Volume XII, Issue I Fall 2008

Official Publication of the
State Bar of Michigan Children's Law Section

The Michigan Child Welfare Law Journal

Table of Contents

Published by: MSU Chance at Childhood Program ● MSU School of Social Work ● MSU College of Law
with funding from the Governor's Task Force on Children's Justice and the Children's Law Section of the State Bar of Michigan

Editor's Note—Fall 2008

This issue of the *Michigan Child Welfare Law Journal* once again presents a number of diverse topics. In "Untangling the Web: Immigration Law and Child Welfare Practice" (Rome), the author describes how the U.S. child welfare system is being affected by the rapid increase in immigration rates. Whether migrants leave their homelands voluntarily or involuntarily, the experience is a profound one that affects parents, their children, and the integrity of the family unit on multiple levels. The author examines the complex interactions between child welfare and immigration law, and discusses some of the ways in which professionals who are conversant with the implications of various immigration statuses within families can more effectively promote permanency, safety, and well-being within this vulnerable population.

In "Deported Parents and Children's Best Interests: *In re Orozco Minors*" (Stutz), the author discusses a recent Michigan case which addresses the issue of immigrant children in the child welfare system. The author describes the factual and procedural background of the issues explored in *Orozco* and explains the reasoning used by Michigan Court of Appeals in its opinion. The author then examines the Court's analysis and the consequences this decision may have for future protection of illegal alien children and their families.

In "Nowhere to Turn: The Battle of Girls in Care to Exercise Their Reproductive Rights" (Pierce), the author notes that the United States has the highest teenage birth rate among the world's industrialized nations. The Guttmacher Institute reports that approximately 750,000 girls between the ages of 15 and 19 become pregnant each year. Three in 10 girls become pregnant at least once before age 20. While these statistics raise concerns regarding our young female population in general, the author further describes how girls in foster care inevitably face barriers to accessing reproductive services. The author addresses a number of issues: What are the reproductive rights of youth in foster care? What are the barriers to accessing these services, and what creates these barriers? What responsibility does the State and other systems have to assure that these girls' reproductive rights are respected?

Finally, in "New Michigan Permanency Planning Laws" (Howard), the author summarizes a number of new laws that will have a significant impact on child welfare proceedings. These laws were recommended to the legislature by a workgroup created by Michigan Supreme Court Justice Maura Corrigan. The new laws took effect on July 11, 2008, the date they were signed by Governor Granholm.

I hope you find this issue interesting and useful. As always, the editorial board welcomes your feedback on this and future issues to ensure that the *Child Welfare Journal* is of value to you.

Message from the Chair

Greetings. As the new chair of the Children's Law Section I would like to introduce myself. I have been working in the area of child welfare since 1999, starting as a law clerk and then working full time as a contract LGAL in Ingham County after I was sworn in the spring of 2001. In April 2008, I started working at the State Court Administrative Office in the child welfare division. I am involved in several of the court improvement Program projects, working to improve child welfare in Michigan.

I am greatly looking forward to servicing as your chair this year. We have a highly motivated executive board and together we have set four goals for our section for the upcoming year that I would like to share.

1. Increased member involvement
2. Increase the activities of the legislative committee
3. Increase the activities of the education committee
4. Increase the activities of our amicus committee

This is a very exciting time in child welfare. Since July 2008, there has been several positive state legislative changes and the Federal "Foster Connections to Success & Increasing Adoptions Act of 2008" was signed into law and the Children's Rights lawsuit has been settled with DHS, requiring sweeping changes in our foster care system.

This is a time of change, challenge and positive growth for the child welfare system. I believe the Children's Law Section has a responsibility to be involved with these changes and continue to stand up for our children and families of Michigan. We need our members to get involved, at any level. Serving on a committee, participating in legislative discussions, acting as a liaison with other sections you may be involved with or simply attending the annual training in May 2009. If you are interested in getting more involved with the section in anyway or have any questions about the section, please feel free to contact me, or any of our council members.

I am looking forward to serving our section this year and look forward to getting to know more of our membership.

Most sincerely,

Jenifer L. Pettibone, CWLS

Deported Parents and Children's Best Interests: In re *Orozco Minors*

by Emily Stutz

Introduction

The preservation of families is the bedrock of our society and deeply rooted in our legal traditions. When circumstances separate children from their parents, the legal system makes it a priority to reunify the family whenever possible. Complexities arise, however, when families are made up of both United States citizens and illegal residents. In the case of *In re Orozco Minors*, the Michigan Court of Appeals examined the impact on three children's best interests when their parents were deported to Guatemala while an action for termination of parental rights pended in Macomb County Family Court.

Part I of this article sets out the factual and procedural background of the issues explored in *Orozco*. Part I will also set out the reasoning used by Michigan Court of Appeals in its opinion. Part II examines the Court's analysis and the consequences this decision may have for future protection of illegal alien children and their families.

In Re Orozco Minors

Factual and Procedural Background

In 2005, the Michigan Department of Human Services (petitioner) investigated an allegation that Hugo Rene Dias (Hugo) sexually abused the two minor children of his wife's adult daughter, Rosita Orozco-Miranda (Rosita).[1] Rosita's children, E and A, lived with Hugo, his wife, Floricelda Orozco (Floricelda), and their two minor children, B and J.[2] Hugo, Floricelda, and Rosita are all Guatemalan citizens who were illegally living in the United States.[3] All but one of the children at issue in this case, B, were born in the United States and thus are U.S. citizens.[4] Spanish is the primary language for the entire family.[5]

While the first accusation of sexual abuse was never confirmed, DHS once again investigated Hugo's behavior with the children in July 2006 and consequently removed the children from the home.[6] DHS filed a petition to terminate Hugo's parental rights based on the claim that he sexually abused one of Rosita's children.[7] DHS also sought to terminate Rosita's parental rights for failure to protect her children from Hugo.[8]

At Rosita and Hugo's combined trial at the end of 2006, the family court found that DHS did not prove the statutory grounds for terminating parental rights by clear and convincing evidence.[9] However, the court found sufficient evidence to maintain jurisdiction over the children and ordered DHS to allow supervised visitation and begin the process of reunification.[10]

Efforts to reunify the family were unsuccessful.[11] DHS failed to provide the Orozco family with sufficient Spanish-speaking resources and neglected to make the children available for supervised visits on two different occasions.[12] Around the same time, United States Immigration and Customs Enforcement (ICE) officials detained Hugo, Floricelda, and Rosita and deported them to Guatemala.[13]

At a hearing in January 2007, the Macomb County family court reprimanded DHS for its "morally repugnant" behavior in the Orozco case, but conceded that the respondents were in the country illegally and thus subject to deportation.[14] In response, DHS once again petitioned the court to terminate the parental rights of Hugo and Rosita, but this time also requested to terminate Floricelda's rights to the children.[15] DHS filed their petition under the sections of Michigan statute that authorize termination of parental rights when "[t]he child's parent has deserted the child for 91 or more days and has not sought custody of the child during that period," the parent has failed to provide property custody and care and there is no reasonable expectation that the parent will be able to do so in a reasonable time; or when there is a reasonable likelihood of harm if the child would return to the parent.[16]

The family court concluded that because all three respondents had been deported, there was clear and convincing evidence that the parent had failed to provide property custody and care and would not be able to do so in a reasonable time.[17] Since the children needed permanency, the court reasoned termination of parental rights was in their best interests.[18]

Court of Appeals' Majority Opinion

After establishing a "clear error" standard of review, the Court addresses the strong public policy in favor of protecting the familial unit and reinforces the fundamental liberty interest belonging to natural parents.[19] In the case of *In re Fried*, the Court of Appeals held that in order to terminate a parent's rights, "the family court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been established by *clear and convincing evidence*."[20]

In this case, the family court determined that there was clear and convincing evidence to terminate parental rights under MCL 712A.19b(3)(g) because all three of the parents had been deported to Guatemala and were no longer able to care for their children. The court forcefully rejects this reasoning, stating that DHS had no authority to seek termination under this section since its actions led to the parents' deportation.[21] "[T]he state may not set out with the overt purposes of 'virtually assur[ing] the creation of a ground for termination of parental rights."[22] The court concluded that when the State seeks to terminate parental rights on grounds that it created, the State violates the parents' due process.[23]

Although the Court concludes that the family court improperly terminated the respondents' parental rights, the Court goes on to argue that even if the family court had appropriately relied on Section (g) of the statue, its decision was clearly contrary to the children's best interests.[24]

DHS argues that termination of parental rights was in the children's best interest because the respondents failed to contact the department after entry of the family court's order.[25] The Court finds this argument incredulous, considering that the respondents did not speak English and had received little cooperation from DHS while they were in the country.[26] Furthermore, the respondents had ongoing interest in their children and had contacted their own counsel for Court proceedings.[27] The Court finds that such circumstances are not evidence that terminating parental rights was in the children's best interests.[28]

The petitioner DHS also relies on Hugo's alleged abuse and the probability that the children will have a better life in the United States to sustain its position that terminating parental rights was in the children's best interest.[29] The Court quickly points out, however, that petitioner failed to prove any abuse by clear and convincing evidence.[30] DHS also never proved that the children would be harmed if returned to their family.[31] The idea that the children will have a more prosperous life in the United States is clearly speculative, and the Court states that DHS's opinion is hardly concrete evidence and such a decision is not for the department to decide.[32]

Finally, the Court refuses to accept the family court's decision to continue to exercise jurisdiction over the children after the petition to terminate parental rights was denied the first time. This decision reinforces that termination of parental rights requires *clear and convincing* evidence while the lower *preponderance of the evidence* standard is sufficient to exercise jurisdiction over the child.[33] The petitioner's continued exercise of the children resulted in a *de facto* termination of the parental rights because if they had remained with the family, the children would have also returned to Guatemala.[34] Thus, because the department denied the parental rights on standard less than clear and convincing evidence, the Court finds that the continued jurisdiction of the children resulted in a violation of the parents' Due Process rights and reverses the family court's order.[35]

More Difficult Decisions for Caseworkers

The Court's decision provides the right answer in this case, but it is ambiguous as to how interested persons should handle these circumstances in the future. The Court repeatedly points out that DHS's actions were wrong, but fails to offer any guidance in terms of future practice.

The Court only addresses these concerns briefly in the footnotes of the opinion.[36] The Court first notes DHS's responsibilities in reporting immigrant status to ICE.[37] The Court recognizes the department's right to report a client's status to the appropriate immigration authorities, but waivers on whether the department has an obligation to do so.[38]

As far as a caseworker's role in the immigration status of a family and any appropriate interactions with ICE, the Court determined that DHS cannot act "arbitrarily or capriciously."[39] Nothing in the opinion defines "arbitrarily or capriciously," or gives an example of such behavior. Obviously, the petitioner's actions in this case fall under that definition, but there is no guide for cases in the future.

Conclusion

The Court of Appeals' logic is correct in this case, but its short opinion provides little guidance to a child welfare system that will undoubtedly continue to encounter this problem. Caseworkers are far from immigration agents, but their increasing contact with illegal immigrants complicates their efforts to reunite families. Caseworkers will be forced to face this issue without knowing if they have to report a family member's immigration status, or how they can go about their job without creating circumstances that make it impossible to reunite families.

Endnotes

1 *In re Orozco Minors*, No. 279461 at 2 (Mich. Ct. App. May 13, 2008).

2 *Id.*

3 *Id.*

4 *Id.*

5 *Id.*

6 *Id.*

7 *Id.*

8 *Id.*

9 *Id.*

10 *Id.*

11 *Id.*

12 *Id.*

13 *Id.*

14 *Id.*

15 *Orozco*, No. 279461 at 3.

16 Mich. Comp. Laws. §§ 712A.19b(3)(a)(ii), (g), and (j) (1979).

17 *Orozco*, No. 279461 at 3.

18 *Id.*

19 *Id.*

20 266 Mich. App. 535, 540-41, 702 N.W.2d 192 (2005) (emphasis added).

21 *Orozco*, No. 279461 at 4.

22 *Id.*, quoting *In re Shane P*, 58 Conn. App. 234, 241, 753 A.2d 409 (2000).

23 *Orozco*, No. 279461 at 4. The Constitutional protection of due process extends to "all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

24 *Orozco*, No. 279461 at 5.

25 *Id.*

26 *Id.*

27 *Id.*

28 *Id.*

29 *Id.*

30 *Id.*

31 *Id.*

32 *Id.*

33 *Id.*

34 *Id.*

35 *Id.*

36 *Orozco*, No. 279461 at 4 n.4

37 *Id.*

38 *Id.*

39 *Id.*

Nowhere to Turn:
The Battle of Girls in Care to Exercise Their Reproductive Rights

by Kathryn L. Pierce, BSW, JD, LLM

The Stories

K is a 15-year-old girl in foster care. She is expecting her second child. K is living in a residential facility for pregnant and parenting teens supported by the Catholic church. During a family support team meeting, her guardian ad litem (GAL) requests that K be provided with information on birth control options. The residential case manager refuses, stating it is against policy to provide K with this information.

R is 16, pregnant, and in foster care. She wants to terminate her pregnancy. In her state, absent a judicial waiver, parental consent is required for an abortion. Her case manager works for a religiously affiliated organization, and when approached by R for help, she tells her she is unable to help her. R's foster mother tells R she will take her to a neighboring state where no parental consent is required, but before this can occur, she and R have a falling out and she requests R's removal. Because R is pregnant, she is placed in the same religiously affiliated residential facility mentioned above. She still wants to terminate her pregnancy, but her new placement will not help her. R's position becomes known to her GAL, but the GAL has to advocate for her client's best interest so must inquire of R's therapist and doctor before she can proceed with petitioning the judge for a waiver. If the therapist and the doctor recommend against the termination, the GAL will have to find a private attorney to represent R pro bono in the judicial bypass proceeding. Meanwhile, the clock is ticking, and the window in which R can obtain an abortion is quickly closing.

Although these are two different situations facing young women in care, the issues are the same. Based on their status as youth in foster care, both girls face barriers to accessing reproductive services. The true vignettes illustrate situations often ignored and unanswered by those charged with caring for and representing these girls. This paper explores some related issues: What are the reproductive rights of youth in foster care? What are the barriers to accessing these services, and what creates these barriers? Finally, what responsibility does the state and other systems have to assure that these girls' reproductive rights are respected?

The Facts

The United States has the highest teenage birth rate among the world's industrialized nations.[1] The Guttmacher Institute reports that approximately 750,000 girls between the ages of 15 and 19 become pregnant each year.[2] Three in ten girls become pregnant *at least once* before age 20.[3]

A teen birth has lifelong implications for both mother and child. One study found the children of adolescent mothers are more likely to be born prematurely, and 50 percent are more likely to be low birth-weight babies.[4] In the same study, children born to teen mothers faced poorer health, receiving only half the level of medical care and treatment that children of women who are 20 or 21 years old received.[5] Additionally, children of adolescent mothers were more than twice as likely to be the victims of abuse and neglect than the offspring of 20- to 21-year-old moms.[6] Adolescent mothers also have higher rates of high school dropout.[7] Only 3 in 10 adolescent mothers earn a high school diploma by the age of 30, compared with nearly 76 percent in the 20-21 year-old age group.[8] Studies also show that 70 percent of teenage mothers end up on welfare, with 40 percent on welfare for five years or more the decade after their first birth.[9]

The situation for teenage girls in foster care is even bleaker. In May 2005, Chapin Hall Center for Children released a study that assessed the function-

ing of youth who had aged out of the foster care system.[10] One area that the study explored was the sexual choices and activities of the youth. In terms of sexual behavior, 87.8 percent of the youth in foster care reported they have had sex at least once.[11] Only 46.9 percent of the youth reported using birth control all of the time.[12] Females were more likely to report having sex than males and more likely to report unsafe sexual behaviors.[13] Only 11 percent of the children who participated in the second round of interviews in the study (603 youth total) reported receiving family planning services.[14] More than one-third of the girls in the survey reported becoming pregnant since the interview a year earlier.[15] Girls who were no longer in care were more likely to have received prenatal or post-partum services.[16] Looking at the statistics as a whole, by age 19, nearly half of young women in foster care have been pregnant compared to a fifth of their peers not in foster care.[17] In other words, being in foster care more than doubles the chance for a girl to become pregnant by age 19.[18]

What are the reproductive rights?

It is within this context that problems arise when girls in care attempt to access reproductive health services and/or abortions. Girls may have trouble gaining access to birth control and abortions due to the institutional belief system of their case managers, the case management agencies, or the residential placements. The State may refuse to get involved when a teenager in its care requests an abortion. Such policies leave it to the girl to have to make decisions on her own, a dangerous proposition when a girl is making one of the most important decisions of her life. Adolescent girls have reproductive rights which come through common law, case law, and federal and state statutes. The youth's status as a ward of the state should not remove these rights.

Federal

Recognized in both statutory language, case law, and common law, the "mature minor doctrine" addresses a youth's ability to make decisions without the input of parents or guardians.[19] Frequently, a youth is declared a mature minor by the courts in the context of health care and reproductive decisions.[20] The judicial determination that a girl is a mature minor includes looking at not only "social skills, level of intelligence, and verbal skills" but also "the minor's experience, perspective, and judgment."[21] The mature minor doctrine has been an important factor in many of the United State Supreme Court cases that address an adolescent's right to access abortion or contraception.

There is a line of United States Supreme Court cases that recognize the reproductive rights of teenage girls. These cases include *Planned Parenthood of Central Missouri v. Danforth,* 428 U.S. 52, (1976); *Carey v. Population Services, Intern.*, 431 U.S. 678 (1977); and *Bellotti v. Baird,* 443 U.S. 622 (1979). In *Planned Parenthood of Central Missouri v. Danforth,* the United States Supreme Court considered a Missouri abortion statute which included a blanket requirement for parental consent for an abortion.[22] The Court held that the statute violated the Constitution because the State does not have the authority to give a third party "an absolute, and possibly arbitrary, veto over the decision of the physician and his patient to terminate the patient's pregnancy, regardless of the reason for withholding consent."[23] The Court acknowledged a parent's rights to be involved in the process, but objected to the "absolute power" conferred on the parent by the statute to overrule the decision of a minor and her physician.[24]

In *Carey*, the Supreme Court considered a New York State statute that prevented the distribution of contraceptive to anyone under the age of 16.[25] The Court held that the statute burdened an individual's right to access contraception, and there was not compelling state interest which could save it.[26] Justice Brennan, writing for the Court, recognized a girl's rights to access contraception. He stated, "(c)ertain principles, however, have been recognized. 'Minors, as well as adults, are protected by the Constitution and possess constitutional rights.'" *Planned Parenthood of Central Missouri v. Danforth*, 428 U.S. at 74, 96 S. Ct. at 2843. Justice Brennan continued, "(s)ince the State may not impose a blanket prohibition, or even a blanket requirement of parental consent, on the choice of a minor to terminate her pregnancy, the constitutionality of a blanket prohibition of the distribution of contraceptives to minors is a fortiori foreclosed."[27]

In *Bellotti*, the Court considered the constitutionality of a parental consent law in Massachusetts. The Court held that the Massachusetts statute as written imposed an undue burden on a minor's right to access

abortion services.[28] The Court noted that for a parental notification statute to survive, a minor must have "the opportunity—if she so desires—to go directly to a court without first consulting or notifying her parents."[29] If a minor chooses to appear before a court for a judicial bypass of parental consent, the court must consider first if she is "mature and well informed to make intelligently the abortion decision."[30] If she is able to show this, then the court *"must* (emphasis added) authorize her to act without parental consultation or consent."[31] If she is not able to show the court that she is mature and able to make the decision independently, she has the opportunity to show the court that the abortion is in her best interest.[32] Again, if she is able to convince the court of this, the court *"must* (emphasis added) authorize abortion." [33] The Court recognized, "[a] child, merely on account of his minority, is not beyond the protection of the Constitution."[34] The Court acknowledges the particularly high stakes of a teen's decision to have an abortion, stating, "[i]ndeed, considering her probable education, employment skills, financial resources, and emotional maturity, unwanted motherhood may be exceptionally burdensome for a minor….In sum, there are few situations (other than pregnancy) in which denying a minor the right to make an important decision will have consequences so grave and indelible."[35] Teenage girls, in care or not, have an independent right to access contraceptives and abortions.

Establishment Clause and Charitable Choice

There are also rights via the Establishment Clause of the First Amendment of the United States Constitution.[36] Essentially prohibiting a national religion, the Establishment Clause prevents a state from conduct that favors one religion over another. This touches the context of foster care because many states now use religiously affiliated organizations for the provision of child welfare services.[37] The organizations incorporate their religious tenants and beliefs in the provision of services. [38] They are able to do this without running afoul of the Establishment Clause due to the Charitable Choice provision of the Welfare Reform Act.[39]

Enacted July 1, 1997, President Bush's Charitable Choice provision of the Welfare Reform Act allows religiously based organizations to receive government funding as social service providers without compromising their religious tenants and practices.[40] Services provided include case management for children in the care of the State and the licensing and supervision of foster homes and residential facilities.[41] Section 604 (a) (2) (e) (e) (1) of the Act allows for a client to object to the "religious character of the organization or institution from which the individual receives, or would receive, assistance funded under any program described in subsection (a) (2) of this section."[42] If a client objects, then "the state in which the individual resides *shall* (emphasis added) provide such individual (if otherwise eligible for such assistance) within a reasonable period of time after the date of such objection with assistance from an alternative provider that is accessible to the individual and the value of which is not less than the value of the assistance which the individual would have received from such organization."[43] With this "out clause," girls in care, or any youth in care, for that matter, should be able to request and receive an alternative service provider if the provider's religious beliefs and practices are a barrier.

Statutory Support

Protections are also found via statutorily mandated and federally funded health care services for teenage girls in care. These include Medicaid, the Early Periodic and Diagnostic Screening Treatment (EPSDT) provision of Medicaid, and the Foster Care Independence Act of 1999 (John H. Chafee Foster Care Independence Program).

Medicaid is a program established by the federal government to provide medical services and meet the health needs of low-income individuals.[44] Each state is allowed to implement Medicaid coverage for its citizens as it sees fit, including setting the poverty level limits to determine eligibility. [45] It is common that Medicaid plans throughout the nation cover children and pregnant women.[46] Children in foster care are also covered by the Medicaid program.[47] Included in the coverage provided by Medicaid are family planning services.[48] Thus, via Medicaid, a girl in foster care should be able to receive a prescription for contraceptives.

Linked with Medicaid coverage is the EPSDT provision of the Medicaid program.[49] The EPSDT (Early Periodic Screening and Diagnostic Treatment) screenings and services are available to all children ages birth to 20 years old receiving Medicaid.[50] Included in this program are "screening services which are provided

at intervals which meet reasonable standards of medical and dental practice [and] at such other intervals, indicated as medically necessary, to determine the existence of certain physical or mental illnesses or conditions which shall at a minimum include… health education (including anticipatory guidance,as appropriate to the age level of the child).[51] Arguably, this language can be read to mean that the EPSDT includes addressing the needs of sexually active adolescents.

In addition to Medicaid and the EPSDT screenings, the Foster Care Independence Act, known as "Chafee," also addresses the health care needs of teens in care, in particular pregnancy prevention.[52] The program was put in place to address the needs of children as they prepare to age out of the foster care system.[53] The John F. Chafee Foster Care Program provides states with funding "to identify children who are likely to remain in foster care until 18 years of age and to help these children make the transition to self-sufficiency by providing services such as… preventive health activities (including smoking avoidance, nutrition education, and pregnancy prevention)."[54] Via state run Chaffee programs, teenage girls in care should receive services to help with reproductive choice and issues.

Case Law

There are two cases, *Arneth v.Gross*, 699 F.Supp. 450, (NY 1988)[55] and *Wilder v. Bernstein*, 848 F. 2d 1338 (2d Cir. 1988)[56] that directly address the issue of access to contraception and family planning as it relates to children in care. In *Wilder,* the petitioners in the original case, *Wilder v. Bernstein, 645 F.Supp. 1292, S.D.N.Y., (1986),* were a class of foster children who were placed in residential placements that were religiously affiliated, but received state funds.[57] The children argued that this placement violated their rights under the Establishment Clause of the U.S. Constitution.[58] In an appeal by the social service agencies, the Court upheld the ruling of the lower court and the settlement agreement. As part of the settlement agreement, the City of New York and all contracting agencies had to agree not to "convey religious tenets regarding family planning except in the course of providing religious counseling." SSC (Special Services for Children, the City's agency responsible for child placement) would ensure that all children have "meaningful access to the full range of family planning information, services, and counseling" through the agency or an outside source or both.[59] There was a clear recognition that placements in such religiously affiliated agencies could create barriers to access.

Arneth was brought by children in foster care who were placed in a Catholic group home which had seized their contraceptive devices and prescriptions for contraceptives.[60] The female residents filed a lawsuit requesting a preliminary injunction and certification as a class. Before the Court could rule, the agency reversed its decision and returned the items to the girls. The Establishment Clause was used to support the children's argument. Presiding Judge Owen stated, "[v]iewed against the foregoing , the Mission, in this secular branch of its work (as a group home) is engaged in state action and is impermissibly fostering religion in violation of the Establishment Clause and has, in my view, the option of either a) enforcing its stated policy prohibiting its charges' use or possession of contraceptive drugs or devices, but forgoing federal, state or city funds or b) accepting such funds and relinquishing any requirement of adherence to such of its religious doctrines as conflict with its charges' constitutional privacy rights."[61]

State and Local

On a statewide level, the programs mandated via federal statutes such as Medicaid and Chaffee are incorporated into locally administered programs. There are also statutes on the state level that can tangentially provide access to services for this teenage population. One example is the statutes which govern the role of a guardian ad litem (GAL) or attorney for a child in care. Depending on the jurisdiction, these attorneys advocate for the best interest of their child client, advocate for the wishes of their client, or some combination of both. In this role, an attorney/GAL can advocate for access to family planning services, as being a wish of the girl or in her best interest. The GAL/attorney can help the minor access the court for a judicial bypass hearing if state law requires parental consent and the state foster care system refuses to consent on behalf of the child in its care.[62]

What are the barriers to access?

Although the legal framework exists on a federal and state level, when it comes down to actual practice, there still appears to be a gap in accessing services.

One area where these issues are highlighted is when adolescents are provided services from religiously affiliated contract case management agencies and/or religiously affiliated residential placements that do not believe in birth control or abortion.

Religiously Affiliated Case Management and Residential Services

The religious affiliation of both case management providers and residential facilities can profoundly impact the right of teenage girls in care to access family planning services and abortions. The United States Supreme Court has made it clear that minors have a right to access contraceptives and abortions. In addition, both *Arneth* and *Wilder* recognized the right of girls in care to be provided with access to birth control. However, case management and foster care organizations deny sex education and refuse to facilitate reproductive services based on religious preference, with some residential facilities going so far as to deny placement for girls who recently terminated their pregnancy. Behind the scenes and "off the record," there is a general acknowledgement from many of these case managers and residential facilities that this is wrong. The problem is that if these individuals do not act in ways to uphold the religious tenants of their employer, they will lose their jobs. Many of these agencies require employees to sign paperwork upon initial employment agreeing to uphold these beliefs of the organization. Professionals who want to provide care and treatment to the girls in their care may not be able to do so without losing their jobs.

Ultimately the question becomes: What responsibility does the State have to youth in its care who wish to access these services? Case law is clear that in assuming the role of the parent, the State owes a duty of care to the teenage girls. Additionally, case law is clear that religiously based service providers have to abide by the legally valid wishes of their child clients. Finally, courts have also recognized that there exists in foster care a power dynamic that leaves the child unable to advocate for herself. It is not much of a leap then to say that within this framework, girls in care have a right to have their reproductive rights explained to them and protected and honored by those charged with their care.

Whose responsibility?

Duty of Care

In *DeShaney v. Winnebago County Department of Social Services*, 489 U.S. 189, the United States Supreme Court addressed issues related to children in the care of the State and the duty owed to those children. In *DeShaney,* a child who had previously been in the care of the State was returned to his father's legal custody and was subsequently severely beaten by him.[63] While ultimately unsuccessful because the child was no longer in care, his birth mother sued the social workers and other State officials, alleging that the child's civil rights had been violated because there was a duty owed to him by the State to protect him from harm.[64] In the decision, Chief Justice Rehnquist wrote for the majority about the "special relationship" that the state has with certain individuals which necessitates a special level of care toward that person.[65] Chief Justice Rehnquist stated, "When the State by the affirmative exercise of its power so restrains an individual's liberty that it renders him unable to care for himself, and at the same time fails to provide for his basic human needs—e.g.,. food, clothing, shelter, medical care, and reasonable safety—it transgresses the substantive limits on State action set by the Eighth Amendment and the Due Process Clause."[66] In a footnote of the decision, there is a suggestion that, had the child been in the care of the State, the claim of a duty to protect may have had some merit, as foster care is perhaps "sufficiently analogous to incarceration or institutionalization to give rise to an affirmative duty to protect."[67] In subsequent cases on both the state and federal level, the connection between the State and a duty of care to foster children has been made.

In a 2005 case from the District of Columbia, *Smith v. District of Columbia*, 413 F.3d 86, a grandmother was successful in a claim against the District for a violation of her murdered grandson's substantive due process rights. He was in the care of the State due to delinquency charges and was murdered while living in a residential placement facilitated by the District.[68] While his murder was at the hands of a stranger, the Court still found that, due to his status as a ward of the District, the District owed him a certain duty of care. "Like such children (children in foster care), Tron not only looked to the government as primary

guardian of his needs, but, absent District approval, also lacked freedom to seek alternative arrangements—precisely the two circumstances courts have found create *DeShaney* custody in the foster care situation."[69] While this case involves physical harm, it stands to reason that the duty of care also encompasses medical needs and health care. The State has responsibility to facilitate access to any health care services a child in its care needs, reproductive services included.

Acknowledging Rights

Ironically, for teenage girls in care, access to contraception mirrors that of the female employees of the very residential or case management agencies overseeing their care. Female employees are often denied insurance coverage for contraception based on the employer's religious beliefs. In *Catholic Charities of Sacramento, Inc., v. The Superior Court of Sacramento County*, 32 Cal. 4th 527, 85 P.3d 67 (2004), there are parallels that can be drawn in regards to girls in care.

In 2004, Catholic Charities of Sacramento sued the State of California and state agencies, alleging that the Women's Contraception Equity Act (WECA) was unconstitutional under the state and federal establishment clause and the Free Exercise Clause.[70] The WECA was enacted in 1999 "to eliminate gender discrimination in health care benefits and to improve access to prescription contraceptives."[71] WECA mandates that if an insurance plan covers prescription drugs, it must also cover prescription contraceptives.[72] Exemptions to this requirement are granted to religiously based employers whose religious tenets do not proscribe birth control and who meet certain criteria.[73] Catholic Charities of Sacramento did not meet the qualifications for a religious exemption and had to provide prescription contraceptive coverage for its employees.[74] They filed a lawsuit requesting a declaratory judgment and a preliminary injunction.[75] The Court found against Catholic Charities and affirmed the lower court's ruling.

Of particular applicability to girls in foster care is the Court's discussion of the contention of Catholic Charities that the WECA is a violation of free exercise of religion and their religious beliefs.[76] In the context of girls in care, this is like a religiously affiliated residential facility saying it is a violation of the free exercise of religion to have to provide residents with reproductive health care services such as birth control or in extreme cases, abortions. In the case of *Catholic Charities*, the judge found that " [a]ny analysis of Catholic Charities' free exercise claim must take into consideration the United State Supreme Court's decision in *Employment Div., Ore. Dept of Human Res. v. Smith.* In *Smit,* the high court articulated the general rule that "religious beliefs do not excuse compliance with otherwise valid laws regulating matters the State is free to regulate." [77] Again, if this is the case, then the religious beliefs of a case management agency or residential placement should not supersede compliance with other laws, such as a girl's right to access birth control and abortion services. Agencies, regardless of their religious affiliation, should provide access to reproductive services to the girls in their care. As noted in *Catholic Charities*, the organization has a choice not to provide the service or benefit that violates their religious tenets. The same can be said of agencies that voluntarily decide to apply for contracts to provide case management and residential care services for foster care youth. If the services that the youth need and are legally entitled to are in violation of the organization's beliefs, perhaps the organization should make the choice not to offer those services. By choosing to provide these services, they agree to respect the rights of their clients.

Knowledge Is Power and Power Is Knowledge

As previously discussed, Charitable Choice has provisions for clients who wish to opt out of the religiously affiliated services.[78] In looking at the validity of State funding of religiously connected activities, the courts seem to rely heavily on the idea of "private choice,"[79] the key being that an individual have the option to choose to have the monies spent on services to them go a religiously affiliated provider. Children in foster care do not always enjoy the luxury of choice, although it appears via Charitable Choice they should. Children do not get to pick what case management agency supervises their case or where they are going to be placed. The value of Charitable Choice is lost because it requires children in a vulnerable position and without power to assert a right that many of them do not know they have. If it was known that this right existed, it could become a powerful tool in advocating for not only girls, but all youth in care.

It is not enough that the right to object under Charitable Choice exists, because even if a youth knows her rights, the power dynamic that is present in

foster care is such that she may not feel free to assert her rights. In 2005, the United State District Court, Southern Division, Michigan, heard *Teen Ranch, et al. v. Marianne Udow, et al.*, 389 F.Supp.2d 827, (2005). At its heart, the case was about the entanglement of a religiously based residential facility for children and State funding of such a facility.[80] The residential facility had its funding cut off by the State due to a perceived violation of the Establishment Clause.[81] Judge Bell recognized the power dynamic existing between the State and youth in its care, stating, "Where, as here, the State selects the juvenile state ward's residential placement, the ward's ability to opt out of placement at a faith-based institution with religious programming is not sufficient to avoid Establishment Clause problems because State placements at Teen Ranch would advance or endorse a particular religious viewpoint."[82] The Court continues, "[t]he pressures that the Supreme Court recognized in the public school setting would inevitably be far greater in a long term residential program *where the youth are separated from their parents, deprived of many personal freedoms, and under the daily supervision and influence of those who are leading the religious activities."* (Emphasis added).[83] Girls who are placed in the same sort of residential facilities are in the same position described above. The girls' sphere of influence and actual choice in many matters in their lives are taken away by virtue of being in foster care.

Teenage girls in care are a population at risk. They are at risk for early sexual activity and are at greater risk for having at least one pregnancy prior to their 19th birthday. Unfortunately, they are also at risk for being denied the ability to exercise their reproductive rights by those people charged with taking care of them while out of the care of their parents. When it comes to sexual activity and abortion, there is still a tendency to try to brush it under the table. These topics can be uncomfortable to talk about with those you know well, let alone someone else's child, but this is what needs to be done to protect the rights of girls in care. Girls in care should get information on abstinence as well as safe sex. Case managers and foster parents should have ongoing training regarding the issues of teen sexuality and reproductive choices. Case managers, foster parents, and residential facilities should recognize that their power of decision making and influence has some legal boundaries. If a girl is placed in a residential facility that is religiously affiliated, she should be made aware of more than just the basic rules and regulations. At intake, the placement should inform her of the religious beliefs of the organization and discuss how they may or may not impact her care in the placement. In client advocacy, GALs and attorneys should make sure their clients are not being denied legitimate access and take appropriate steps if they find that a client has encountered barriers. We would never stand for the average United States citizen to be to be taken to a church and forced to live and abide by that church's beliefs in his everyday life. Why is it acceptable for this to happen to children in the care of the State? Children in the care of the State have rights, and any organization which provides services to this population should honor and recognize those rights. This paper is not arguing that all girls in care be put on birth control or have abortions if they become pregnant. These girls have well articulated rights that need to be acknowledged and honored. A girl's fundamental rights do not disappear once she is a ward of the State. ◎

Endnotes

1 Guttmacher Institute, *Can More Progress Be Made? Teenage Sexual and Reproductive Behavior in Developed Countries, 2001 http://www.guttmacher.org*, (accessed July 13, 2008).

2 Guttmacher Institute, *U.S. Teenage Pregnancy Statistics: National and State Trends and Trends by Race and Ethnicity, http://www.guttmacher.org/pubs/2006/09/11/USTPstats.pdf*, (accessed July 13, 2008).

3 The National Campaign to Prevent Teen Pregnancy, *Fact Sheet: How is the 3 in 10 Statistic Calculated? October 2006, http://www.TEENPREGNANCY.ORG*, (accessed on June 1, 2008).

4 Maynard, Rebecca A., *Kids Having Kids: A Robin Hood Special Report on the Costs of Adolescent Childbearing*, *http://www.robinhood.org/approach/KHK.pdf*, (accessed on November 15, 2006).

5 *Id* .at 6.

6 *Id*.at 8.

7 *Id*. at 13.

8 *Id*.

9 *Id*. at 16.

10 Mark E. Courtney, et. al, *Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 19.,* Chapin Hall Center for Children at the University of Chicago, *http://www.chapinhall.org/article_abstract.aspx?ar=1355* (accessed on September 30, 2006).

11 *Id*. at 49.

12 *Id*.

13 *Id*.

14 *Id*. at 46.

15 *Id*. at 52.

16 *Id*. at 53.

17 The National Campaign to Prevent Teen Pregnancy, *Science Says: Foster Care Youth, Number 27, August 2006*, *http://www.teenprgnancy.org*, (accessed on June 15, 2008).

18 *Id*.

19 Larry Cunningham, *A Question of Capacity: Towards A Comprehensive and Consistent Vision of Children and Their Status Under Law*, 10 U.C. Davis J. Juv. L. & Pol'y 275, 324. (2006)

20 *Id*.

21 Kimberly M. Mutcherson, *Minor Discrepancies: Forging A Common Understanding of Adolescent Competence in Healthcare Decision-Making and Criminal Responsibility*, 6 NEV.L.J.927, 931 (2006); see also J. Shoshanna Ehrlich, *Shifting Boundaries: Abortion, Criminal Culpability and the Indeterminate Legal Status of Adolescents*, 18 Wis. Women's L. J. 77, 89 (2003) for a discussion of the Mature Minor Doctrine.

22 *Planned Parenthood of Central Missouri v Danforth*, 428 U.S. 52 (1976).

23 *Id*. at 74.

24 *Id*. at 75.

25 *Carey v. Population Services International et al*, 431 U.S. 678 (1977).

26 *Id*.

27 *Id*. at 694.

28 *Bellotti v. Baird*, 443 U.S. 622, 647 (1979).

29 *Id*.

30 *Id*.

31 *Id*.

32 *Id*. at 648-649.

33 *Id*. at 649.

34 *Id*. at 633.

35 *Bellotti*, 443 U.S. at 642.

36 U.S. Const. amend. 1.

37 See, e.g., Susan Vivian Mangold, *Protection, Privatization, and Profit in the Foster Care System*, 60 OHSLJ 1295, (1999) for a discussion of the history of the privatization of foster care.

38 See, e.g., Steven K. Green, Charitable Choice and Neutrality Theory, 57 N.Y.U. Ann. Surv. Am. L. 33 (2000).

39 42 USCA §604 (1997).

40 See, for example, the Salvation Army's website, *www.salvationarmyusa.org* for their stance on birth control: "The Salvation Army believes that sex and its proper use is a gift, created, ordained and blessed by God and intended to find expression only within the context of a loving marriage relationship" or Catholic Charities' Code of Ethics at *www.catholicecharitiesuse.org*, which "defines the moral responsibility of Catholic Charities organizations and their administration," including "professional and support staff." Some of these norms or responsibilities include "[i]n all its policies, procedures, and practices, it will be faithful to biblical values, the social teaching of the Church, and relevant sections of the code of Canon Law."

41 See the "The Catholic Charities Network at a Glance" for a description and breakdown of services provided by the organization. In 2005, the agency, through its national affiliates, served "7,449,119 (unduplicated) people." *www.catholiccharitiesusa.org/about*, visited on February 18, 2007.

42 42 USCA §604 a (1997).

43 *Id*.

44 National Women's Law Center, *Missouri Medicaid: A Lifeline for Thousands of Women Faces Extinction*, Policy Brief, November 2005. *http://www.nwlc.org/pdf/mo_medicaidreport11-2005.pdf*, (accessed on October 28, 2006).

45 *Id*.

46 *Id*. at 2.

47 Abigail English and Kathi Grasso, "The Foster Care Independence Act of 1999: Enhancing Youth Access to Health Care," *Journal of Poverty Law and Policy*, 224, *www.abanet.org/child/englishgrasso.pdf*., (accessed on December 12, 2006).

48 *Id*. at 2.

49 *Id*.

50 Missouri Department of Social Services Medical Services, *Medicaid*, *http://www.dss.mo.gov/fsd/msmed.htm*, accessed on October 28, 2006.

51 42 USCA §1396 (2002).

52 Child Welfare League of America, *Foster Care Independence Act of 1999. http://www.cwla.org/advocacy/indlivhr3443.htm*, (accessed on December 11, 2006).

53 English, *supra* note 56 at 218.

54 42 USCA §677 (2002).

55 *Arneth v. Gross*, 699 F.Supp. 450, (NY 1988).

56 *Wilder v. Bernstein*, 848 F. 2d 1338, 1344. (2d Cir. 1988).

57 *Wilder v. Bernstein, 645 F.Supp. 1292,S.D.N.Y., (1986).*

58 *Wilder,* 848 F.2d at 1338.

59 *Id*. at 1344.

60 *Arneth,* 699 F. Supp. at 450.

61 *Id*. at 453.

62 In May of 2007, the Missouri Supreme Court upheld a Missouri law which created a civil cause of action against *anyone* who "intentionally causes, aids or assists a minor in obtaining an abortion without parental consent or an appropriate court order allowing judicial bypass of the consent requirement." The concern with the way that the law was written was that it would open up professionals such as counselors, clergy, and medical professionals to civil liability for simply informing a girl of her options in regards to termination of her pregnancy. Arguably, a GAL who similarly advised his client would open him up to similar liability. The Missouri Supreme Court narrowed the construction of the statute and expressly interpreted the meaning of "aid and assist" as not including speech and conduct which would be "providing information or counseling." *Planned Parenthood of Kansas v. Nixon, --- S.W.3d ----, 2007 WL 1260923, 6, Mo., 2007.*

63 *DeShaney v. Winnebago County Department of Social Services, et al.*, 489 U.S. 189, 193 (1989).

64 *Id.*

65 *Id*. at 198.

66 *Id*. at 200.

67 *Id*. at 201 in footnote 9.

68 *Smith v. District of Columbia*, 413 F.3d 86,95(2005).

69 *Id.*

70 *Catholic Charities of Sacramento, Inc., v. The Superior Court of Sacramento County*, 32 Cal. 4th 527, 85 P.3d 67 (2004).

71 *Id* at 291.

72 *Id.*

73 *Id* at 292.

74 *Id* at 292.

75 *Id* at 293.

76 *Id* at 299.

77 *Id.*

78 Charitable Choice, *supra,* note 41.

79 *Id.*

80 *Teen Ranch v. Udow*, 389 F.Supp.2d 827(2005).

81 *Id.*

82 *Id*. at 836.

83 *Id*. at 837.

Untangling the Web:
Immigration Law and Child Welfare Practice

by Sunny Harris Rome, MSW, JD
Associate Professor of Social Work, George Mason University

One of the most significant recent phenomena to affect the U.S. child welfare system is the rapid increase in immigration. Whether migrants leave their homelands voluntarily or involuntarily, the experience is a profound one that affects parents, their children, and the integrity of the family unit on multiple levels. Working with immigrant families in the child welfare system poses challenges to legal and social work professionals alike.

Much has been written about the importance of cultural competence. (Fong, 2004; Hughes, 2006). Cultural and linguistic sensitivity are essential to working effectively with the diverse clients who increasingly populate the child welfare system. However, it is only the starting point. In order to maximize success in serving the best interests of children in immigrant families, we as professionals need to understand the many ways in which our actions can positively and negatively affect both child welfare and immigration outcomes.

This article examines the complex interactions between child welfare and immigration law, and discusses some of the ways in which professionals who are conversant with the implications of various immigration statuses within families can more effectively promote permanency, safety, and well-being within this vulnerable population of children.

Understanding the Migration Experience

Although immigrants to the United States comprise only 1 percent of migrants worldwide, the 15 million immigrants who entered the United States during the 1990s represent a 50 percent increase in immigration over the 1980s and a 100 percent increase over the 1970s. (Capps & Fortuny, 2006) According to recent estimates, children in immigrant families now comprise 20 percent of U.S. children. (Padilla, Shapiro, Fernandez-Castro & Faulkner, 2008). If current trends continue, they will comprise 30 percent of the U.S. school population by the year 2015. (Kids Count, 2007).

In addition to the increase in numbers, settlement patterns of immigrants to the United States have become more dispersed. Although California, New York, Texas, and Florida remain important gateway states, Illinois, New Jersey, Georgia, Arizona, and North Carolina are catching up in their numbers of foreign-born. (Migration Policy Institute, 2008). Even beyond these states, individual cities and towns across the map are facing dramatic changes in composition. Areas that never considered the implications of immigration are now challenged to integrate these families into their communities and to meet their unique legal and service needs.

To date, there are no actual data on the numbers of immigrant families in the child welfare system. However, given that children of immigrants are the fastest growing segment of the U.S. child population (Austin, 2006), it is inevitable that they will increasingly find their way into the child welfare system.

Although the same dynamics bring both immigrant and native families to the attention of the child welfare system, children in immigrant families present a number of special risk factors for abuse and neglect. They are disproportionately poor, with 27 percent of young children in immigrant families living in poverty compared to 19 percent of young children in native families. They are also twice as likely as their native counterparts to lack health insurance, and are more likely to live in overcrowded housing and to experience food insecurity. (Capps, 2008) Poverty, with its attendant stresses and pressures, has been recognized as a risk factor for maltreatment. (Dettalff & Rycraft, 2006).

The migration experience itself can also be devastating for children. Leaving family, friends, home, and community can be destabilizing for both parents and

child. Some escape violence and chaos; others encounter danger, deprivation, and separation in their efforts to reach the United States. They arrive to face an unknown culture, new norms and social structures, and unfamiliar expectations. Many encounter xenophobia, stigmatization, and discrimination. They may go from being part of the dominant culture to being marginalized as minorities. They may feel overwhelmed, anxious, lonely, and regretful. Post-traumatic stress disorder, depression, and other mental and physical health problems are not uncommon. This is compounded by language barriers. Twenty-five percent of immigrants speak no English or do not speak it well. (Fix & Passel, 2004). Lack of English language proficiency and loss of natural support systems can lead to parental isolation, which has been linked to child maltreatment. (Segal & Mayadas, 2005).

Migration has been characterized as a long-term process, rather than a discrete event. (Altman & Michael, 2007). As we work with immigrant families, we need to keep in mind the enormity of the adjustments they face: culturally, economically, linguistically, psychologically, and legally. It is also important to remember that, for them, the experience of migration is dynamic and ongoing.

The Importance of Immigration Status

Since the 1920s, the United States has regulated immigration. Historically, authorization to enter the country has been tied to quotas based on country of origin, family reunification, and labor market needs. (Drachman, 1995). Today, all entrants are assigned an immigration status. This status can have an enormous impact on one's ability to work, live, and enjoy various government benefits and services. It can also impact family integrity and child well-being.

One-quarter to one-third of all immigrants are undocumented. Two-thirds of children in these households, however, are U.S. born and therefore U.S. citizens. (Capps, 2008). These "mixed status" families have become increasingly common. Because immigration status attaches to the individual, not to the family, child welfare issues can be highly complex. Knowing the immigration status of parents and child (as well as other relatives and fictive kin) can be extremely helpful in realizing the most positive outcomes.

Immigration status, however, is often difficult to ascertain. Parents may be confused about their immigration status. Children may lack accurate information. Language barriers can result in misunderstandings. Immigrant families may avoid disclosing their immigration status for fear of deportation. Many child welfare staff, wary of putting their clients at risk, have adopted a "don't ask, don't tell" approach to immigration status. (Dettlaff & Rycraft, 2006). Yet concerns about immigration status often preoccupy immigrant families; until they are addressed, it may be difficult to concentrate on the issues that caused the child welfare involvement. (Dettlaff & Earner, 2007).

Unaccompanied Minors

Perhaps most vulnerable are unaccompanied, undocumented children. These are children and youth under age 18 who are in the United States, without government authorization, separated from their parents or other legal custodians. They are alone.

Many who attempt to reach the United States are intercepted in transit, and returned to their countries of origin. Others are apprehended once they reach U.S. soil. Since fiscal year 2001, the Department of Homeland Security (formerly INS) has apprehended an average of 100,000 undocumented minors each year, approximately 7,000 of whom are placed in federal custody annually. (Haddal, 2007).

Federal law requires that these children be transferred to the custody of the Office of Refugee Resettlement (ORR) within 72 hours and placed in programs administered by the Division of Unaccompanied Children's Services while they await resolution of their immigration cases. Although the law explicitly states that the director of ORR is "encouraged to use the refugee foster care system…for the placement of unaccompanied alien children" (Homeland Security Act, 2002, Sec. 462(b)(3)), only about 20 percent of children are placed in short-term foster care or small group homes, and 1-2 percent enter long-term foster care. The majority are detained in government-run shelter facilities, some of which accommodate in excess of 100 children. (Bump & Gozdziak, 2007). The United States is one of very few countries that detain children. Most others arrange for them to be placed in the care of the child welfare system. (Vericker, Kuehn & Capps, 2007).

In addition to those apprehended at the border, as many as 1.6 million undocumented minors enter the country undetected and live under the radar. Although still children, they don't have the benefits of safety and stability accorded other youth. They remain

in constant fear of discovery and deportation. Some unaccompanied teenagers are caught in workplace raids. Others come to the attention of authorities by becoming involved with the juvenile justice system. Even a minor offense can trigger harsh consequences—and can later jeopardize eligibility for immigration relief leading to citizenship. (Building Bridges, 2006).

Regardless of how and when a minor's undocumented status comes to the attention of government authorities, fewer than half enjoy access to legal counsel when their cases do proceed to court. (Women's Commission, 2008). Absent the right to appointed guardians ad litem or counsel, they are left on their own to navigate a complex adversarial legal process. Their odds of success are greatly diminished. We know, for example, that children represented by attorneys are four times more likely to be granted asylum by immigration judges than those without legal representation in court. (Kinoshita & Brady, 2005). As a result, children without counsel face consequences that may include prolonged detention or deportation to a country where they are endangered or lack parental or other caregiver support.

Asylum

Special consideration is available to unaccompanied minors who qualify as refugees, asylees, or victims of severe forms of human trafficking. Children who fear persecution in their home country due to race, religion, nationality, political opinion, or membership in a particular social group may apply for asylum within one year of their arrival in the United States. If successful, the youth can remain in the country and qualify for lawful permanent residency (a "green card"). Asylum also opens the door to receipt of government benefits for which undocumented immigrants are ineligible.

T-Visa

Passage of the Victims of Trafficking and Violence Protection Act of 2000 created opportunities for victims of severe forms of human trafficking to apply for an adjustment of immigration status through a T-Visa, which, like asylum, can lead to lawful permanent residency status, including access to government services and a pathway to citizenship. To be eligible, the child must be under age 15 or must have assisted law enforcement in investigating or prosecuting traffickers. The child must be a victim of sex trafficking, involuntary servitude, or slavery. There must also be a showing that the child would suffer significant hardship if returned to his or her country of origin.

Undocumented Children in Immigrant Families

Like the overall numbers of immigrants to the United States, the number of undocumented entrants has ballooned, rising from an average of 140,000 per year in the 1980s, to 450,000 per year in the 1990s, to approximately 700,000 each year between 2000 and 2005. The total number of undocumented persons in the United States was estimated to be 11 million in 2005, with approximately 1.7 million being children. (Passel, 2005).

Recent years have seen an increasingly hostile climate toward undocumented immigrants in the United States. Two laws passed in 1996—the Illegal Immigration Reform and Immigrant Responsibility Act, and the Personal Responsibility and Work Opportunity Reconciliation Act (welfare reform)—dramatically increased the risks of deportation and greatly limited access to public benefits and services. More recent federal proposals, including the Border Protection Anti-Terrorism and Illegal Immigration Control Act of 2005 (which passed in the House of Representatives but failed in the Senate), would have levied criminal penalties against those assisting undocumented immigrants. Other proposals at the federal level have contemplated increasing border security and further restricting legal immigration. (Padilla, et al., 2008).

In the absence of comprehensive federal immigration reform, individual states and localities have taken up the mantle. In 2007, over 1,400 bills related to immigration were introduced into state legislatures. In the first half of that year alone, 170 of them became law. This is double the number of state immigration laws enacted the previous year. (National Conference of State Legislatures, 2008). Cities and counties in states including Oklahoma, New Jersey, Pennsylvania, Texas, Missouri, Illinois, and Virginia have passed draconian ordinances aimed at punishing employers, restricting housing, denying public benefits, and giving local law enforcement broad discretion to identify and detain undocumented immigrants.

For undocumented children involved in the child welfare system, the hostile climate exacerbates already stressful, traumatic, and confusing life circumstances. This is compounded by the unfortunate fact that some professionals—including police, probation officers,

juvenile detention staff, prosecutors, public defenders, judges, eligibility workers, and child welfare agency staff—report undocumented children to Immigration and Customs Enforcement (ICE), mistakenly believing they have a legal obligation to do so. In fact, federal law explicitly permits access to child welfare services and foster care placement regardless of immigration status.

Special Immigrant Juvenile Status (SIJS)

One of the most important options available to undocumented children in foster care is Special Immigrant Juvenile Status (SIJS)—a form of immigration relief that can lead to legal permanent residency status and eventual citizenship. To be eligible, the child must be under 21, unmarried, and under the jurisdiction of a juvenile court or in the custody of a state agency due to abuse, neglect, or abandonment. The court must further find that reunification is not an option, and that being returned to his or her country of origin would not be in the child's best interests.

Finally, the youth must also be eligible for "adjustment of status." Although juvenile delinquency dispositions (unlike adult criminal convictions) generally do not trigger deportation, certain offenses can have significant immigration consequences. The most serious is drug trafficking. Also potentially problematic are drug possession, drug abuse, prostitution, mental health problems, suicide attempts, torture, sex crimes, alcohol use, and violation of a restraining order. These findings can undermine an adjustment of status petition, no matter how long ago they occurred or how successfully the youth has moved on. (Junck, 2008).

Since the SIJS application process can take three years or more, it is critical that SIJS status be sought well in advance of emancipation. Once youth age out of care, they lose all of their benefits—even if they've spent years living in the United States. They are treated the same as all other undocumented adults: facing the threat of detention and deportation, ineligible for a Social Security card or driver's license, with limited access to benefits, limited ability to take advantage of independent living programs, ineligible for student financial aid, and unable to be legally employed. (New Mexico Children's Law Center). To be safe, youth should remain under juvenile court jurisdiction until the application is granted and the green card is received.

It is important to remember that, while it offers enormous potential benefits, applying for SIJS status is not without risk. In the event that it is sought and denied, the youth's undocumented status, now on the Department of Homeland Security's radar screen, can render him or her more vulnerable to detention and deportation.

Violence Against Women Act (VAWA)

Undocumented children whose parents have legal immigration status (legal permanent residency or citizenship) may also be eligible for immigration relief if they are under 21, unmarried, and the victims of physical or emotional abuse at the hands of their parents. Those over age 14 will need a clearance letter from police to attest to their "good moral character." Children may also be included on an abused parent's VAWA petition.

U-Visa

A final option exists for undocumented children who have been victims of serious crimes and who cooperate with law enforcement. They or their parent/guardian must have information about the criminal activity and must agree to help in the investigation and prosecution of the crime. Examples of crimes that are covered include: rape, torture, incest, domestic violence, sexual assault, prostitution, sexual exploitation, kidnapping, abduction, false imprisonment, blackmail, extortion, felonious assault, witness tampering, obstruction of justice, and perjury. After three years in U-status, the youth can petition for legal permanent residency. Children who are not crime victims themselves can be included on a parent's or sibling's application.

Children in Mixed-Status Families

There are more than 1.9 million mixed-immigration status families in the United States. (Passel, 2005). In 41 percent of these families, the parents have different statuses from each other. These families also include approximately 3.1 million U.S.-born (citizen) children. Mixed-status families present particularly complicated child welfare cases. First, "the societal marginalization of unauthorized immigrants has serious spillover repercussions for other family members, without regard to their individual immigration or citizenship status." (Thronson, 2008, p. 462). Second, immigration law applies differently to different family members, and often is at odds with the goals of child welfare policy.

Access to Services

The 1996 welfare reform law created two categories of immigrants: "qualified" and "not qualified." "Not qualified" immigrants, including those who are undocumented, are now barred from receiving most public federal benefits, including Medicaid (except for emergency care), SCHIP, TANF, food stamps, and SSI. (Personal Responsibility and Work Opportunity Reconciliation Act). State and local laws and ordinances in various locations have further restricted access to benefits. For example, Prince William County in Virginia approved a measure making undocumented immigrants ineligible for a host of social services and tax benefits supporting older adults, people with disabilities, substance abusers, and low-income residents.

There are several important consequences to these cutbacks. First, the inability of undocumented parents to access necessary services and supports may add to the already overwhelming stresses and challenges of the migration experience, contributing to abuse and neglect.

Second, children in immigrant families who come to the attention of the child welfare system are more likely to be removed from the home and placed in out-of-home care, since parents often are ineligible for the services needed to create a safe and stable environment for their children. (Borelli, Earner & Lincroft, 2007). Once removed, they are less likely to be placed with kin, despite its distinct advantages. They may not have relatives living in close proximity, since extended family members may reside in other countries. Local family may be reluctant to step forward, for fear of detection and deportation. Even if willing, undocumented family members may be unable to meet foster parent eligibility requirements such as space-per-occupant housing standards, fingerprint clearances, and income qualifications. (Lincroft, Resner, Lueng & Bussiere, 2006). Finally, authorities may be reluctant to place children with undocumented relatives for fear that their lives may be unstable. This is particularly unfortunate, since placement with strangers can be especially traumatic for these youth.

Third, if parents are unable to meet the terms of their service plans because of their inability to access needed services, their prospects for reunification decline. In an illustrative case, an undocumented mother in New York City, suffering from poverty and recurrent hospitalizations for sickle cell anemia, turned her son over to child welfare authorities. She repeatedly sought the financial, medical, housing, and homemaker services needed to care for him at home, but all were denied because of her immigration status. Meanwhile, the child lingered in foster care, where he became increasingly troubled. Frustration with the situation led the family court judge to order the City to provide the mother with the full range of services needed to reunite them, despite her undocumented status. This, he believed, was in keeping with his own overriding legal duty to help families get safely back together. (Bernstein, 2000). The City defied the order, and the case went to court. (*In re Kittridge*, 2000). This example highlights the starkly incompatible aims of our immigration and child welfare laws. Tragically, "as family law and immigration law collide, children routinely are caught in the middle." (Thronson, 2006, p. 1165).

Finally, even though U.S.-born children are entitled to the full range of benefits and services themselves, children in mixed-status families may never receive what they need. Their undocumented parents, who must apply on their behalf, may avoid contact with the social service system because they fear detection and deportation. They may also mistakenly fear that seeking public benefits will lead to being labeled as a "public charge" and adversely affect their chances of gaining legal permanent residency status. (Broder, 2007). This chilling effect penalizes children in mixed-status families, jeopardizing their safety, permanency, and well-being.

Family Separation

Any family in which there is an undocumented parent faces the risk of separation. Detention and deportation have become increasingly common as a result of recent changes to federal immigration law, more zealous work site enforcement actions, and partnerships ceding local law enforcement a more prominent role in apprehending and reporting unauthorized residents.

Of these, work site enforcements (raids) have had the most palpable impact on children. In a single year, between 2005 and 2006, the number of work site raids went from approximately 500 to over 1,000. (Dettlaff & Phillips, 2007). As part of an admittedly "more aggressive work site enforcement strategy," 10 times as many workplace arrests were made in 2007 as in 2002. Of these, 863 were for criminal conduct, and 4,077 were for allegedly being in the country illegally.

(U.S. Immigration and Customs Enforcement, 2007).

According to a 2007 study, "the recent intensification of immigrant enforcement activities by the federal government has increasingly put these children at risk of family separation, economic hardship, and psychological trauma." (Capps, Castaneda, Chaudry, & Santos). In many cases, parents are detained, without warning, while children are stranded at school or in day care. In some cases, young children are left unsupervised, bewildered, and scared. In the best case scenarios, children are placed with relatives. However, they may also be held in federal family detention centers with their parents, or turned over to the child welfare system. (Dettlaff & Phillips, 2007).

In mixed-status families where children are U.S citizens and their parents face deportation, the conflict between immigration law and child welfare concerns is perhaps most prominent. After all, "there is no area of law in which the federal government's power is more robust than in immigration and no area of law more fully reserved to the states than domestic relations." (Thronson, 2005, p.47). In some cases, "family integrity may only be maintained by violating the nation's immigration laws and vice versa." (Ferguson, 2007, p. 87).

Although parents may face deportation, their citizen children have a constitutional right to remain in the United States. This presents a tragic dilemma for mixed-status families: parents must either endure separation from their children, or children must relinquish the opportunity to remain in the USA—the only home they have ever known. Because of the strict timelines for reunification imposed by the Adoption and Safe Families Act of 1997, the former course of action invariably results in a "de facto termination of parental rights." This is true despite the absence of any finding of parental unfitness. On the other hand, if children leave the country with their parents, they essentially have been imbued with a constitutional right they are unable to exercise.

Unlike in family court, the best interests of the child are irrelevant in immigration court. To make matters worse, removal proceedings provide no right to appointed counsel, and not all decisions are reviewable on appeal. (Immigration and Nationality Act, 2005). Yet the safety and well-being of children and families hang in the balance.

While parents can petition for a "cancellation of removal" in order to remain with their children in the USA, succeeding has become increasingly difficult in light of the 1996 immigration law's tougher legal standards. Applicants must have been living in the USA for at least 10 years, be law-abiding citizens of good moral character, and demonstrate that their removal would constitute an "exceptional and extremely unusual hardship" for a child, spouse, or parent. Although the federal government is permitted to grant up to 4,000 petitions per year, approvals have averaged only 1,268 annually. (Feinstein, 2004).

Implications for Practice

There is a lot at stake when children in immigrant families come into contact with the child welfare system. Apart from the usual concerns of keeping them safe and promoting stability, missteps can have far-reaching immigration consequences that can irreparably damage the future of the child and undermine the integrity of the family.

Attorneys, judges, child welfare workers, guardians ad litem, CASA volunteers, and advocates all have a responsibility to understand the potential impact of immigration laws and policies on their clients. "Juvenile court actions that are not informed by immigration considerations can have an adverse effect on children and families or result in missed opportunities for immigration relief." (Lincroft, et. al, 2006, p.7).

Legal professionals and child welfare practitioners should:

- Recognize that these families are successful survivors. Use a strengths-based approach to assessment and intervention.
- Routinely ascertain the immigration status of children and their parents or guardians. Assure families that the information will be kept confidential.
- Know the eligibility rules that qualify children or their parents for immigration relief under SIJS, VAWA, U-Visa, T-Visa, and Cancellation of Removal.
- Include legalization of immigration status in every undocumented child's case plan if appropriate. Initiate SIJS petitions early, since youth cease to be eligible once they age out of care.
- Help youth avoid involvement with the juvenile justice system, so as not to jeopardize their opportunities for immigration relief.

Know which offenses could adversely affect their eligibility for achieving legal permanent residency status.

- Understand the respective roles of the child welfare agency, juvenile court, and Department of Homeland Security in securing SIJS relief.
- Clarify to probation officers, police, juvenile detention staff, group home staff, prosecutors, defense attorneys, judges, eligibility workers, and child welfare workers that they are under no legal obligation to report undocumented children or parents to ICE. Be sure they know that child welfare services must be provided if needed, regardless of a family's immigration status.
- Explain to immigrant families what to expect from the child welfare system, including any impact their immigration status might have. Consider creating a liaison position to help them navigate the system.
- Provide opportunities for undocumented parents and other family members to be involved in child welfare agency processes and family court proceedings without fear of detection and deportation.
- Ensure that trained foreign language interpreters are available during every step in the process. Children should never be asked to translate for their parents, or vice versa. Judges should require that services to immigrant families be culturally and linguistically appropriate.
- Ensure that immigration status is never used to deny services to eligible families or children, or to impede viable kinship care placements.
- Work with immigrant families to identify relatives who might be able to provide care for their children, if an out-of-home placement is required. Establish a mechanism for identifying relatives in a child's country of origin, and create working relationships with foreign consulates.
- Accelerate efforts to recruit foster families from local immigrant communities.
- Know which benefits and services are available to children and families with different legal statuses. Collaborate with community-based organizations that can provide information, counsel, and other services to immigrant families. Educate parents about their rights and the rights of their children, particularly if their children are U.S. citizens. Clarify that using government benefits to which they are entitled will not result in becoming a "public charge."
- Understand, and explain to clients, how various pleas, charges, findings, and orders can impact immigration status. An admission of child abuse, child neglect, abandonment, domestic violence, violation of a protective order, or use of a controlled substance can trigger deportation or denial of reentry—even if it was made in family court and did not lead to a criminal conviction. Defense attorneys should work with prosecutors and judges to avoid charges and pleas that unnecessarily create adverse immigration consequences for families.
- Develop relationships with immigration attorneys. Facilitate peer-to-peer support among agencies that have experience working with children in immigrant families.
- Provide families facing removal proceedings with contact information for pro bono legal assistance. Encourage the use of counsel.
- Treat unaccompanied minors as victims, not criminals. Remember that they are children.
- Advocate for restoring access to necessary social and health services, regardless of immigration status. This should include reinstating Title IV-E funding for undocumented children in out-of-home care.

Conclusion

In order to act in the best interests of children, legal and human services professionals have a duty to be informed about the various ways in which immigration laws and policies can affect child safety and family integrity. To do our clients justice, we need to be aware of how our actions, or our failure to act, can inadvertently put families at risk of deportation and dissolution—and how, conversely, their immigration status can impact outcomes within the child welfare system.

The goals of immigration law and child welfare law are often incompatible, with vulnerable children

emerging as the victims. As one observer writes, "it is simply bad policy to sacrifice children's futures on the altar of immigration control." (Thronson, 2006, p.1213). If we are knowledgeable about both systems, and the ways in which they interact, there is much we can do to help children and families avoid the potential pitfalls and maximize their opportunities for success. ◎

Author Contact Information

Sunny Harris Rome, MSW, JD
Associate Professor of Social Work
George Mason University
3300 N. Washington Blvd., MSN 1F7
Arlington, Virginia 22201
(703) 993-2072
srome@gmu.edu

References

Adoption and Safe Families Act, P.L. 105-89 (1997).

Altman, J.C. and Michael, S. (2007). Exploring the immigrant experience: An empirically based tool for practice in child welfare. *Protecting Children, 22*(2), 41-54.

Austin, L. (2006, Summer). Immigrant children and families in the foster care system. *The Connection, 22*(3), 6-13.

Bazar, E. (2008, June 25). Citizens sue after detentions, immigration raids. *USA Today.* Retrieved July 11, 2008 from http://www.usatoday.com/news/nation/2008-06-24-Immigration-raids_N.htm

Bernstein, N. (2000, Nov. 20). Family law collides with immigration and welfare rules. *The New York Times.* Retrieved June 17, 2008 from http://query.nytimes.com/gst/fullpage.html?res=9C05EEDB1F3BF933A15752C1A9669C8B63&sec=&spon=&pagewanted=2

Border Protection Anti-Terrorism and Illegal Immigration Control Act, H.R. 4437 (2005).

Borelli, K., Earner, I., and Lincroft, Y. (2007). *Protecting Children, 22*(2), 8-19.

Broder, T. (2007, Oct.). *Overview of immigrant eligibility for federal programs.* Los Angeles: National Immigrant Law Center.

Building Bridges to Benefit Youth (2006, Nov.). *Undocumented immigrant youth: Guide for advocates and service providers. Policy Brief 2.* Washington, DC: National Collaboration for Youth.

Bump, M. and Gozdziak, E. (2007). The care of unaccompanied undocumented children in federal custody: Issues and options. *Protecting Children, 22*(2), 67-83.

Capps, R. (2008). *Five questions for Randy Capps.* Washington, DC: Urban Institute.

Capps, R., Castaneda, R.M., Chaudry, A., and Santos, R. (2007). *Paying the price: The impact of immigration raids on America's children.* Washington, DC: National Council of La Raza.

Capps, R. and Fortuny, K. (2006). *Immigration and child and family policy.* Washington, DC: Urban Institute.

Capps, R.; Passel, J.S.; Perez-Lopez, D.; and Fix, M.E. (2003). *The new neighbors: A user's guide to data on immigrants in U.S. communities.* Washington, DC: Urban Institute.

Drachman, D. (1995, March). Immigration statuses and their influence on services provision, access, and use. *Social Work, 40*(2), 188-197.

Dettlaff, A.J. and Earner, I. (2007) The intersection of migration and child welfare: Emerging issues and implications. *Protecting Children, 22*(2), 3-7.

Dettlaff, A.J. and Phillips, S.D. (2007, Nov.). *Immigration enforcement considerations for child welfare systems.* Chicago: Jane Addams College of Social Work.

Dettlaff, A.J. and Rycraft, J.R. (2006). The impact of migration and acculturation on Latino children and families: Implications for child welfare practice. *Protecting Children, 21*(2), 6-21.

Feinstein, D. (2004, June 4). *Senator Feinstein questions deportation of long-term, law-abiding undocumented immigrants.* Retrieved July 11, 2008 from http://feinstein-senate.gov/04Releases/r-hutchison-ltr-removal.htm.

Ferguson, S.A. (2007, Fall). Not without my daughter: Deportation and the termination of parental rights. *Georgetown Immigration Law Journal, 22*, 85-104.

Fix, M. and Passel, J.S. (2004). *Immigration and immigrants: Setting the record straight.* Washington, DC: Urban Institute.

Fong, R. (Ed.). (2004). Culturally competent practice with immigrant and refugee children and families. New York: Guilford Press.

Haddal, C.C. (2007, March). *Unaccompanied alien children: Policies and issues.* Washington, DC: Congressional Research Service.

Homeland Security Act, 6 US.C. 279 (2004).

Hughes, T.A. (2006, July). The neglect of children and culture: Responding to child maltreatment with cultural competence, *Family Court Review, 44(3),* 501-510.

Immigration and Nationality Act, 8 U.S.C. 1252 (2005).

In re Kittridge, 714 N.Y.S.2d 653 (2000).

Junck, A. (2008, April 1). *Immigration and juvenile delinquency.* Presented at the Migration and Child Welfare National Network Second National Forum.

Kids Count (2007, March). *Data snapshot: One out of five U.S. children is living in an immigrant family.* Retrieved June 29, 2008 from www.kidscount.org.

Kinoshita, S. and Brady, K. (2005, Jan.). *Immigration Benchbook for Juvenile and Family Court Judges.* San Francisco: Immigrant Legal Resource Center.

Lincroft, Y.; Resner, J.; Leung, M.; and Bussiere, A. (2006). *Undercounted. Underserved. Immigrant and refugees families in the child welfare system.* Baltimore: The Annie E. Casey Foundation.

Migration Policy Institute (2008). *2006 American Community Survey and Census Data on the Foreign Born by State.* Retrieved July 5, 2008 from http://www.migrationinformation.org/datahub/acscensus.cfm.

National Conference of State Legislatures (2008). *2007 Enacted State Legislation Related to Immigrants and Immigration.* Retrieved June 9, 2008 from www.ncsl.org/programs/immig/2007ImmigrationUpdate.htm.

New Mexico Children's Law Center. *Child protection best practices bulletin:Working with undocumented and mixed status immigrant children and families.* Retrieved July 9, 2008 from http://ipl.unm.edu/childlaw/publications.htm.

Padilla, C.; Shapiro, E.R.; Fernandez-Castro, M.D.; and Faulkner, M. (2008, Jan.) Our nation's immigrants in peril: An urgent call to social workers. *Social Work, 53*(1), 5-8.

Passel, J. S (2005). *Unauthorized migrants: Numbers and characteristics.* Washington, DC: Pew Hispanic Center. Retrieved June 29, 2008 from http://pewhispanic.org/files/reports/46.pdf.

Personal Responsibility and Work Opportunity Reconciliation Act, P.L. 104-193 (1996).

Segal, U.A. and Mayadas. N.S. (2005, Sept./Oct.). Assessment of issues facing immigrant and refugee families. *Child Welfare, 84*(5), 563-583.

Thronson, D.B. (2008, Feb.). Custody and contradictions: Exploring immigration law as federal family law in the context of child custody. *Hastings Law Journal, 59,* 453-513.

Thronson, D.B. (2006, Spring). Choiceless choices: Deportation and the parent-child relationship. *Nevada Law Journal, 6*(3), 1165-1214.

Thronson, D.B. (2005, fall). Of borders and best interests: Examining the experiences of undocumented immigrants in U.S. family courts. *Texas Hispanic Journal of Law and Policy, 11*, 45-73.

Urban Institute (2006, May). Children of immigrants: Facts and figures. Washington, DC: Author.

U.S. Immigration and Customs Enforcement (2007). *FY07 Accomplishments.* Retrieved July 7, 2008 from www.ice.gov.

Vericker, T.; Kuehn, D.; and Capps, R. (2007). Latino children of immigrants in the Texas child welfare system. *Protecting Children, 22*(2), 20-37.

Women's Commission for Refugee Women and Children (2008). *The treatment of unaccompanied children and their families.* Retrieved on July 3, 2008 from www.womenscommission.org/projects/detention/uacc_concern.php.

New Michigan Permanency Planning Laws

by Kelly Howard

Over the summer, Governor Granholm signed into law a package of bills that will have a significant impact on child welfare proceedings. The bill package was recommended to the legislature by a workgroup created by Michigan Supreme Court Justice Maura Corrigan. The new laws took effect on July 11, 2008, the date they were signed. This article summarizes the new laws, which are organized below by bill number, as introduced in the Michigan Senate. To access the full text of each law, go to *www.legislature.mi.gov*.

SB 668 (Public Act 199 of 2008 amending MCL 712a.19b(4)(-5))

SB 668 reverses the burden of proof in termination proceedings, and also allows the court to determine whether or not to suspend parenting time when a termination of parental rights (TPR) petition is filed.

Burden of proof: The new law requires the court to find, in addition to at least one ground for termination, that termination is in the child's best interests.[1] Michigan joins 49 other states that require a finding that termination is in the child's best interests. This, essentially, requires the petitioner to prove to the court that termination is in the child's best interests, rather than requiring the parent to prove to the court that termination is *clearly not* in the child's best interest. As in most areas of litigation, the burden of proof now rests with the party that is requesting relief.

In the typical child protection case, the evidence that establishes the grounds for termination also supports an inference that termination is in the child's best interests. Thus, SB 668 will not necessarily require a different category of proof. The difference now is that the court must make the specific finding that termination is in the child's best interests.

Parenting time: The new law eliminates the automatic suspension of parenting time when a TPR petition is filed, and instead, allows the judge to determine whether to suspend parenting time. Attorneys should expect the court to consider whether there is a reasonable likelihood that abuse or neglect of the child will occur during parenting time.

SB 669 (Public Act 200 of 2008 amending MCL 712a.19a)

SB 669 directs the court to obtain the child's view of his/her permanency plan and consider out-of-state placement options, allows the court to order a guardian for a child in lieu of terminating parental rights, and aligns the timeframe for filing termination petitions with the federal Adoption and Safe Families Act (ASFA).

Child's opinion: MCL 712a.19a(3) now requires the court to obtain the child's view regarding his/her permanency plan. The law is based on the federal Child and Family Services Improvement Act of 2006, which tasks states with developing procedural safeguards to ensure that a court holding a permanency planning hearing conduct age-appropriate consultation with foster children. The law does not limit the requirement to children of a minimum age or educational level, or specify how the court must accomplish this. Courts may establish reasonable parameters for consulting with children who are nonverbal, too young, or otherwise not able to communicate regarding the permanency plan. Lawyer-guardians ad litem (LGAL) may want to discuss assisting with the development of a local court protocol that includes the LGAL providing the child's opinion to the court if the child wishes not to appear in court.

Out-of-state placement considerations: SB 669 requires the court to consider both in-state and out-of-state placement options for the child. This change was based on the federal Safe and Timely Interstate Placement Act of 2006, which requires states to consider out-of-state placement options at permanency

planning hearings, and to confirm that the agency is providing appropriate services to youth who will age out of the foster care system. SB 669 codified this federal requirement, and ensures compliance with Title IV-E requirements.

ASFA TPR filing requirements: The new law conforms to the federal "15/22 months" standard and eliminates Michigan's "12 month rule". The law now states that, at a permanency planning hearing (PPH) in which the court decides not to return the child home, the court **may** order the agency to initiate a termination petition.[2] However, the court **must** order the agency to initiate termination proceedings if the child has been in foster care for 15 out of the most recent 22 months, unless there is an exception. Exceptions include: the child is placed with a relative, the case service plan documents a compelling reason not to file a termination petition[3], or the state has not provided the family with necessary services.

Juvenile guardianship: The law creates a "juvenile guardianship" as a placement option, and allows the court to order a permanent juvenile guardianship in lieu of terminating parental rights or returning the child home. This is an alternative to the guardianships that a probate court can create under the Estates and Protected Individuals Code (EPIC)(MCL 700.5201 – MCL 700.5219). The law requires the Department of Human Services (department) to conduct a background check, child abuse central registry check, and a home study. After ordering the guardianship, the court must hold one additional 91-day review hearing, at which point jurisdiction over the child abuse/neglect case ends. The court maintains jurisdiction over the guardianship, which requires an annual review.

The law allows the court to revoke the guardianship, based on a petition by the department or the child's LGAL, or on the court's own motion. The appointed guardian may petition the court to terminate the guardianship, which may include a request for the appointment of a successor guardian. If the court revokes or terminates the guardianship, the court must appoint a successor guardian or restore temporary legal custody to the department.

SB 670 (Public Act 201 of 2008 amending MCL 712a.13b)

This law requires the agency that has care and custody of the child to notify the court and the child's LGAL before changing a child's foster care placement.[4] It also requires the notice to include essential information including (a) the reason for the change in placement, (b) the number of times the child has changed placements, (c) whether or not the child will be required to change schools due to the placement change, and (d) whether or not the change will separate or reunite siblings, or affect sibling visitation. This should mitigate the problem of LGALs only becoming aware of a placement change at the 91-day review hearings.

SB 671 (Public Act 202 of 2008 amending MCL 712a.19 (12)-(13))

SB 671 allows the department to implement concurrent planning, which is a process of working towards family reunification, while at the same time establishing a contingency plan in case the child cannot be returned home safely. The goal of concurrent planning is to ensure that children in foster care are placed in permanent homes as quickly as possible. The department is developing a concurrent planning policy that will explain how to implement this new process.

SB 672 (Public Act 203 of 2008 amending MCL 712a.19c(2))

Similar to SB 669, the law allows the court to order a juvenile guardianship as a permanent placement for a child **post termination of parental rights**. The law requires the court to have the MCI Superintendent's consent to the guardianship, and requires the MCI to consult with the child's LGAL when considering whether to grant consent. For individuals who cannot obtain the MCI's consent, there is an appeal process similar to the process for section 45 hearings under the Adoption Code.[5] This, essentially, requires the individual to prove to the court that the MCI's decision to withhold consent was arbitrary and capricious. The court may override the MCI decision and order the guardianship if it finds, by clear and convincing evidence, that the decision to withhold consent was arbitrary and capricious. ◎

Endnotes

1 Former law required the court to terminate parental rights if there was at least one ground for termination, unless the court found that terminating parental rights was clearly not in the child's best interests.

2 Previously, the law required the court to order the agency to initiate termination proceedings if the court decided at the PPH not to return the child home. This was known as the "12 month rule".

3 Compelling reasons include, but are not limited to: (a) Adoption is not the appropriate permanency goal for the child. (b) No grounds to file a petition to terminate parental rights exist. (c) The child is an unaccompanied refugee minor as defined in 45 CFR 400.111. (d) There are international legal obligations or compelling foreign policy reasons that preclude terminating parental rights.

4 Before the change in the law, the agency only had to notify the foster parents and the State Court Administrative Office of the change in the child's placement.

5 MCL 710.45.

2007-2008 DHS Bill Log

BILL NUMBER/ SPONSOR	STATUS	DESCRIPTION	LAW	DHS PROGRAM
HB 4128 Stakoe *LEG*	01/25/07 – House Judiciary	CHILD CARE – Provides a civil procedure for payment of medical or psychological care for a child who was abused or neglected by a parent.	Amends PA 236 of 1961 (CL 600.101 to 600.9947) by adding section 2977. Revised Judicature Act	CPS OFA
HB 4140 Rick Jones *DHS*	01/25/07 – To House Families	CHILD CUSTODY – Prohibits child custody to be awarded to the parent convicted of criminal sexual conduct against his or her child.	Amends Section 5, PA 91 of 1970 (CL 72.25) as amended by PA 259 of 1993. Child Custody Act	CPS OFA OCS DV
HB 4147 Lemmons *DHS*	01/30/07 – to House Families	CHILD SUPPORT DNA EVIDENCE – Provides for termination of child support obligations when DNA evidence demonstrates payer is not the biological parent.	Amends PA 295 of 1982 (CL 552.601 to 552.650) by adding section 5f. Support & Parenting Time Enforcement Act	OCS Legal
HB 4174 Pearce *DHS*	01/30/07 – To House Families	ELECTRONIC VISITATION – Allows court to order electronic visitation to parents and grand parents.	Amends Sections 7a, 7b and 11, PA 91 of 1970 (CL 722.27a, 722.27b and 722.31) as amended by PA 19 of 1996 and PA 353 of 2006 and as added by PA 422 of 2000. Child Custody Act	CPS OCS OFA Legal
HB 4256 Angerer *DHS*	02/13/07 – To House Families	CHILD CARE RATINGS – Creates a public rating system for child care centers, day care centers, family day care homes and group day care homes.	Amends PA 116 of 1973 (CL 72.11 to 722.128) by adding Section 3f. Licensing & Regulation of Child Care Organizations	BCAL Legal ECIC

BILL NUMBER/ SPONSOR	STATUS	DESCRIPTION	LAW	DHS PROGRAM
HB 4259 Condino *DHS*	02/13/07 – To House Judiciary 05/09 – Reported w/ Sub H-2	SECOND PARENT ADOPTION – Provides for second parent adoption.	Amends Sections 24 and 51, PA 288 of 1939 (CL 710.24 and 710.51) as amended by PA 487 of 2004 and PA 409 of 1996. Probate Code	Adoption Children Servs
HB 4402 Condino *CORR*	3/06/07 – To House Judiciary	JUVENILE OFFENDERS – Amends Michigan Penal Code for penalties of certain crimes of imprisonment for life without parole eligibility to exclude application to juvenile offenders.	Amends PA 328 of 1931 by adding Section 506b. Michigan Penal Code	BJJ
HB 4403 V. Smith *CORR*	03/06/07 – To House Judiciary	JUVENILE IMPRISONMENT FOR LIFE – Prohibits sentencing juveniles to imprisonment for life without parole eligibility.	Amends Sections 2d and 18, Chapter XIIA, PA 288 of 1939 as amended by PA 478 of 1998 and by PA 475 of 2004. Code of Criminal Procedure	
HB 4405 Robert Jones *CORR*	03/06/07 – To House Judiciary	JUVENILE PAROLE – Allows parole of certain juvenile offenders sentenced to imprisonment for life.	Amends Section 34, PA 232 of 1953 as amended by PA 167 of 2006. Corrections Code	BJJ
HB 4499 Jackson *CORR*	03/21/07 – to House Judiciary	JUVENILE FILES – Provides for fines against juveniles who commit certain crimes and counseling for those juveniles and their parents.	Amends PA 288 of 1939 by adding Section 18n to Chapter XIIA. Probate Code	BJJ
HB 4564 Steil *DHS*	04/05/07 – TO House Families 10/10 – referred to House Judiciary	JOINT CUSTODY MANDATE – Mandates joint custody in disputes between parents except for limited circumstances.	Amends Sec 81, PA 91 of 1970 as added by PA 434 of 1980. Child Custody Act	Child Support DV
HB 4566 Stakoe *DHS*	04/05/07 – to House Families	CHILD SUPPPORT REPAYMENT – Amends Support and Parenting Time Enforcement Act to allow repayment of child support under certain circumstances.	Amends Sec. 3, PA 295 of 1982 as amended by PA 572 of 2002 and adds Sec 20. Support & Parenting Time Enforcement Act	DV OCS
HB 4607 Clack EDU	04/18/07 –to House Families 06/27 –reported w/ rec w/sub H-2; to 2nd reading 10/10 –passed House 10/11 –to Senate Approps	CHILDREN SERVICES –provides for allocation of general and federal funds to services for parents or certain children aged 0 to 3.	Amends PA 250 of 1982 by adding Section 9a. Child Abuse & Neglect Prevention Act	CTF Children's Services

BILL NUMBER/ SPONSOR	STATUS	DESCRIPTION	LAW	DHS PROGRAM
HB 4737 Dean DHS	05/09/07 –to House Families 06/13 –Sub H-1 06/20 –passed House 06/21 –to Senate Families	PARENTAL DISCLOSURE OF RELATIVES –Implement a requirement for parental disclosure of relatives when placing a child in a home other than that of a parent.	Amends Section 13a, Chapter XIIA of PA 288 of 1939, as amended by PA 475 of 2004. Probate Code	Children's Services OFA
HB 4818 Steil DHS	05/23/07 –to House Families	CHILD CUSTODY –Include equal time for both parents as a factor in determining best interest of child.	Amends PA 91 of 1970 by amending Section 3, as amended by PA 259 of 1993. Child Custody Act	OCS DV
HB 4896 Wojno DCH	06/12/07 –to House Families 03/05/08 –Reported w/o amendments; to 2nd reading 06/27 –Sub H-2 adopted; passed House	ADOPTED INDIVIDUALS BIRTH CERTIFICATE –allows issuance of certified copy of original certificate of live birth for certain adopted individuals,	Amends section 2832 of PA 368 of 1978 (CL 333.2832) and adds section 2832a. Public Health Code	Adoption Children's Services
HB 4914-18 Dems MSP & CORR	06/13/07 –to House Judiciary 02/27/08 –Passed House 02/28 –To Senate Judiciary	HUMAN TRAFFICKING –would add human trafficking to Michigan's racketeering statute, which would allow authorities to pursue organized slave traders and those who bankroll them.	Would also allow seizure of assets of those convicted and force them to pay their victims.	
HB 4925 D. Law DHS	06/14/07 –to House Judiciary	CHILD ABDUCTION –Creates new act to allow courts to impose measures to prevent abduction of children and to establish standards for determining risk of an abduction and to provide remedies.	Creates new act, the uniform child abduction prevention act.	DV Childrens Services
HB 5050 Stakoe LEG	07/24/07 –to House Families	SELF-EMPLOYED CHILD SUPPORT –requires payers to disclose and allow friend of court to obtain information regarding bank accounts of self-employed child support payers.	Amends PA 295 of 1982 by amending section 5a (CL 552.605a), as amended by PA 572 of 2002 and by adding section 27a. Support & Parenting Time Enforcement Act	OCS
HB 5054-57 Donigan BUD	07/24/07 –to House Judiciary 09/06 –passed House 09/11 –to Senate Judiciary	SEXUAL ASSAULT VICTIMS –a package of bills designed to create funds to support services for survivors of sexual assault (SANE).		DV
HB 5186-88 Jones, Coulouris, DHS	09/07/07 –to House Judiciary 01/17/08 –Sub H-1 (5186) 02/13 –passed House; to Senate Judiciary	PROBATE, GUARDIANS & CONSERVATORS –requires court to consider liquid assets of more than certain limit.	Amends PA 286 of 1998 by amending section 5305, 5410, 5422 and 5423. Estates & Protected Individuals Code	FSS ?

BILL NUMBER/ SPONSOR	STATUS	DESCRIPTION	LAW	DHS PROGRAM
HB 5245 Bert Johnson BUD	09/19/07 –to House Labor Committee	DV UNEMPLOYMENT BENEFITS –creates an exception for domestic violence victims for disqualification from receiving benefits when leaving employment.	Amends PA 1 1936 (Ex Sess) (CL 421.1 –421.75) by adding section 28b. Michigan Employment Security Act	DV
HB 5367 Spade *DHS*	10/25/07 – to House Approps	JJ OUT-OF-STATE PLACEMENT – prohibit use of state funds for placement of juveniles out-of-state.	Amends section 18, chapter XIIA of PA 288,1939 (CL 712A.18). Probate Code	BJJ
HB 5368 Spade *DHS*	1025/07 – to House Approps	OUT-OF-STATE PLACEMENT – prohibits the use of state funds when placing a juvenile out-of-state.	Amends section 5 of PA 150 0f 1974 (CL 803.305) Youth Rehabilitation Srvs. Act	BJJ Children's Policy
HB 5418 Moolenaar *MSP*	11/07/07 – to House Transportation	SMOKING IN VEHICLE WITH CHILD – prohibits and provides penalties for possessing lit tobacco product in a motor vehicle with an individual less than 4 years of age in the vehicle	Amends PA 300 of 1949 (CL 257.1 – 257.923) by adding section 676c. Michigan Vehicle Code	
HB 5464 Calley *DHS*	11/26/07 – to House Families	PUTATIVE FATHER – requires document notarization before termination of parental rights of a putative father.	Amends section 37, Chapter X of PA 288 of 1939 (CL 710.37). Probate Code	Children's Services OFA Child Support
HB 5650 D. Robertson *DCH*	01/22/08 – To House Judiciary 04/22 – Notice to discharge committee	ABORTION PARENTAL CONSENT – Clarifies process for judicial waiver of parental consent requirement for abortion.		DV
HB 5800 Calley *LEGAL*	02/26/08 – to House Judiciary	PARENT LIABILITY – excludes parent's financial responsibility for children's acts if a parent s not reasonably able to control child.	Amends Section 2913, PA 236 of 1961 (CL 600.2913). Revised Judicature Act	CPS JJ
HB 5828 Mayes *DHS*	02/28/08 – To House Judiciary	POSTHUMOUS ADOPTIONS – Provides retroactivity for posthumous adoptions and medical assistance payments.	Amends PA 288 of 1939 (CL 710.21 – 712A.32) by adding section 56, Chapter X and to repeal the section after an order for adoption is issued under this section. Probate Code	Adoption
HB 5836 Spade *DHS*	02/28/08 – To House Oversight & Investigations	CHILD PLACEMENT – Prohibits the state from paying for services when a public ward is placed in a child placing agency or child care institution.	Amends Section 5, PA 150 of 1974 (CL 803.305) as amended by PA 517 of 1998. Youth Rehabilitation Servs. Act	BJJ FC BCAL

BILL NUMBER/ SPONSOR	STATUS	DESCRIPTION	LAW	DHS PROGRAM
HB 5910 Dean *DHS*	03/19/08 – To House Families 05/01 – Sub H-1 adopted; passed House 05/06 – To Senate Families	CHILD REGISTRY – Modifies provision for written request of documentation stating individual not named in central registry case.	Amends Section 7j, PA 238 of 1975 (CL 722.627j). Child Protection Law	
HB 5984 Ebli *DHS*	04/16/08 – To House Judiciary 04/16 – Passed House 04/22 – To House Families	CHILD ABUSE/NEGLECT – Expands requirement to report child abuse or neglect to include certain employees of organizations that received federal funding.	Amends PA 238 of 1975 by amending Section 3 (CL 722.623), as amended by PA 583 of 2006. Child Protection Law	DV Children's Servs - CPS OFA
HB 5993 Simpson *LEGAL*	04/16/08 – To House Judiciary	PATERNITY – Allows a man identified as the father by DNA testing to file a claim to revoke acknowledgement of paternity and requires prosecuting attorney to file claim.	Amends Section 11, PA 305 of 1996 (CL 722.1011). Acknowledgement of Parentage Act	OCS
HB 6089 DeRoche	05/08/08 – To House Families	FOSTER CARE TRUST FUND – Creates the foster care trust fund.	Creates new act.	
HB 6090 Spade	05/08/08 – To House Families	FOSTER CARE TRUST FUND – Provides for a foster care trust fund check off option.	Amends Section 435, PA 281 of 1967 (CL 206.435) as added by PA 133 of 2007. Income Tax Act	
HB 6131 A. Smith *DHS*	052008 – To House Families 06/18 – Reported w/ Sub H-1; to 2nd reading 06/19 – Sub H-1 adopted; passed House 06/24 – To Senate Families	ADOPTION SUBSIDY – Modifies adoption support subsidy to bring into compliance with federal IV-E standards.	Amends Sections 115g, 115i and 115j, PA 280 of 1939 (CL 400.115g, etc.) as amended by PA 193 of 2004 and PA 648 of 2002. Social Welfare Act	BCS Adoption
HB 6212 Calley *LEGAL*	06/05/08 – To House Judiciary	NAME CHANGE – Exempts requirement for notice of petition for name change to be published when it involves a minor whose non-custodial parent's rights have been terminated.	Amends Section 3, Chapter XI, PA 288 of 1939 (CL 711.3) as added by PA 111 of 2000. Probate Code	
HB 6214 Hopgood *DHS*	06/05/08 – To House Families 06/25 – Reported w/o amendment; to 2nd reading 06/27 – Passed House	DAY CARE SUBSIDY – Requires 6-month redetermination for child day care subsidies.	Amends PA 280 of 1939 (CL 400.1 to 400.119b) by adding Section 74g. Social Welfare Act	Lisa B-W
HB 6215 Johnson *DHS*	06/05/08 – To House Families 06/25 – Reported w/o amendment; to 2nd reading. 06/27 – Passed House	DAY CARE HOURS – Requires bi-weekly reporting on authorization or care hours.	Amends PA 280 of 1939 (CL 400.1 to 400.119b) by adding Section 74f. Social Welfare Act	Lisa B-W

BILL NUMBER/ SPONSOR	STATUS	DESCRIPTION	LAW	DHS PROGRAM
HB 6216 Dean *DHS*	06/05/08 – To House Families 06/25 – Reported w/o amendment; to 2nd reading 06/27 – Passed House	DAY CARE SAFETY CHECKLIST – Requires parent and provider to complete a health and safety checklist upon initial child care application.	Amends PA 280 of 1939 (CL 400.1 to 400.119b) by adding Section 74d. Social Welfare Act	Lisa B-W
HB 6217 Byrum *DHS*	06/05/08 – To House Families 06/25 – Reported w/o amendment; to 2nd reading. 06/27 – Passed House	CHILD CARE – Limits the number of children under care of day care aides or relative care providers to four.	Amends PA 280 of 1939 (CL 400.1 to 400.119b) by adding Section 74c. Social Welfare Act	Lisa B-W
HB 6218 Spade *DHS*	06/05/08 – To House Families 06/25 – Reported w/o amendment; to 2nd reading. 06/27 – Passed House	CHILD CARE ATTENDANCE RECORDS – Requires monitoring of child care time and attendance records.	Amends PA 280 of 1939 (CL 400.1 to 400.119b) by adding Section 74h. Social Welfare Act	Lisa B-W
HB 6219 Byrnes *DHS*	06/05/08 – To House Families 06/25 – Reported w/o amendment; to 2nd reading. 06/27 – Passed House	CHILD CARE TRAINING REQUIREMENTS – Provides a pilot program for certain orientation training requirements for day care aids and relative care providers.	Amends PA 280of 1939 (CL 400.1 to 400.119b) by adding Section 74b. Social Welfare Act	Lisa B-W
HB 6220 Corriveau *DHS*	06/05/08 – To House Families 06/25 – Reported w/o amendment; to 2nd reading. 06/27 – Passed House	CHILD CARE CHOICES – Provides for access to direct assistance and counseling in choosing child care and other education resources for certain individuals.	Amends PA 280 of 1939 (CL 400.1 to 400.119b) by adding Section 74e. Social Welfare Act	Lisa B-W
HB 6221 Melton *DHS*	06/05/08 – To House Families 06/25 – Reported w/ Sub H-1; to 2nd reading. 06/27 – Passed House	CHILD CARE BACKGROUND CHECKS – Provides for criminal background checks for day care aides and relative care providers upon enrollment.	Amends PA 280 of 1939 (CL 400.1 to 400.119b) by adding Section 74a. Social Welfare Act	Lisa B-W
HB 6233 Spade	06/10/08 – To House Families	FC MEDICAL SERVICES – Allows foster parents to authorize non-emergency medical procedures for foster children.	Amends Section 14a, PA 116 of 1973 (CL 722.124a) as amended by PA 396 of 1984. Licensing & Regulation of Child Care Organizations	BCW OFA BCAL Legal
HB 6264 Byrnes *DHS*	06/19/08 – To House Families	PARENTAL RIGHTS – Expands conditions involving termination of parental rights.	Amends Section 19b, Chapter XIIA, PA 288, 1939 (CL 712A.19b) as amended by PA 232, 2000.	

BILL NUMBER/ SPONSOR	STATUS	DESCRIPTION	LAW	DHS PROGRAM
HB 6265 Espinoza *DHS*	06/19/08 – To House Families	GRANDPARENTS – Provides for great-grandparenting time.	Amends Section 2 and 7b, PA 91, 1970 (CL 722.22 and 722.27b) as amended by PA 327, 2005 and PA 353, 2006.	
HB 6281 Ebli *LEGAL*	06/25/08 – To House Judiciary	PROTECTION ORDER – Allows victims of criminal sexual conduct to petition for personal protection orders.	Amends Section 2950a, PA 236 of 1961 (CL 600.2950a) as amended by PA 201 of 2001. Revised Judicature Act	DV
HB 6285 Meekhof *DLEG*	06/26/08 – To House Regulatory Reform Committee	CHILD SAFETY – Provides for certain child safety requirement for facilities that provide child care.	Amends PA 230 of 1972 (CL 125.1501 to 125.1531) by adding Section 4e. Stille-DeRossett-Hale Single State Construction Code Act	BCAL
HB 6287 Wojno *DHS*	06/27/08 – To House Families	ADOPTION RECORDS – Allows access to certain adoption records unless a denial on record.	Amends Sections 27b and 68, Chapter X, PA 288 of 1939 (CL 710.27b and 710.68) as added by PA 208 of 1994 and amended by PA 373 of 1994.	

BILL NUMBER/ SPONSOR/	STATUS	DESCRIPTION	LAW	DHS PROGRAM
SB 0006 Brater *CORR*	01/10/07 – to Senate Judiciary	JUVENILE LIFE SENTENCE – prohibits sentencing a juvenile to imprisonment for life without possibility of parole.	Amends Sections 1 and 1b of Chapter IX of PA 175, 1927 (CL 769.1 and 769.1b) as amended by PA 87, 1999, and PA 520, 1998. Code of Criminal Procedure	BJJ
SB 0009 Brater *CORR*	01/10/07 – to Senate Judiciary	JUVENILE LIFE SENTENCE – allows parole for some juveniles sentenced to imprisonment for life.	Amends section 34 of PA 232, 1953 (CL 791.234) as amended by PA 167,2006. Corrections Code	BJJ

BILL NUMBER/ SPONSOR/	STATUS	DESCRIPTION	LAW	DHS PROGRAM
SB 0028 Switalski *CORR*	01/24/07 – Senate Judiciary	JUVENILE SENTENCING – amends probate code to prohibit sentencing juvenile to imprisonment for life without parole.	Amends sections 2d and 18 of Chapter XIIA of PA 288, 1939 (CL 712.2d and 712A.18) as amended by PA 478, 1998 and by PA 475, 2004. Probate Code	BJJ
SB 0034 Switalski *LEG*	01/24/07 – Senate Judiciary	SUPPORT – eliminates need for pre-sentence report for non-payment of support.	Amends section 14 of Chapter XI of PA 175, 1927 (CL 771.14) as amended by PA 279, 2000. Code of Criminal Procedure	OCS, DV
SB 0040 Scott *CORR*	01/24/07 – Senate Judiciary	JUVENILE SENTENCING – prohibits imprisonment for life without parole to juvenile offenders.	Amends PA 328, 1931 (CL 750.1 - .569) by adding section 506b. Michigan Penal Code	BJJ
SB 0082 McManus *MSP*	01/25/07 – Senate Transportation	CHILD CAR SEATS – requires use of child safety restraint system or booster seats for children under age 8.	Amends section 710e, PA 300, 1949 (CL 257.710d) as amended by PA 29, 1999. Michigan Vehicle Code	
SB 0094 Switalski *EDU*	02/13/07 – to Senate Approps 04/26 – passed Senate; to House Approps	STRICT DISCIPLINE ACADEMIES – revise provisions regarding financial responsibility for certain children enrolled in strict discipline academies.	Amends section 1311g of PA 451 of 1976 (CL 380.1311g). Revised School Code	
SB 0097 **Hardiman** ***DHS*** **PA 15 2008** **Effective 06/01/08**	**02/15/07 – House Families** **02/13 – passed Senate; to House Families Committee** **01/30/08 – reported w/Sub H-1; referred to 2nd reading** **02/14 – passed House** **02/21 – ordered enrolled** **03/04/08 – PA 15 2008**	**CHILD DAY CARE COMPLAINTS – requires licensees and registrants of child care centers to notify parents of complaints of rule violations and investigations.**	**Amends PA 116, 1973 (CL 722.111-722.128) by adding sections 3f and 5h.** **Child Care Organization Act**	**BCAL** **Legal**
SB 0141 VanWoerkom *DHS*	01/31/07 – to Senate Families	CHILD ADVOCATES – provides for court-appointed special advocates.	Creates new act.	CPS, OFA, Legal

BILL NUMBER/ SPONSOR/	STATUS	DESCRIPTION	LAW	DHS PROGRAM
SB 0155 Brown *DHS* PA 16 2008 Effective 06/01/08	**02/01/07 – to Senate Families 02/13 – passed Senate; to House Judiciary 02/14 – H-1; passed House 02/21 – ordered enrolled 03/04/08 – PA 16 2008**	**CHILD CARE SELF-REPORTING – makes it a crime for a child care center to fail to self-report criminal background checks.**	**Amends section 15g of Chapter XVII of PA 175 of 1927 (CL 777.15g) as amended by PA 134, 2005. Code of Criminal Procedure**	**BCAL**
SB 0158 Jelinek *MSP*	02/06/07 – to Senate Families 09/12 – discharged; to Senate Judiciary	CHILD ABUSE – includes in definition of child abuse the commission of an act likely to cause physical harm.	Amends section 136b, PA 328, 1931, a amended by PA 273, 1999. Michigan Penal Code	CPS, OFA, Legal, DV
SB 0166 Jelinek *BUD* PA 3 2007 Effective 03/19/07	**02/06/07 – to Senate Approps 02/14 – passed Senate; to House Approps 02/27 – passed Senate; to House Approps 02/27 – passed House 03/07 – Sub H-4 adopted; passed House**	**SUPPLEMENTAL – provides supplemental appropriations for certain fiscal years.**		
SB 0170 Clark-Coleman *DHS*	02/06/07 – to Senate Families 06/26/08 – Passed Senate Sub S-2; to House Families	GUARDIANSHIP ASSISTANCE – establishes guardianship assistance act.	Creates new act. Relative Guardianship Assistance	CPS, FC, OFA, Legal, Adoption
SB 0171 Clark-Coleman *DHS*	02/06/07 – to Senate Families	RELATIVE CARE AID – amends Social Welfare Act to require same level of state financial support for relative care as for foster care.	Amends Sections 18c, 55 and 115b, PA 280, 1939 (CL 400.18c, 400.55 and 400.115b) as amended by PA 516, 1998 and PA 193, 2004 and adds Section 18b. Social Welfare Act	FC, OFA, Legal, Outstate
SB 0172 Clark-Coleman *DHS*	02/06/07 – to Senate Families	RELATIVE FOSTER CARE – prohibits removal by state of child under relative's care under certain circumstances.	Amends PA 288, 1939 (CL 710.21 to 712A.32) by adding Section 11a to Chapter XIIA. Probate Code	OFA, CPS, FC, Legal, Outstate

BILL NUMBER/ SPONSOR/	STATUS	DESCRIPTION	LAW	DHS PROGRAM
SB 0183 Sanborn *DHS*	02/07/07 – to Senate Families 02/28 – to Committee of Whole 03/13 – passed Senate; to House Families	CHILD ABUSE NATIONAL DATABASE – complies with Federal requirement to submit central registry cases to national database.	Amends section 7, PA 238, 1975 (CL 722.627) as amended by PA 621, 2006. Child Protection Law	OFA, CPS, Legal
SB 0271 **Van Woerkom** ***DHS*** **PA 218 2007** **Effective 01/01/07**	**02/22/07 – to Senate Families; voted out** **03/14 – reported by committee of the whole s/Sub S-1** **03/15 – passed Senate** **12/13 – passed House**	**FOSTER CARE BACKGROUND CHECK – requires background check on foster care providers and applicants of adult residents of foster care homes.**	**Amends Sections 5 and 5e, PA 116 of 1973 as amended by PA 580, 2006 and PA 133, 2005 and adds Section 5h and 5i.** **Same as HB 4477** **Licensing & Regulations of Child**	**OCAL, Legal, FC, OFA**
SB 0273 **Hardiman** ***DHS*** **PA 46 2008** **Effective 03/27/08**	**02/22/07 – to Senate Families; voted out 02/28 0 to Committee of the Whole** **03/13 – passed Senate; to House Families** **01/30/08 – To 2nd reading** **03/13 – Passed House** **03/18 – Ordered enrolled** **03/25 – presented to Gov** **04/15/08 – PA 46 '08**	**CHILD ABUSE REPORTS – amends Child Protection Law to clarify procedure for follow-up to report of child abuse or neglect that involves a licensed or registered facility or home.**	**Amends Section 8, PA 238 of 1975 as amended by PA 630, 2006.** **Child Protection Law**	**OFA, Children's Services, OCAL, Legal**
SB 0476 Jansen *DHS*	05/03/07 – to Senate Families 05/30 – reported favorably w/o amendment 06/13 – passed Senate; to House Families	CHILD CUSTODY – allows court to gather additional evidence for court review of arbitrator's decision on custody	Amends Section 5080, PA 236 of 1961, as added by PA 420 of 2000. Revised Judicature Act	OCS
SB 0477 Jansen *DHS*	05/03/07 – to Senate Families 05/30 – reported favorably w/o amendment 06/13 – passed Senate; to House Families	CHILD CUSTODY – requires courts to resolve child custody disputes that have been arbitrated to resolve in accordance with domestic relations arbitration provisions of the RJA.	Amends PA 91 of 1970 by amending Section 4. Child Custody Act	OCS
SB 0485 Kuipers *LEG*	05/09/07 – Senate Judiciary 12/12 – Passed Senate; to House Judiciary	JUVENILE SENTENCING – Provides technical amendments to sentencing.	Amends Section 1 of Chapter IX of PA 175 of 1927 (CL 769.1) as amended by PA 87, 1999. Code of Criminal Procedure	

BILL NUMBER/ SPONSOR/	STATUS	DESCRIPTION	LAW	DHS PROGRAM
SB 0488 Jacobs *EDU*	05/09/07 – to Senate Educ	TRUANCY – requires adoption and implementation by schools and prosecutors of local truancy policies.	Amends Section 1599, PA 451 of 1976 (CL 380.1599) and adds section 1590. Revised School Code	BJJ
SB 0489 Jacobs *EDU*	05/09/07 – to Senate Education	TRUANCY – revised procedures in Family Division of Circuit Court for truant juveniles and gives court jurisdiction over parents and guardians of truants.	Amends Sections 2, 6, 6a and 11. Chapter XIIA, PA 288 of 1939 (CL 712A.2, etc.) and adds Sections 11a and 17e to Chapter XIIA. Probate Code	BJJ
SB 0506 McManus *LEG*	05/16/07 – to Senate Families	ESTABLISH PATERNITY – circumstances under which a putative father may sue to establish paternity of a child born to a married woman.	Amends Sections 1, 4 and 6, PA 205 of 1956, and Sections 1 and 6 as amended by PA 31 of 2000 and Section 4 as amended by PA 113 of 1998. The Paternity Act	OCS
SB 0511 Jelinek *BUD*	05/17/07 – to Senate Approps 09/23 – passed Senate 09/23 – House referred to 3rd reading – DENIED 10/09 – to House Approps 11/06 – Passed House 03/20/08 – Sub S-2 adopted; passed Senate 04/24 – Sub S-2 concurred as Sub H-9; returned to Senate	Multi-department supplemental for FY 2007.	Creates appropriations act	Budget
SB 0543 Barcia *DHS*	05/25/07 – to Senate Families	CPS APPEALS PROCESS – provides for an appeal process under the decision of the superintendent.	Amends PA 220 of 1935 (CL 400.201 to 400.214) by adding section 5b. Family Home Care	Children's services OFA Field Ops
SB 0553 Pappageorge *DHS*	05/25/07 – to Senate Families	INTERNET CHILD SUPPORT PAYMENT – requires the Office of Child Support to establish a system for payment of support over the internet.	Amends Section 6 of PA 175 of 1971, as amended by PA 548 of 2004. Office of Child Support Act	OCS

BILL NUMBER/ SPONSOR/	STATUS	DESCRIPTION	LAW	DHS PROGRAM
SB 0592 Olshove *DCH*	06/19/07 – to Senate Families	ADOPTED INDIVIDUALS BIRTH CERTIFICATE – allows issuance of certified copy of original certificate of live birth to certain adopted individuals.	Amends section 2832, PA 368 of 1978 (CL 333.2832) and adds section 2832a. Same as HB 4896. Public Health Code	Adoption Services
SB 0666 Whitmer *DHS*	08/01/07 – to Senate Judiciary	SECOND PARENT ADOPTION – provides for second parent adoption	Amends sections 24 and 51, PA 288 of 1939 (CL 10.24 and 710.51) as amended by PA 487 of 2004 and PA 409 of 1996. Probate Code	Adoption DV
SB 0668 **Hardiman** ***DHS*** ***PA 199 2008*** ***Effective*** ***07/11/08***	**08/01/07 – to Senate Families** **10/03 – passed Senate; to House Families** **06/26/08 – Passed House;** **06/27 – Ordered Enrolled** **07/17/08 – PA 199 2008**	**PARENTAL RIGHTS TERMINATION – clarifies termination of parental rights and parenting time.**	**Amends Section 19b of Chapter XIIA, PA 288 of 1939 (CL 712A.19b) as amended by PA 232 of 2000.** **Probate Code**	**OFA Childrens Services**
SB 0669 **Jansen** ***DHS*** ***PA 200 2008*** ***Effective*** ***07/11/08***	**08/01/07 – to Senate Families** **10/03 – passed Senate; to House Families** **06/26/08 – Sub H-1 passed House; returned to Senate** **06/27 = Ordered enrolled** **07/17/08 – PA 200 2008**	**CHILD PLACEMENT – Clarifies foster care permanency plan and permanent placement of a child.**	**Amends Section 19a of Chapter XIIA, PA 288 of 1939 (CL 712A.19a) as amended by PA 473 of 2004.** **Probate Code**	**OFA Childrens Services**
SB 0670 **Jacobs** ***DHS*** ***PA 201 2008*** ***Effective*** ***07/11/08***	**08/01/07 – to Senate Families** **10/03 – passed Senate; to House Families** **06/26/08 – Passed House; returned to Senate** **06/27 – Ordered enrolled** **07/17/08 – PA 201 2008**	**PARENTAL RIGHTS TERMINATION – revises notice regarding termination of parental rights.**	**Amends 13b of Chapter XIIA, PA 288 of 1939 (CL 712A.13b) as amended by PA 475 of 2004.** **Probate Code**	**OFA Childrens Services**

BILL NUMBER/ SPONSOR/	STATUS	DESCRIPTION	LAW	DHS PROGRAM
SB 0671 **Kahn** ***DHS*** ***PA 202 2008*** ***Effective*** ***07/11/08***	**08/01/07 – to Senate Families** **10/03 – passed Senate; to House Families** **06/26/08 – Passed House; returned to Senate** **06/27 – Ordered Enrolled** **07/17/08 – PA 202 2008**	**CHILD PERMANENCY PLAN – allows alternative permanency plan to be made concurrently with reasonable efforts to reunify a foster child and family.**	**Amends Section 19 of Chapter XIIA, PA 288 of 1939 (CL 712A.19) as amended by PA 447 of 2004.** **Probate Code**	**OFA Childrens Services**
SB 0672 **Jansen** ***DHS*** ***PA 203 2008*** ***Effective*** ***07/11/08***	**08/01/07 – to Senate Families** **10/03 – passed Senate; to House Families** **06/26/08 – Sub H-1 passed House; returned to Senate** **06/27 – Ordered Enrolled** **07/17/08 – PA 203 2008**	**PERMANENCY PLAN REVIEW – requires review of foster child permanency plan**	**Amends 19c of Chapter XIIA, PA 288 of 1939 (CL 712A.19c) as amended by PA 476 of 2004.** **Probate Code**	**OFA Childrens Services**
SB 0760 Jelinek *CORR*	09/12/07 – to Senate Judiciary	THIRD DEGREE CHILD ABUSE – revises sentencing guidelines for child abuse in the third degree to reflect citation change.	Amends section 16g, Chapter XVII of PA 175 of 1927 (CL 777.16g). Code of Criminal Procedure	
SB 0879 Garcia *DHS*	11/06/07 – to Senate Families	CHILDREN'S DAY – designates the third Sunday in September as "Children's Day."	Creates new act Creates new act	Children's policy
SB 1059 Cropsey *DCH*	01/24/08 – to House Judiciary 03/11 – Passed Senate; to House Judiciary 04/22 – Discharged committee	PARENTAL CONSENT WAIVER – clarifies process for judicial waiver of parental consent requirements regarding abortion procedures on minors.	Am. Secs. 3 and 4 of PA 211, 1990 (CL 722.903 and 722.904). Parental Rights Restoration Act	DV
SB 1365 George *DHS*	06/03/08 – To Senate Families	CHILD CARE DEATH – Allows state to permanently revoke the license or registration of a child care center if a child dies in the center and it is determined the death was due to a licensing violation.	Amends Section 11 of PA 116 of 1973 (CL 722.121) as amended by PA 232 of 1980. Child Care Organizations	BCAL

BILL NUMBER/ SPONSOR/	STATUS	DESCRIPTION	LAW	DHS PROGRAM
SB 1411 VanWoerkom *DHS*	06/24/08 – To Senate Families	CHILD CUSTODY RECOMMENDATIONS – Modifies requirements for when investigation and recommendations are made on child custody and parenting time.	Amends Section 5, PA 294 of 1982 (CL 552.505) as amended by PA 571 of 2002. Friend of the Court Act	OCS DV
SB 1418 Jansen *DHS*	06/26/08 – To Senate Families	CHILD PROTECTION – Requires coordination between FOC and DHS on child protection services.	Amends Sections 7 and 8, PA 238 of 1975 (CL 722.627 and 722.628) as amended by PA 621 of 2006 and PA 46 of 2008. Child Protection Law	
SB 1419 Hardiman *DHS*	06/26/08 – To Senate Families	CHILD PROTECTION – Amends the FOC Act to require coordination between FOC and DHS on CPS issues.	Amends Section 20, PA 294 of 1982 (CL 552.520) as added by PA 266 of 1996. Friend of the Court Act	
SB 1420 Cropsey *DHS*	06/26/08 – To Senate Families	CHILD TORTURE – Modifies definition of child torture.	Amends Sections 3 and 18, PA 238 of 1975 (CL 722.623 and 722.638) as amended by PA 583 of 2006 and PA 428 of 1998. Child Protection Law	
SB 1421 Kahn *DHS*	06/26/08 – To Senate Families	CHILD INVESTIGATION CHECKLIST – Requires development and use of a child protection investigation checklist by DHS.	Amends PA 238 of 1975 (CL 722.621-722.638) by adding Section 8e. Child Protection Law	
SB 1423 Jansen *DHS*	06/26/08 – To Senate Families	FRIEND OF THE COURT – Makes miscellaneous revisions to FOC Act.	Amends Sections 2, 2a, 3, 4, 4c, 5, 9a, 11a, 13, 15, 17, 17b, 19, 27 and 28, PA 294 of 1982 as amended by PA 210 of 2004, PA 551 of 1998, PA 571 of 2002, PA 150 of 1999, PA 569 of 2002, PA 207 of 2004 and PA 365 of 1996 and adds section 17f. Friend of the Court Act	

BILL NUMBER/ SPONSOR/	STATUS	DESCRIPTION	LAW	DHS PROGRAM
SB 1424 Jansen *DHS*	06/26/08 – To Senate Families	PARENTING TIME – Modifies enforcement by FOC of parenting time duties.	Amends Sections 2, 3, 3a, 5b, 5c,5d, 5e, 7, 9, 24, 25a, 28, 29, 30, 31, 33, 35, 39, 44, 45, 46 and 48, PA 295 of 1982. Support & Parenting Time Enforcement Act	
SB 1425 Jansen *DHS*	06/26/08 – To Senate Families	DOMESTIC RELATIONS MEDIATION – Revises reference in Child Custody Act to domestic relations mediation to reflect changes in FOC Act.	Amends Section 7b, PA 91 of 1970 (CL 722.27b) as amended by PA 353 of 2006. Child Custody Act	
SB 1426 Garcia *MSP*	06/26/08 – To Senate Families	CHILD SUPPORT PENALTY – Revises procedures for suspension and reinstatement of driver license due to child support arrearage.	Amends Section 321c, PA 300 of 1949 (CL 257.321c) as added by PA 240 of 1996. Michigan Vehicle Code	
SB 1427 Jansen *LEGAL*	06/26/08 – To Senate Families	DOMESTIC RELATIONS FEES – Provides for consolidated fees from divorce, paternity and family support acts.	Amends Sections 2137, 2529 and 2538, PA 236 of 1961 (CL 600.2317, 600.2529 and 600.2538) as amended by PA 76 of 2001, PA 205 of 2004 and PA 178 of 2003. Revised Judicature Act	
SB 1428 Jansen *DHS*	06/26/08 – To Senate Families	CHILD SUPPORT FUND – Eliminates child support bench warrant enforcement fund and provides for contracting of services through state county administrative office for child support.	Amends Sections 3 and 3a, PA 174 of 1971 (CL 400.233 and 400.233a) as amended by PA 564 of 2002 and PA 112 of 1998; repeals Section 6a, PA 174 of 1971 (CL 400.236a). Office of Child Support Act	
SB 1429 Scott *DHS*	06/26/08 – To Senate Families	CHILD SUPPORT COLLECTION – Revises collection and distribution of child support provision in divorce law.	Amends Sections 23 and 24, PA 84, RS 1846 (CL 552.23 and 552.24) as amended by PA 159 of 1999. Of Divorce	

BILL NUMBER/ SPONSOR/	STATUS	DESCRIPTION	LAW	DHS PROGRAM
SB 1430 Jacobs *DHS*	06/26/08 – To Senate Families	PATERNITY – Revises collection and distribution of child support provisions and allows FOC to prosecute certain paternity actions.	Amends Sections 4 and 19a, PA 205 of 1956 (CL 722.714 and 722.729a) as amended by PA 113 of 1998 and PA 157 of 1999; repeals Section 19, PA 205 of 1956 (CL 722.729). Paternity Act	
SB 1431 Hardiman *DHS*	06/26/08 – To Senate Families	CHILD SUPPORT – Revises collection and distribution of child support provision in family support act and allows FOC to prosecute family support actions.	Amends Section 2, 4, and 8a, PA 138 of 1966 (CL 552.452, 552.454 and 552.458a) as amended by PA 574 of 2002 and PA 158 of 1999; repeals section 7, PA 138 of 1966 (CL 552.457). Family Support Act	
SB 1435 Clarke *DCH*	06/28/08 – To Senate Transportation	FREE BIRTH CERTIFICATE – Provides for free certified copy of birth certificate for indigent persons.	Amends Section 2891, PA 368 of 1978 (CL 333.2891). Public Health Code.	

The Michigan Child Welfare Law Journal Call for Papers

The editorial board of *The Michigan Child Welfare Law Journal* invites manuscripts for a special issue regarding current issues in the field of juvenile delinquency. The *Journal* takes an interdisciplinary approach to child welfare, as broadly defined to encompass those areas of law that directly affect the interests of children. The editorial board's goal is to ensure that the *Journal* is of interest and value to all professionals working in the field of child welfare, including social workers, attorneys, psychologists, and medical professionals. The *Journal's* content focuses on practice issues and the editorial board especially encourages contributions from active practitioners in the field of child welfare. All submissions must include a discussion of practice implications for legal practitioners.

The main text of the manuscripts must not exceed 20 double-spaced pages (approximately 5000 words). The deadline for submission is January 15, 2009. Manuscripts should be submitted electronically to *kozakiew@msu.edu*. Inquiries should be directed to:

Joseph Kozakiewicz, Editor
The Michigan Child Welfare Journal
School of Social Work
238 Baker Hall
Michigan State University
East Lansing, MI 48823
kozakiew@msu.edu
(517)432-8406

National Association of Counsel for Children

Protecting Children and Promoting Their Well-being Through Excellence in Legal Advocacy

The NACC is a nonprofit child advocacy and professional membership association dedicated to representation and protection of children in the legal system. Founded in 1977, the NACC is the only national association of its kind. The NACC provides training and technical assistance to child advocates and works to improve the child welfare and juvenile justice systems. If you work with children as an attorney, judge, administrator, care provider, physician, therapist, social worker, teacher, law enforcement officer, or are simply a concerned citizen and want to improve your effectiveness while improving the system, the NACC is your organization. *Join us today!*

Member Benefits

- Toll-free and internet access to NACC Child Advocacy Resource Center
- Subscription to the NACC's quarterly publication, *The Guardian*
- Discounts on publications include *The Children's Legal Rights Journal*, NACC annual *Children's Law Manuals* and *Child Welfare Law and Practice*
- Access to the NACC Listserv information exchange
- Public policy and legislation updates
- Discounts on conferences and trainings

Your Dues Also Support

- **Amicus Curiae**
- **Speakers/Training Bureau**
- **Public Policy Advocacy**
- **Standards of Practice**
- **Youth Empowerment**
- **Outstanding Legal Advocacy Award**
- **Student Essay Competition**
- **Children's Attorney Certification**
- **National Children's Law Office Project**

NACC – Membership Application

I wish to become a member.

INDIVIDUAL MEMBERSHIPS:

☐ Regular $80 ☐ Supporting $100* ☐ Patron $250*
☐ Student $40 ☐ Sustaining $150* ☐ Lifetime $2500*

*Includes special thank you listing in The Guardian.

☐ I would like $10 of my membership dues to support my local NACC affiliate.

GROUP MEMBERSHIPS:

Group memberships are available at a significant discount. Please contact the NACC for more information.

☐ **Please send information on establishing an affiliate.**

Make Check Payable to: NACC

Mail to: National Association of Counsel for Children
1825 Marion Street, Suite 242
Denver, CO 80218

Telephone: Office: 303-864-5320 • Fax: 303-864-5351

Federal Tax ID#: 84-0743810

All but $80 of your membership fee is tax-deductible.

NAME _____

FIRM OR AGENCY _____

ADDRESS _____

CITY / STATE / ZIP _____

PHONE _____ FAX _____

E-MAIL _____

OCCUPATION _____

ETHNICITY (OPT.) _____

☐ **Enclosed is my check in the amount of $** _____

☐ **Please charge my** ☐ VISA ☐ MasterCard

NAME ON CARD (PLEASE PRINT) _____

CARD NUMBER _____

SIGNATURE _____ EXP. DATE _____

SBM
State Bar of Michigan
Michael Franck Building
306 Townsend Street
Lansing, MI 48933-2012

www.michbar.org

NON-PROFIT
U.S. POSTAGE PAID
LANSING, MI
PERMIT NO. 191