

# HOUSE BILL No. 4356

February 28, 2013, Introduced by Rep. Hobbs and referred to the Committee on Judiciary.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XIIIA

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

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

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

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

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

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

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

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

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

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

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

1 EFFORTS FOR REUNIFICATION TO COMMENCE OR CONTINUE IF THE ADDITIONAL  
2 TIME WOULD NOT BE HARMFUL TO THE CHILD, CONSIDERING THE CHILD'S  
3 AGE, PREFERENCES, PARTICULAR NEEDS, OR STABLE PLACEMENT.

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

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

15 (5) AS USED IN THIS SECTION:

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

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