

SENATE BILL No. 671

August 1, 2007, Introduced by Senators KAHN, HARDIMAN, JANSEN, JACOBS and BIRKHOLZ and referred to the Committee on Families and Human Services.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19 of chapter XIIA (MCL 712A.19), as amended by 2004 PA 477.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XIIA

Sec. 19. (1) Subject to section 20 of this chapter, if a child remains under the **COURT'S** jurisdiction, ~~of the court,~~ a cause may be terminated or an order may be amended or supplemented, within the authority granted to the court in section 18 of this chapter, at any time as the court considers necessary and proper. An amended or supplemented order shall be referred to as a "supplemental order of disposition". If the agency becomes aware of additional abuse or

1 neglect of a child who is under the **COURT'S** jurisdiction ~~of the~~
2 ~~court~~ and if that abuse or neglect is substantiated as provided in
3 the child protection law, 1975 PA 238, MCL 722.621 to 722.638, the
4 agency shall file a supplemental petition with the court.

5 (2) Except as provided in subsections (3) and (4), if a child
6 subject to the **COURT'S** jurisdiction ~~of the court~~ remains in his or
7 her home, a review hearing shall be held not more than 182 days
8 from the date a petition is filed to give the court jurisdiction
9 over the child and no later than every 91 days after that for the
10 first year that the child is subject to the **COURT'S** jurisdiction.
11 ~~of the court.~~ After the first year that the child is subject to the
12 **COURT'S** jurisdiction, ~~of the court,~~ a review hearing shall be held
13 no later than 182 days from the immediately preceding review
14 hearing before the end of that first year and no later than every
15 182 days from each preceding review hearing thereafter until the
16 case is dismissed. A review hearing under this subsection shall not
17 be canceled or delayed beyond the number of days required in this
18 subsection, regardless of whether a petition to terminate parental
19 rights or another matter is pending. Upon motion by any party or in
20 the court's discretion, a review hearing may be accelerated to
21 review any element of the case service plan prepared according to
22 section 18f of this chapter.

23 (3) Except as otherwise provided in subsection (4), if, in a
24 proceeding under section 2(b) of this chapter, a child is subject
25 to the **COURT'S** jurisdiction ~~of the court~~ and removed from his or
26 her home, a review hearing shall be held not more than 182 days
27 after the child's removal from his or her home and no later than

1 every 91 days after that for the first year that the child is
2 subject to the **COURT'S** jurisdiction. ~~of the court.~~ After the first
3 year that the child has been removed from his or her home and is
4 subject to the **COURT'S** jurisdiction, ~~of the court,~~ a review hearing
5 shall be held not more than 182 days from the immediately preceding
6 review hearing before the end of that first year and no later than
7 every 182 days from each preceding review hearing thereafter until
8 the case is dismissed. A review hearing under this subsection shall
9 not be canceled or delayed beyond the number of days required in
10 this subsection, regardless of whether a petition to terminate
11 parental rights or another matter is pending. Upon motion by any
12 party or in the court's discretion, a review hearing may be
13 accelerated to review any element of the case service plan prepared
14 according to section 18f of this chapter.

15 (4) If a child is under the care and supervision of the agency
16 and is either placed with a relative and the placement is intended
17 to be permanent or is in a permanent foster family agreement, the
18 court shall hold a review hearing not more than 182 days after the
19 child has been removed from his or her home and no later than every
20 182 days after that so long as the child is subject to the
21 jurisdiction of the court, the Michigan children's institute, or
22 other agency. A review hearing under this subsection shall not be
23 canceled or delayed beyond the number of days required in this
24 subsection, regardless of whether a petition to terminate parental
25 rights or another matter is pending. Upon the motion of any party
26 or at the court's discretion, a review hearing may be accelerated
27 to review any element of the case service plan.

1 (5) Written notice of a review hearing under subsection (2),
2 (3), or (4) shall be served upon all of the following:

3 (a) The agency. The agency shall advise the child of the
4 hearing if the child is 11 years of age or older.

5 (b) The **CHILD'S** foster parent or custodian. ~~of the child.~~

6 (c) If the parental rights to the child have not been
7 terminated, the child's parents.

8 (d) If the child has a guardian, the guardian for the child.

9 (e) If the child has a guardian ad litem, the guardian ad
10 litem for the child.

11 (f) A nonparent adult if the nonparent adult is required to
12 comply with the case service plan.

13 (g) If tribal affiliation has been determined, the elected
14 leader of the Indian tribe.

15 (h) The attorney for the child, the attorneys for each party,
16 and the prosecuting attorney if the prosecuting attorney has
17 appeared in the case.

18 (i) If the child is 11 years of age or older, the child.

19 (j) Other persons as the court may direct.

20 (6) At a review hearing under subsection (2), (3), or (4), the
21 court shall review on the record all of the following:

22 (a) Compliance with the case service plan with respect to
23 services provided or offered to the child and the child's parent,
24 guardian, custodian, or nonparent adult if the nonparent adult is
25 required to comply with the case service plan and whether the
26 parent, guardian, custodian, or nonparent adult if the nonparent
27 adult is required to comply with the case service plan has complied

1 with and benefited from those services.

2 (b) Compliance with the case service plan with respect to
3 parenting time with the child. If parenting time did not occur or
4 was infrequent, the court shall determine why parenting time did
5 not occur or was infrequent.

6 (c) The extent to which the parent complied with each
7 provision of the case service plan, prior court orders, and an
8 agreement between the parent and the agency.

9 (d) Likely harm to the child if the child continues to be
10 separated from the child's parent, guardian, or custodian.

11 (e) Likely harm to the child if the child is returned to the
12 child's parent, guardian, or custodian.

13 (7) After review of the case service plan, the court shall
14 determine the extent of progress made toward alleviating or
15 mitigating the conditions that caused the child to be placed in
16 foster care or that caused the child to remain in foster care. The
17 court may modify any part of the case service plan including, but
18 not limited to, the following:

19 (a) Prescribing additional services that are necessary to
20 rectify the conditions that caused the child to be placed in foster
21 care or to remain in foster care.

22 (b) Prescribing additional actions to be taken by the parent,
23 guardian, nonparent adult, or custodian, to rectify the conditions
24 that caused the child to be placed in foster care or to remain in
25 foster care.

26 (8) At a review hearing under subsection (2), (3), or (4), the
27 court shall determine the continuing necessity and appropriateness

1 of the child's placement and shall order the return of the child to
2 the custody of the parent, continue the dispositional order, modify
3 the dispositional order, or enter a new dispositional order.

4 (9) If in a proceeding under section 2(b) of this chapter a
5 child is placed in foster care, the court shall determine at the
6 dispositional hearing and each review hearing whether the cause
7 should be reviewed before the next review hearing required by
8 subsection (2), (3), or (4). In making this determination, the
9 court shall consider at least all of the following:

10 (a) The parent's ability and motivation to make necessary
11 changes to provide a suitable environment for the child.

12 (b) Whether there is a reasonable likelihood that the child
13 may be returned to his or her home prior to the next review hearing
14 required by subsection (2), (3), or (4).

15 (10) Unless waived, if not less than 7 days' notice is given
16 to all parties prior to the return of a child to the child's home,
17 and no party requests a hearing within the 7 days, the court may
18 issue an order without a hearing permitting the agency to return
19 the child to the child's home.

20 (11) An agency report filed with the court shall be accessible
21 to all parties to the action and shall be offered into evidence.
22 The court shall consider any written or oral information concerning
23 the child from the child's parent, guardian, custodian, foster
24 parent, child caring institution, relative with whom a child is
25 placed, attorney, lawyer-guardian ad litem, or guardian ad litem,
26 in addition to any other evidence, including the appropriateness of
27 parenting time, offered at the hearing.

1 (12) REASONABLE EFFORTS TO FINALIZE AN ALTERNATE PERMANENCY
2 PLAN MAY BE MADE CONCURRENTLY WITH REASONABLE EFFORTS TO REUNIFY
3 THE CHILD WITH THE FAMILY.