



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bills 995 and 996 (as introduced 6-12-14)
Sponsor: Senator Rick Jones
Committee: Families, Seniors and Human Services

Date Completed: 9-24-14

CONTENT

Senate Bill 996 would amend the juvenile code to do the following:

- **Require a reasonable effort to be made to place siblings removed from their home in the same placement, or provide for frequent sibling visitation, unless the State documented that either of these would be contrary to the safety or well-being of any of the siblings.**
- **Require a court to determine if sibling visitation or contact would be beneficial to siblings, if they could not be placed together.**
- **Require a case service plan to include efforts to be made by an agency to provide frequent in-person visitation, if siblings were not jointly placed, unless a court determined that the visitation or contact would not be beneficial.**

Senate Bill 995 would amend the Foster Care and Adoption Services Act to do the following:

- **Require a supervising agency to make a reasonable effort to place siblings removed from their home in the same placement, or provide for frequent sibling visitation, unless the supervising agency documented that either of these would be contrary to the safety or well-being of any of the siblings.**
- **Require a supervising agency to make a reasonable effort to facilitate sibling visitation or contact with siblings who were not jointly placed, unless a court determined that visitation or contact would not be beneficial.**

Senate Bill 995 is tie-barred to Senate Bill 996.

Senate Bill 996

The juvenile code governs, among other things, the placement of children removed from their parent's care under a variety of circumstances. The bill would require reasonable efforts to be made to place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the State documented that a joint placement would be contrary to the safety or well-being of any of the siblings.

The bill would define "siblings" as children who have one or more parents in common. The relationship could be biological, through adoption, or through marriage, and would include siblings as defined by the American Indian or Alaskan Native Child's Tribal Code or custom. A sibling relationship would continue when a marriage ended by death or divorce.

In the case of siblings removed from their home who were not jointly placed, the bill would require a reasonable effort to be made to provide for frequent visitation or other ongoing interaction, unless the State documented that frequent visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings.

If siblings could not be placed together or not all the siblings were placed outside of the home, a court would have to determine whether sibling visitation or contact would be beneficial to them. If visitation or contact would be beneficial, the court would have to order visitation or contact to the extent reasonable.

Under the code, before a court enters an order of disposition in a proceeding under Section 2(b), an agency must prepare a case service plan that must be available to the court and to all of the parties of the proceeding. The case service plan must provide for placing the child in the most family-like setting available, and must include services to be provided by and responsibilities and obligations of the agency as well as activities, responsibilities, and obligations of the parent. Under the bill, the plan would have to include efforts to be made by the agency to provide frequent in-person visitation or other ongoing interaction between siblings unless the court determined under Section 13a of the code that sibling visitation would not be beneficial to one or more of the siblings.

(Section 2(b) relates to jurisdiction concerning a juvenile in situations involving abuse or neglect. Section 13a establishes procedures that apply to those cases.)

Senate Bill 995

The Foster Care and Adoption Services Act pertains to, among other things, the placement of children within a supervising agency's care. The bill would require a supervising agency to place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the agency documented that a joint placement would be contrary to the safety or well-being of any of the siblings. ("Siblings" would be defined in the same way as proposed by Senate Bill 996.)

In the case of siblings removed from their home who were not jointly placed, the bill would require the supervising agency to provide for frequent visitation or other ongoing interaction, unless it documented that frequent visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings.

If siblings could not be placed together or not all the siblings were placed in foster care, the supervising agency would have to make reasonable efforts to facilitate sibling visitation or contact with siblings unless a court determined that visitation or contact would not be beneficial under Section 13a(15) of the juvenile code (which Senate Bill 996 would amend as described above).

MCL 722.952 & 722.954a (S.B. 995)
712A.13a & 712A.18f (S.B. 996)

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bills would not result in a fiscal impact on the State. Currently, Department policy and the provisions of the Federal court agreement related to *Duane B. v. Snyder*, require the Department of Human Services to place sibling groups together when feasible and appropriate and also to ensure visitations, when appropriate, between siblings who are not placed together.

The bills could affect some locally operated child placing agencies, depending on the agencies' current policies regarding sibling placements. There are several child placing

agencies that are operated by community mental health agencies, one child placing agency that is operated by county government, and 13 child placing agencies that are operated by circuit courts. These locally operated agencies are not currently subject to the settlement requirements. To the extent that the bills' requirements would be new among the local agencies, the agencies could realize some additional costs.

Fiscal Analyst: Frances Carley

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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.