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BILL ANALYSIS

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Senate Bill 589 (Substitute S-2 as passed by the Senate)
Sponsor: Senator Bruce Caswell
Committee: Families, Seniors and Human Services

Date Completed: 6-12-14

CONTENT

The bill would amend the juvenile code to allow a court to terminate a parent's parental rights to a child if the parent were convicted of an offense related to child solicitation, child sexually abusive material or activity, or forced labor.

The code provides that if a child remains in foster care in the temporary custody of the court following a review hearing or a permanence planning hearing, or the child remains in the custody of a guardian or limited guardian, upon petition of the prosecuting attorney or the child's guardian or custodian, a concerned person, an agency, or the Children's Ombudsman, the court must hold a hearing to determine whether the parental rights to the child should be terminated. If the court terminates all parental rights to the child, the child is placed in the permanent custody of the court.

A parent's parental rights to a child may be terminated for a variety of reasons. For example, the court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, that the parent is convicted of one of more of the following offenses, and the court determines that termination is in the child's best interest because continuing the parent-child relationship would be harmful to the child:

- First- or second-degree murder.
- Criminal sexual conduct in any degree.
- Assault with intent to commit criminal sexual conduct
- A violation of a criminal statute that includes as an element the use or threat of force and subjects the parent to sentencing under Section 10, 11, or 12 of Chapter IX of the Code of Criminal Procedure (i.e., enhanced sentencing for repeat offenses).
- A violation of a Federal or another state's law with provisions substantially similar to the above offenses.

The bill also would allow a court to terminate a parent's parental rights if the parent were convicted of a violation of Section 145a, 145b, 145c, 145d, 462b, 462c, or 462e of the Michigan Penal Code, and the court determined that termination was in the child's best interest because continuing the parent-child relationship would be harmful to the child.

(Section 145a and 145b of the Penal Code pertain to soliciting a child less than 16 to submit to an act of sexual intercourse or gross indecency. Section 145c pertains to the production, distribution, possession, or consumption of child sexually abusive material. Section 146d relates to use of a computer, computer system, computer program or the internet to commit stalking, aggravated stalking, criminal sexual conduct, or various other offenses.)

(House Bill 5234 would amend Chapter 67A the Michigan Penal Code, which pertains to human trafficking offenses. The sections House Bill 5234 would amend include Sections 462b, 462c, and 462e. Section 462b would prohibit a person from knowingly recruiting, enticing, harboring, transporting, providing or obtaining an individual for forced labor or services. Section 462c would prohibit a person from knowingly recruiting, enticing, harboring, transporting, providing, or obtaining an individual for the purpose of holding the individual in debt bondage. Section 462e would prohibit a person from knowingly recruiting, enticing, harboring, transporting, providing, or obtaining a minor for commercial sexual activity, or forced labor or services.)

The bill is tie-barred to House Bill 5234 and would take effect 90 days after its enactment.

MCL 712A.19b

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: John Maxwell

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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.