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House Bills 5745 and 5746 (as passed by the House)  
Sponsor: Representative Nancy Jenkins  
House Committee: Families, Children, and Seniors  
Senate Committee: Families, Seniors and Human Services

Date Completed: 11-12-14

### **CONTENT**

**House Bill 5745 would amend the juvenile code to provide that a court would retain jurisdiction of a youth for whom a guardian had been appointed while the Department of Human Services (DHS) determined whether the youth was eligible for extended guardianship assistance and until he or she no longer received such assistance.**

**House Bill 5746 would amend the Young Adult Voluntary Foster Care Act to extend the court's jurisdiction to a youth for whom the DHS was determining eligibility for extended guardianship assistance.**

The bills are described in detail below.

#### **House Bill 5745**

Under the juvenile code, if parental rights to a child remaining in foster care have not been terminated, the court must conduct a permanency planning hearing within 12 months after the child was removed from his or her home and then every 12 months while foster care continues. If the court determines at a permanency planning hearing that the child should not be returned to his or her parent, the court may order the DHS to initiate proceedings to terminate parental rights, and must order the agency to do so under certain circumstances. If the agency demonstrates that initiating the termination of parental rights is not in the child's best interests, or the court does not order the agency to initiate termination, the court must order at least one of several alternative placement plans, including the appointment of a guardian for the child, if the court determines it is in the child's best interest. Similarly, the Code requires permanency planning hearings and authorizes the court to appoint a guardian for a child who remains in placement following the termination of parental rights.

Under the bill, if the court had appointed a guardian under those provisions for a youth who was at least 16 years old, the court would retain jurisdiction of the youth until the Department of Human Services determined his or her eligibility to receive extended guardianship assistance under the Young Adult Voluntary Foster Care Act, which would have to be completed within 120 days after the youth's 18<sup>th</sup> birthday. If the DHS determined that the youth would receive extended guardianship assistance, the court would retain jurisdiction until he or she no longer received such assistance.

(Under the Young Adult Voluntary Foster Care Act, the DHS may provide extended guardianship assistance for a youth who is at least 18 years old but younger than 21, if he

or she began receiving guardianship assistance at 16 years of age or older. A youth is eligible for extended guardianship assistance if he or she meets one of the following conditions:

- Is completing secondary education or a program leading to an equivalent credential.
- Is enrolled in an institution that provides postsecondary or vocational education.
- Is participating in a program or activity designed to promote employment or remove barriers to employment.
- Is employed for at least 80 hours per month.
- Is incapable of doing any part of the activities described above due to a medical condition.)

### **House Bill 5746**

The Young Adult Voluntary Foster Care Act provides that the court retains jurisdiction of a youth receiving extended guardianship assistance until he or she no longer receives such assistance. Under the bill, the court also would retain jurisdiction of a youth for whom the DHS was determining eligibility for receiving extended guardianship assistance.

MCL 712A.1 & 712A.2 (H.B. 5745)  
400.669 (H.B. 5746)

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

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.