



Report on Public Policy Position

Name of Section:

Family Law Section

Contact Person:

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Bill Number:

HB 4735 (Polidori) Human services; children's services; procedure for placement of children in a foster home; expand to give special consideration to relatives. Amends sec. 4a of 1994 PA 203 (MCL 722.954a).

Date position was adopted:

June 2, 2007

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

16 Voted for position

1 Voted against position

0 Abstained from vote

4 Did not vote

Position:

Support with recommended amendments

Explanation of the position, including any recommended amendments:

HB 4735 requires a child placement agency to give special consideration and preference to the child's relatives. It further requires the agency to place the child with a willing and fit relative unless that placement is determined to be clearly not in the child's best interest. Our Adoption Subcommittee felt that this bill was unwise. They pointed out that relatives are already prioritized in section (2) of the act, and the agency must provide each requesting relative with the reasons for its decision. In some neglect and abuse cases, relatives may allow the terminated parent access to the child, or may even be part of the abusive relationship themselves. This bill would require the agency to place the child with relatives unless the agency could show that it is clearly not in the child's best interest, a burden that may be difficult to reach if the relatives simply stonewall the investigation.

On the other hand, many practitioners in this area find that certain caseworkers have a bias against relative placement, even where it would clearly be in the child's best interest. The Council felt that placing the burden of proof on the agency to justify not placing the child with a willing relative was a sufficient protection, but that the ordinary preponderance of the evidence standard should be used. Raising the burden of proof to "clearly" might force the agency to make unwise placements. The Council supports this bill subject to amending the bill to remove the word "clearly".

The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:

<http://legislature.mi.gov/doc.aspx?2007-HB-4735>