

# HOUSE BILL No. 6021

November 8, 2012, Introduced by Rep. Hobbs and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1939 PA 288, entitled  
"Probate code of 1939,"  
(MCL 710.21 to 712A.32) by adding section 19d to chapter XIIA.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER XIIA

SEC. 19D. (1) THIS SECTION APPLIES TO AGENCY AND COURT  
DECISIONS REGARDING THE BEST INTERESTS OF THE CHILD IN PROCEEDINGS  
UNDER SECTIONS 19A, 19B, AND 19C OF THIS CHAPTER AND SECTION 5A OF  
THE GUARDIANSHIP ASSISTANCE ACT, 2008 PA 260, MCL 722.875A.

(2) A BEST INTEREST OF THE CHILD DETERMINATION IS A CHILD-  
CENTERED EVALUATION OF THE BENEFITS AND DETRIMENTS TO THE CHILD OF  
THE PERMANENCY PLAN. A PERMANENCY PLAN IS IN THE CHILD'S BEST  
INTEREST IF IT MEETS THE CHILD'S NEEDS FOR SAFETY, PERMANENCY, AND  
FAMILY CONNECTIONS, WITH SAFETY BEING PARAMOUNT. WHENEVER POSSIBLE

1 AND APPROPRIATE, THE PERMANENCY PLAN SHALL MAINTAIN THE CHILD'S  
2 FAMILY RELATIONSHIPS AND ETHNIC, CULTURAL, AND RELIGIOUS HERITAGE.

3 (3) A BEST INTEREST OF THE CHILD DETERMINATION SHALL NOT BE  
4 BASED ON THE COMPARATIVE ECONOMIC STATUS OF THE PARENT, FOSTER  
5 PARENT, OR LEGAL CUSTODIAN.

6 (4) IN MAKING A BEST INTEREST OF THE CHILD DETERMINATION, THE  
7 AGENCY AND COURT SHALL CONSIDER THE FOLLOWING FACTORS FOR EACH  
8 CHILD, AND MAY CONSIDER ANY OTHER FACTORS CONSISTENT WITH THE  
9 PURPOSES SET FORTH IN SUBSECTION (2):

10 (A) THE LIKELIHOOD OF ADOPTION IF PARENTAL RIGHTS ARE  
11 TERMINATED.

12 (B) THE VALUE TO THE CHILD OF MAINTAINING A RELATIONSHIP WITH  
13 A PARENT, SIBLING, OTHER RELATIVE, INCLUDING THE CAPACITY OF THESE  
14 INDIVIDUALS TO PLAY A CONSTRUCTIVE ROLE IN THE CHILD'S LIFE.

15 (C) THE MAGNITUDE, FREQUENCY, AND NATURE OF THE PARENT'S  
16 PARTICIPATION IN CAUSING CURRENT OR PAST HARM TO THE CHILD OR A  
17 SIBLING.

18 (D) THE NUMBER, DURATION, AND CAUSE OF OUT-OF-HOME PLACEMENTS  
19 OF THE CHILD OR A SIBLING.

20 (E) THE CHANGED CIRCUMSTANCES SINCE A PRIOR TERMINATION ORDER  
21 ENTERED UNDER SECTION 19B(3)(I) OR (M) OF THIS CHAPTER THAT MAY  
22 REDUCE OR ELIMINATE A RISK OF HARM TO THE CHILD'S LIFE, PHYSICAL  
23 HEALTH, OR EMOTIONAL WELL-BEING.

24 (F) THE PARENT'S PARTICIPATION OR WILLINGNESS TO ENGAGE IN  
25 COURT-ORDERED OR VOLUNTARY SERVICES. IF REASONABLE EFFORTS ARE NOT  
26 REQUIRED, PROVIDED, OR COMPLETED, THE COURT MAY ORDER REASONABLE  
27 EFFORTS FOR REUNIFICATION TO COMMENCE OR CONTINUE IF THE ADDITIONAL

1 TIME WOULD NOT BE HARMFUL TO THE CHILD, CONSIDERING THE CHILD'S  
2 AGE, PREFERENCES, PARTICULAR NEEDS, OR STABLE PLACEMENT.

3 (G) THE CHILD'S VIEWS AND CURRENT RELATIVE CARE AS DESCRIBED  
4 IN SECTION 19A(3) AND (6)(A) OF THIS CHAPTER WHICH ARE RELEVANT TO  
5 THE SUBSTANCE AND TIMING OF THE COURT'S PERMANENCY ORDERS. IN  
6 MAKING A TERMINATION ORDER OR OTHER PERMANENCY DECISION FOR A  
7 CHILD, THE AGENCY OR COURT SHALL GIVE GREAT WEIGHT TO THE  
8 PREFERENCE OF A CHILD AGE 14 OR OLDER, UNLESS THAT PREFERENCE IS  
9 OUTWEIGHED BY A SUBSTANTIAL RISK OF HARM TO THE CHILD'S LIFE,  
10 PHYSICAL HEALTH, OR MENTAL WELL-BEING.

11 (H) THE DURATION AND QUALITY OF THE PARENT'S CARE, CONTACTS,  
12 AND RELATIONSHIP WITH THE CHILD BEFORE AND DURING THE FAMILY COURT  
13 CASE, INCLUDING PARTICIPATION IN OFFERED PARENTING TIME.

14 (5) AS USED IN THIS SECTION:

15 (A) "AGENCY" MEANS THAT TERM AS DEFINED IN SECTION 13A OF THIS  
16 CHAPTER.

17 (B) "LEGAL CUSTODIAN" MEANS THAT TERM AS DEFINED IN SECTION 2  
18 OF THE GUARDIANSHIP ASSISTANCE ACT, 2008 PA 260, MCL 722.872.