



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 320 (Substitute S-1 as reported)

Sponsor: Senator Rick Jones

Committee: Judiciary

CONTENT

The bill would amend the juvenile code to do the following:

- Authorize an officer to take a child into protective custody if the child were at substantial risk of harm or in surroundings that presented an imminent risk of harm.
- Require the officer or the Department of Human Services (DHS) immediately to seek a court order for placement of the child pending a preliminary hearing, if he or she were not released immediately.
- Allow a judge or referee to issue a written ex parte order, electronically or otherwise, authorizing the DHS to take a child into protective custody and place the child pending a preliminary hearing, if the court made certain findings.
- List conditions under which a court could order the placement of an abused child in foster care.

To issue a written ex parte order, as described above, the court would have to find all of the following:

- There was reasonable cause to believe that the child was at substantial risk of harm or was in surroundings that presented an imminent risk of harm, and immediate removal was necessary to protect the child's health and safety.
- The circumstances warranted issuing an ex parte order pending the preliminary hearing.
- Consistent with the circumstances, reasonable efforts were made to prevent or eliminate the need for removal of the child.
- No remedy other than protective custody was reasonably available to protect the child.
- Continuing to reside in the home was contrary to the child's welfare.

MCL 712A.10 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would clarify existing law enforcement policy regarding the threshold for the emergency removal of a child from his or her parents' custody. The change would address unusual circumstances in which a child might be unnecessarily placed in an emergency foster care facility until a court hearing takes place. The State does not expect to realize any savings, but some savings could be possible due to the placement of children in the family home or other relative's home rather than in emergency foster care, which the State pays for in part.

The local governments are not expected to realize any savings due to the policy changes, but some minimal savings could be possible in certain cases. The counties must share equally the costs of foster care placements with the State if a child is not eligible for Federal funding.

Date Completed: 6-15-11

Fiscal Analyst: Frances Carley