

Legislative Analysis



EXTENDED GUARDIANSHIP ASSISTANCE CASES

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House Bills 5745 and 5746

Sponsor: Rep. Nancy Jenkins

(Enacted as Public Acts 533 and 534 of 2014)

Committee: Families, Children, and Seniors

Complete to 9-15-14

A SUMMARY OF HOUSE BILLS 5745 & 5746 AS INTRODUCED 9-9-14

House Bill 5745 would amend the Chapter XXIIA of Probate Code to specify that if the court has appointed a guardian for a youth 16 years of age or older under sections of law dealing with foster care placements, then the court would retain jurisdiction until the Department of Human Services determines the youth's eligibility to receive extended guardianship assistance under the Young Adult Voluntary Foster Care Act. If the department determines that the youth will receive extended guardianship assistance, the court would retain jurisdiction until the youth no longer receives assistance. The department's determination would need to be completed within 120 days of the youth's 18th birthday. (This chapter of the Probate Code is known as the Juvenile Code.)

Under the Young Adult Voluntary Foster Care Act, the department may provide extended guardianship assistance for youths who are at least 18 years of age but less than 21 years of age, if they began receiving guardianship assistance at 16 years of age or older.

House Bill 5746 would amend Section 29 of the Young Adult Volunteer Foster Care Act (MCL 400.669) to make a complementary amendment. Currently that act says the court shall retain jurisdiction of a youth receiving extended guardianship assistance until the youth no longer receives such assistance. The bill would say that the court also retains guardianship for a youth while the Department of Humans Services is determining eligibility for such assistance.

House Bill 5745 also provides a definition of the term "juvenile" that applies to Section 2a of Chapter XXIIA of the Probate Code. The term would apply to a person 18 years of age or older concerning whom proceedings are commenced in court and over whom the court has continuing jurisdiction. (Usually, the term refers in that chapter to a person under 17 years of age who is the subject of a delinquency petition.)

FISCAL IMPACT:

The bills should have no fiscal impact on the state or local units of government.

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