



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 826 (as introduced 1-30-96)
Sponsor: Senator Loren Bennett
Committee: Judiciary

Date Completed: 3-11-96

CONTENT

The bill would amend Public Act 203 of 1958, which provides for Michigan's participation in the Interstate Compact on Juveniles, to authorize and direct the Governor to execute, with any other states legally joining in the Compact, an amendment to the Compact dealing with returning a child to his or her home state.

Under the bill, when a child was brought before a court in a state in which the child was not a resident, and that state was willing to permit the child's return to his or her home state, the home state, upon being advised by the state in which the proceeding was pending, immediately would have to begin proceedings to determine the residence and jurisdictional facts regarding the child and the home state. The home state, within five days of finding that the child was in fact a resident of that state and subject to the jurisdiction of its courts, would have to authorize the return of the child to the home state and to the parent or custodial agency legally authorized to accept custody. The return would have to be at the expense of the home state, to be paid from funds that it procured, designated, or provided, with prompt action being of the essence.

The bill also specifies that all provisions and procedures of Articles V and VI of the Compact (which deal with return of escapees and absconders, and voluntary return procedures, respectively) would have to be construed to apply to any juvenile charged with being a delinquent for the violation of any criminal law. A juvenile so charged would have to be returned to the requesting state upon a requisition to the state in which the juvenile was found. A petition in the case would have to be filed in a court of competent jurisdiction in the requesting state in which the violation of criminal law allegedly was committed. The petition could be filed regardless of whether the juvenile had left the state before or after the filing of the petition. A requisition described in Article V of the Compact would have to be forwarded by the judge of the county in which the petition was filed.

MCL 3.701

Legislative Analyst: P. Affholter

FISCAL IMPACT

At this time it is difficult to assess what, if any, fiscal impact the bill would have on the State and localities. The Department of Social Services (soon to be the Family Independence Agency) indicates that approximately 44 states have incorporated this technical change in legislation that provides for Compact activity, but it is not clear how many children are affected by this activity each year. Since this amendment is necessary to move juvenile delinquents, the cost of movement is important. It is not currently known how much the State incurs in costs of transporting juvenile

delinquents back to Michigan, or how many out-of-State juveniles are in Michigan's detention facilities. However, if the State does not currently send juveniles whose legal address is out of State back to their home state, then the bill would produce some savings in the costs of State detention. Conversely, having Michigan residents who are juveniles returned from other states would produce more costs for juvenile detention.

Fiscal Analyst: C. Cole

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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.