

SENATE BILL No. 1303

September 20, 2012, Introduced by Senator CASPERSON and referred to the Committee on Judiciary.

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending sections 13a, 18f, and 19a of chapter XIIIA (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:

CHAPTER XIIIA

Sec. 13a. (1) As used in this section and sections 2, 6b, 13b,
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
for a juvenile's care and supervision.

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

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

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

24 (e) "Foster care" means care provided to a juvenile in a
25 foster family home, foster family group home, or child caring
26 institution licensed or approved under 1973 PA 116, MCL 722.111 to
27 722.128, or care provided to a juvenile in a relative's home under

1 a court order.

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

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

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

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

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

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

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

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

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

26 (i) "Permanent foster family agreement" means an agreement for
27 a child 14 years old or older to remain with a particular foster

1 family until the child is 18 years old under standards and
2 requirements established by the department of human services, which
3 agreement is among all of the following:

4 (i) The child.

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

6 (iii) The foster family.

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

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

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

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

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

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

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

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

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

26 (c) The court finds on the record that the presence in the
27 home of the person alleged to have committed the abuse presents a

1 substantial risk of harm to the child's life, physical health, or
2 mental well-being.

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

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

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

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

25 (a) The court may require the alleged abusive parent to pay
26 appropriate support to maintain a suitable home environment for the
27 juvenile during the duration of the order.

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

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

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

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

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

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

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

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

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

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

27 (b) The general elements of an initial services plan as

1 required by the rules promulgated under 1973 PA 116, MCL 722.111 to
2 722.128.

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

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

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

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

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

26 (15) The court shall include in an order placing a child in
27 foster care an order directing the release of information

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

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

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

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

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

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

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

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

1 in a listed sexual act as defined in section 145c of the Michigan
2 penal code, 1931 PA 328, MCL 750.145c.

3 (d) Maltreatment of a juvenile.

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

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

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

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

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

21 (2) Before the court enters an order of disposition in a
22 proceeding under section 2(b) of this chapter, the agency shall
23 prepare a case service plan that shall be available to the court
24 and all the parties to the proceeding. **IF A COURT FINDS THAT A**
25 **PARENT IS OR WILL BE IMPRISONED FOR 2 OR MORE YEARS, THE DEPARTMENT**
26 **OF HUMAN SERVICES MAY, BUT IS NOT REQUIRED TO, PROVIDE SERVICES**
27 **UNDER THE CASE SERVICE PLAN IN AN EFFORT TO REUNIFY THE CHILD WITH**

1 THE PARENT. THE COURT MAY ORDER REUNIFICATION SERVICES TO BE MADE
2 BY THE DEPARTMENT OF HUMAN SERVICES.

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

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

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

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

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

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

24 (f) Conditions that would limit or preclude placement or
25 parenting time with a parent who is required by court order to
26 register under the sex offenders registration act.

27 (4) Before the court enters an order of disposition, the court

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

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

25 (6) To ensure that the case service plan addresses the child's
26 medical needs in relation to abuse and neglect, the department of
27 human services shall review a child's case with the child's

1 attending physician of record during a hospitalization or with the
2 child's primary care physician, but only if a physician has
3 diagnosed the child's abuse or neglect as involving 1 or more of
4 the following:

5 (a) Failure to thrive.

6 (b) Munchausen syndrome by proxy.

7 (c) Shaken baby syndrome.

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

10 (e) Drug exposure.

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

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

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

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

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

18 (b) The parent has been convicted of 1 or more of the
19 following:

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

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

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

27 (iv) A felony assault that results in serious bodily injury to

1 the child or another child of the parent.

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

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

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

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

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

25 (a) The agency. The agency shall advise the child of the
26 hearing if the child is 11 years of age or older.

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

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

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

4 (e) If the child has a guardian ad litem, the guardian ad
5 litem for the child.

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

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

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

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

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

1 substantial risk of harm to the child's life, physical health, or
2 mental well-being.

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

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

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

18 (i) Adoption is not the appropriate permanency goal for the
19 child.

20 (ii) No grounds to file a petition to terminate parental rights
21 exist.

22 (iii) The child is an unaccompanied refugee minor as defined in
23 45 CFR 400.11.

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

26 (c) The state has not provided the child's family, consistent
27 with the time period in the case service plan, with the services

1 the state considers necessary for the child's safe return to his or
2 her home, if reasonable efforts are required.

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

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

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

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

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

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

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

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

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

8 (10) The court's jurisdiction over a juvenile under section
9 2(b) of this chapter shall be terminated after the court appoints a
10 guardian under this section and conducts a review hearing under
11 section 19 of this chapter, unless the juvenile is released sooner
12 by the court.

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

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

26 (13) The court may, on its own motion or upon petition from
27 the department of human services or the child's lawyer guardian ad

1 litem, hold a hearing to determine whether a guardianship appointed
2 under this section shall be revoked.

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

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

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