



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bills 923 and 926 (as introduced 4-28-16)  
Sponsor: Senator Rick Jones  
Committee: Families, Seniors and Human Services

Date Completed: 10-19-16

**CONTENT**

**Senate Bill 923 would amend the Michigan Penal Code to prohibit a person from transferring the legal or physical custody of a child with the intent to permanently divest a parent of parental responsibility, except by court order, or arranging for the permanent transfer, adoption, or other permanent placement of a child, except in the performance of the person's duties; and specify placements that would not be subject to the prohibition.**

**Senate Bill 926 would amend the Estates and Protected Individuals Code to prohibit a parent from knowingly and intentionally delegating his or her powers concerning the care, custody, or property of a minor child for longer than 180 days for the purpose of permanently transferring custody of the child in violation of the prohibition that Senate Bill 923 would enact.**

Senate Bill 926 is tie-barred to Senate Bill 923, which is described in more detail below.

Except as provided below, the bill would prohibit a person from doing any of the following, whether or not the person received money or other valuable consideration for doing so:

- Transferring or attempting to transfer the legal or physical custody of a child with the intent to permanently divest a parent of parental responsibility, except by order of a court of competent jurisdiction.
- Arranging for or assisting in the permanent transfer, adoption, adoptive placement, or any other permanent physical placement of a child, except for the performance of adoption activities under Public Act 116 of 1973, in the performance of the person's duties.
- Assisting, aiding, abetting, or conspiring in the commission of an act described in the provisions above.

(Public Act 116 of 1973 provides for the licensure and regulation of child care organizations.)

The bill's prohibition would not apply to the placement of a child under one or more of the following circumstances:

- With a relative, a child placing agency, or the Department.
- By a child placing agency or the Department.
- In accordance with the Interstate Compact on Placement of Children.
- In which the child would be returned in less than 180 days.

The prohibition also would not apply to a placement with the specific intent that the child would be returned, that the placement benefitted the child, and that it was based on the temporary needs of the family, including one or more of the following:

- Respite for the child and family.
- A vacation or school-sponsored activity or function.
- A temporary inability of the parent or legal guardian to provide care for the child due to incarceration, military service, medical treatment, or other incapacity of the parent or legal guardian.

A violation would be a felony punishable by imprisonment for up to 20 years or a maximum fine of \$100,000, or both.

The bill would take effect 90 days after enactment.

MCL 750.136c (S.B. 923)  
700.5103 (S.B. 926)

Legislative Analyst: Suzanne Lowe

### **FISCAL IMPACT**

The bills could have a negative fiscal impact on the State and local government. More felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government would be approximately \$3,764 per prisoner per year. In the long term, if the increased intake of prisoners increased the total prisoner population enough to require the Department of Corrections to open a housing unit or an entire facility, the marginal cost to State government would be approximately \$34,550 per prisoner per year. Any associated increase in fine revenue would be dedicated to public libraries.

Fiscal Analyst: Ryan Bergan

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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.