court  
10 shall include both of the following:

11 (a) An order that the child's parent, guardian, or custodian  
12 provide the supervising agency with the name and address of each of  
13 the child's medical providers.

14 (b) An order that each of the child's medical providers  
15 release the child's medical records. The order may specify  
16 providers by profession or type of institution.

17 (17) As used in this section, "abuse" means 1 or more of the  
18 following:

19 (a) Harm or threatened harm by a person to a juvenile's health  
20 or welfare that occurs through nonaccidental physical or mental  
21 injury.

22 (b) Engaging in sexual contact or sexual penetration as  
23 defined in section 520a of the Michigan penal code, 1931 PA 328,  
24 MCL 750.520a, with a juvenile.

25 (c) Sexual exploitation of a juvenile, which includes, but is  
26 not limited to, allowing, permitting, or encouraging a juvenile to  
27 engage in prostitution or allowing, permitting, encouraging, or

1 engaging in photographing, filming, or depicting a juvenile engaged  
2 in a listed sexual act as defined in section 145c of the Michigan  
3 penal code, 1931 PA 328, MCL 750.145c.

4 (d) Maltreatment of a juvenile.

5 Sec. 18f. (1) If, in a proceeding under section 2(b) of this  
6 chapter, an agency advises the court against placing a child in the  
7 custody of the child's parent, guardian, or custodian, the agency  
8 shall report in writing to the court what efforts were made to  
9 prevent the child's removal from his or her home or the efforts  
10 made to rectify the conditions that caused the child's removal from  
11 his or her home. The report shall include all of the following:

12 (a) If services were provided to the child and his or her  
13 parent, guardian, or custodian, the services, including in-home  
14 services, that were provided.

15 (b) If services were not provided to the child and his or her  
16 parent, guardian, or custodian, the reasons why services were not  
17 provided.

18 (c) Likely harm to the child if the child were to be separated  
19 from his or her parent, guardian, or custodian.

20 (d) Likely harm to the child if the child were to be returned  
21 to his or her parent, guardian, or custodian.

22 (2) Before the court enters an order of disposition in a  
23 proceeding under section 2(b) of this chapter, the agency shall  
24 prepare a case service plan that shall be available to the court  
25 and all the parties to the proceeding. **IF A COURT FINDS THAT A**  
26 **PARENT IS OR WILL BE IMPRISONED IN A STATE PRISON, AN OUT-OF-STATE**  
27 **PRISON, OR A FEDERAL PRISON FOR 2 OR MORE YEARS, THE DEPARTMENT OF**

1 HUMAN SERVICES MAY, BUT IS NOT REQUIRED TO, PROVIDE SERVICES UNDER  
2 THE CASE SERVICE PLAN IN AN EFFORT TO REUNIFY THE CHILD WITH THE  
3 PARENT. THE COURT MAY ORDER REUNIFICATION SERVICES TO BE MADE BY  
4 THE DEPARTMENT OF HUMAN SERVICES.

5 (3) The case service plan shall provide for placing the child  
6 in the most family-like setting available and in as close proximity  
7 to the child's parents' home as is consistent with the child's best  
8 interests and special needs. The case service plan shall include,  
9 but is not limited to, the following:

10 (a) The type of home or institution in which the child is to  
11 be placed and the reasons for the selected placement.

12 (b) Efforts to be made by the child's parent to enable the  
13 child to return to his or her home.

14 (c) Efforts to be made by the agency to return the child to  
15 his or her home.

16 (d) Schedule of services to be provided to the parent, child,  
17 and if the child is to be placed in foster care, the foster parent,  
18 to facilitate the child's return to his or her home or to  
19 facilitate the child's permanent placement.

20 (e) Except as otherwise provided in this subdivision, unless  
21 parenting time, even if supervised, would be harmful to the child  
22 as determined by the court under section 13a of this chapter or  
23 otherwise, a schedule for regular and frequent parenting time  
24 between the child and his or her parent, which shall not be less  
25 than once every 7 days.

26 (f) Conditions that would limit or preclude placement or  
27 parenting time with a parent who is required by court order to

1 register under the sex offenders registration act.

2 (4) Before the court enters an order of disposition, the court  
3 shall consider the case service plan; any written or oral  
4 information offered concerning the child from the child's parent,  
5 guardian, custodian, foster parent, child caring institution,  
6 relative with whom the child is placed, lawyer-guardian ad litem,  
7 attorney, or guardian ad litem; and any other evidence offered,  
8 including the appropriateness of parenting time, which information  
9 or evidence bears on the disposition. The order of disposition  
10 shall state whether reasonable efforts have been made to prevent  
11 the child's removal from his or her home or to rectify the  
12 conditions that caused the child's removal from his or her home.  
13 The court may order compliance with all or any part of the case  
14 service plan as the court considers necessary.

15 (5) If a child continues in placement outside of the child's  
16 home, the case service plan shall be updated and revised at 90-day  
17 intervals as required by the rules promulgated under 1973 PA 116,  
18 MCL 722.111 to 722.128. The agency shall consult with the foster  
19 parents when it updates and revises the case service plan, and  
20 shall attach a statement summarizing the information received from  
21 the foster parents to the updated and revised case service plan.  
22 Updated and revised case service plans shall be available to the  
23 court and all the parties to the proceeding. Within 10 days after  
24 receipt of a written request, the agency shall provide the person  
25 who is providing the foster care with the information itemized in  
26 section 13a(14) of this chapter.

27 (6) To ensure that the case service plan addresses the child's

1 medical needs in relation to abuse and neglect, the department of  
2 human services shall review a child's case with the child's  
3 attending physician of record during a hospitalization or with the  
4 child's primary care physician, but only if a physician has  
5 diagnosed the child's abuse or neglect as involving 1 or more of  
6 the following:

7 (a) Failure to thrive.

8 (b) Munchausen syndrome by proxy.

9 (c) Shaken baby syndrome.

10 (d) A bone fracture that is diagnosed as being the result of  
11 abuse or neglect.

12 (e) Drug exposure.

13 (7) If a child is placed outside of his or her home and the  
14 department of human services is required to review the child's case  
15 with a physician under subsection (6), then in a judicial  
16 proceeding to determine if the child is to be returned to his or  
17 her home, the court must allow the child's attending physician of  
18 record during a hospitalization or the child's primary care  
19 physician to testify regarding the case service plan. The court  
20 shall notify each physician of the hearing's time and place.

21 Sec. 19a. (1) Subject to subsection (2), if a child remains in  
22 foster care and parental rights to the child have not been  
23 terminated, the court shall conduct a permanency planning hearing  
24 within 12 months after the child was removed from his or her home.  
25 Subsequent permanency planning hearings shall be held no later than  
26 every 12 months after each preceding permanency planning hearing  
27 during the continuation of foster care. If proper notice for a

1 permanency planning hearing is provided, a permanency planning  
2 hearing may be combined with a review hearing held under section  
3 19(2) to (4) of this chapter, but no later than 12 months from the  
4 removal of the child from his or her home, from the preceding  
5 permanency planning hearing, or from the number of days required  
6 under subsection (2). A permanency planning hearing shall not be  
7 canceled or delayed beyond the number of months required by this  
8 subsection or days as required under subsection (2), regardless of  
9 whether there is a petition for termination of parental rights  
10 pending.

11 (2) The court shall conduct a permanency planning hearing  
12 within 30 days after there is a judicial determination that  
13 reasonable efforts to reunite the child and family are not  
14 required. Reasonable efforts to reunify the child and family must  
15 be made in all cases except if any of the following apply:

16 (a) There is a judicial determination that the parent has  
17 subjected the child to aggravated circumstances as provided in  
18 section 18(1) and (2) of the child protection law, 1975 PA 238, MCL  
19 722.638.

20 (b) The parent has been convicted of 1 or more of the  
21 following:

22 (i) Murder of another child of the parent.

23 (ii) Voluntary manslaughter of another child of the parent.

24 (iii) Aiding or abetting in the murder of another child of the  
25 parent or voluntary manslaughter of another child of the parent,  
26 the attempted murder of the child or another child of the parent,  
27 or the conspiracy or solicitation to commit the murder of the child

1 or another child of the parent.

2 (iv) A felony assault that results in serious bodily injury to  
3 the child or another child of the parent.

4 (c) The parent has had rights to the child's siblings  
5 involuntarily terminated.

6 (d) The parent is required by court order to register under  
7 the sex offenders registration act.

8 **(E) THE PARENT IS OR WILL BE IMPRISONED FOR 2 OR MORE YEARS.**

9 (3) A permanency planning hearing shall be conducted to review  
10 the status of the child and the progress being made toward the  
11 child's return home or to show why the child should not be placed  
12 in the permanent custody of the court. The court shall obtain the  
13 child's views regarding the permanency plan in a manner that is  
14 appropriate to the child's age. In the case of a child who will not  
15 be returned home, the court shall consider in-state and out-of-  
16 state placement options. In the case of a child placed out-of-  
17 state, the court shall determine whether the out-of-state placement  
18 continues to be appropriate and in the child's best interests. The  
19 court shall ensure that the agency is providing appropriate  
20 services to assist a child who will transition from foster care to  
21 independent living.

22 (4) Not less than 14 days before a permanency planning  
23 hearing, written notice of the hearing and a statement of the  
24 purposes of the hearing, including a notice that the hearing may  
25 result in further proceedings to terminate parental rights, shall  
26 be served upon all of the following:

27 (a) The agency. The agency shall advise the child of the

1 hearing if the child is 11 years of age or older.

2 (b) The foster parent or custodian of the child.

3 (c) If the parental rights to the child have not been  
4 terminated, the child's parents.

5 (d) If the child has a guardian, the guardian for the child.

6 (e) If the child has a guardian ad litem, the guardian ad  
7 litem for the child.

8 (f) If tribal affiliation has been determined, the elected  
9 leader of the Indian tribe.

10 (g) The attorney for the child, the attorneys for each party,  
11 and the prosecuting attorney if the prosecuting attorney has  
12 appeared in the case.

13 (h) If the child is 11 years of age or older, the child.

14 (i) Other persons as the court may direct.

15 (5) If parental rights to the child have not been terminated  
16 and the court determines at a permanency planning hearing that the  
17 return of the child to his or her parent would not cause a  
18 substantial risk of harm to the child's life, physical health, or  
19 mental well-being, the court shall order the child returned to his  
20 or her parent. In determining whether the return of the child would  
21 cause a substantial risk of harm to the child, the court shall view  
22 the failure of the parent to substantially comply with the terms  
23 and conditions of the case service plan prepared under section 18f  
24 of this chapter as evidence that return of the child to his or her  
25 parent would cause a substantial risk of harm to the child's life,  
26 physical health, or mental well-being. In addition to considering  
27 conduct of the parent as evidence of substantial risk of harm, the

1 court shall consider any condition or circumstance of the child  
2 that may be evidence that a return to the parent would cause a  
3 substantial risk of harm to the child's life, physical health, or  
4 mental well-being.

5 (6) If the court determines at a permanency planning hearing  
6 that a child should not be returned to his or her parent, the court  
7 may order the agency to initiate proceedings to terminate parental  
8 rights. Except as otherwise provided in this subsection, if the  
9 child has been in foster care under the responsibility of the state  
10 for 15 of the most recent 22 months, the court shall order the  
11 agency to initiate proceedings to terminate parental rights. The  
12 court is not required to order the agency to initiate proceedings  
13 to terminate parental rights if 1 or more of the following apply:

14 (a) The child is being cared for by relatives.

15 (b) The case service plan documents a compelling reason for  
16 determining that filing a petition to terminate parental rights  
17 would not be in the best interest of the child. Compelling reasons  
18 for not filing a petition to terminate parental rights include, but  
19 are not limited to, all of the following:

20 (i) Adoption is not the appropriate permanency goal for the  
21 child.

22 (ii) No grounds to file a petition to terminate parental rights  
23 exist.

24 (iii) The child is an unaccompanied refugee minor as defined in  
25 45 CFR 400.11.

26 (iv) There are international legal obligations or compelling  
27 foreign policy reasons that preclude terminating parental rights.

1 (c) The state has not provided the child's family, consistent  
2 with the time period in the case service plan, with the services  
3 the state considers necessary for the child's safe return to his or  
4 her home, if reasonable efforts are required.

5 (7) If the agency demonstrates under subsection (6) that  
6 initiating the termination of parental rights to the child is  
7 clearly not in the child's best interests, or the court does not  
8 order the agency to initiate termination of parental rights to the  
9 child under subsection (6), then the court shall order 1 or more of  
10 the following alternative placement plans:

11 (a) If the court determines that other permanent placement is  
12 not possible, the child's placement in foster care shall continue  
13 for a limited period to be stated by the court.

14 (b) If the court determines that it is in the child's best  
15 interests based upon compelling reasons, the child's placement in  
16 foster care may continue on a long-term basis.

17 (c) Subject to subsection (9), if the court determines that it  
18 is in the child's best interests, appoint a guardian for the child,  
19 which guardianship may continue until the child is emancipated.

20 (8) A guardian appointed under subsection (7)(c) has all of  
21 the powers and duties set forth under section 15 of the estates and  
22 protected individuals code, 1998 PA 386, MCL 700.5215.

23 (9) If a child is placed in a guardian's or a proposed  
24 guardian's home under subsection (7)(c), the court shall order the  
25 department of human services to perform an investigation and file a  
26 written report of the investigation for a review under subsection  
27 (10) and the court shall order the department of human services to

1 do all of the following:

2 (a) Perform a criminal record check within 7 days.

3 (b) Perform a central registry clearance within 7 days.

4 (c) Perform a home study and file a copy of the home study  
5 with the court within 30 days unless a home study has been  
6 performed within the immediately preceding 365 days, under section  
7 13a(10) of this chapter. If a home study has been performed within  
8 the immediately preceding 365 days, a copy of that home study shall  
9 be submitted to the court.

10 (10) The court's jurisdiction over a juvenile under section  
11 2(b) of this chapter shall be terminated after the court appoints a  
12 guardian under this section and conducts a review hearing under  
13 section 19 of this chapter, unless the juvenile is released sooner  
14 by the court.

15 (11) The court's jurisdiction over a guardianship created  
16 under this section shall continue until released by court order.  
17 The court shall review a guardianship created under this section  
18 annually and may conduct additional reviews as the court considers  
19 necessary. The court may order the department of human services or  
20 a court employee to conduct an investigation and file a written  
21 report of the investigation.

22 (12) In making the determinations under this section, the  
23 court shall consider any written or oral information concerning the  
24 child from the child's parent, guardian, custodian, foster parent,  
25 child caring institution, relative with whom the child is placed,  
26 or guardian ad litem in addition to any other evidence, including  
27 the appropriateness of parenting time, offered at the hearing.

1           (13) The court may, on its own motion or upon petition from  
2 the department of human services or the child's lawyer guardian ad  
3 litem, hold a hearing to determine whether a guardianship appointed  
4 under this section shall be revoked.

5           (14) A guardian may petition the court for permission to  
6 terminate the guardianship. A petition may include a request for  
7 appointment of a successor guardian.

8           (15) After notice and hearing on a petition for revocation or  
9 permission to terminate the guardianship, if the court finds by a  
10 preponderance of evidence that continuation of the guardianship is  
11 not in the child's best interests, the court shall revoke or  
12 terminate the guardianship and appoint a successor guardian or  
13 restore temporary legal custody to the department of human  
14 services.

15           Enacting section 1. This amendatory act does not take effect  
16 unless Senate Bill No. 694 of the 96th Legislature is enacted into  
17 law.