



**House
Legislative
Analysis
Section**

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FOSTER CARE REVIEW BOARDS

House Bill 4798 as introduced
Sponsor: Rep. Bill Martin

House Bill 4800 as introduced
Sponsor: Rep. Debbie Stabenow

House Bill 4801 (Substitute H-1)
Sponsor: Rep. Debbie Stabenow

Mich. State Law Library

First Analysis (5-17-89)
Committee: Judiciary

H.B. 4798, 4800 & 4801 (5-17-89)

THE APPARENT PROBLEM:

Originally developed as a pilot program in a few counties, the foster care review board program was established statewide in statute by Public Act 422 of 1984. Under the program, citizen boards in various counties review cases of children who have been in foster care for more than six months, with an eye toward finding permanent placements for children in danger of "drifting" in the foster care system. Boards are required in counties where a certain number of children have been in foster care over six months, and are formed elsewhere upon agreement between the juvenile court, county department of social services, and the review board program director (a person appointed by the state court administrator). While the local boards have no direct authority, they can make recommendations.

The enabling legislation for the program is scheduled to expire on October 1, 1989. Advocates of the program cite many examples of children helped by the attention given their cases by their local review boards, and urge that the program be made permanent. To ensure that review boards do not proliferate where unneeded, and that the best use is made of limited funds, the state court administrator suggests that establishment of boards be subject to the approval of the administrator. Various other amendments have been proposed to improve the program.

THE CONTENT OF THE BILLS:

The bills constitute a package of bills that, among other things, would eliminate the October 1, 1989 expiration date for 1984 legislation that established foster care review boards. The bills are not tie-barred.

House Bill 4801, the primary bill of the package, would amend the foster care review board act, Public Act 422 of 1984. It would lodge responsibility for administration of the program with the state court administrator, authorize the creation of multicounty review boards, provide for review of boards and termination of state support, allow boards to review cases of children who had been in foster care for less than six months, and limit the number of boards in any one county to ten. The act's October 1, 1989 expiration date would be repealed. A more detailed explanation follows.

Program administration. The act at present provides for a program director to be selected by the state court administrator; the bill would instead specify the state court administrator as the person to perform various executive functions, and the state court administrative office as the

entity administering the program. (Note: There are several places where the bill fails to replace "director" with "state court administrator.")

Limits of review. The act limits its review to foster care cases where the child has been in foster care for over six months; the bill would extend the program to all children in foster care who had been assigned to a review board. In addition, the bill would explicitly authorize review of permanent wards of the court.

Review boards. The bill would retain provisions that require the establishment of a board when a minimum number of children were in foster care over six months. However, a county could not have more than ten local foster care review boards. A county with fewer than 100 children in foster care could create a single local board or join with other such counties to form a multicounty board. Either way, the arrangement would have to meet the approval of the state court administrator and the county social services departments and juvenile judges involved. If the state court administrator determined that a local board need not be created in a certain county or that there were insufficient funds available to create a local board, a local board could not be created in that county. Three years after a local board was created, the state court administrative office would determine whether it would continue to provide support to that local board.

Board members, meetings. The term of a board member would be reduced from four to three years. Language exempting case reviews from the open meetings act would be deleted.

Program evaluation. The state court administrator could reevaluate the state board program and make recommendations to the legislature that the program be terminated or placed under the jurisdiction of the legislative or executive branch.

MCL 722.131 et al.

House Bills 4798 and 4801 would make complementary amendments to the child care licensing act (MCL 722.115) and the juvenile code (MCL 712A.17 et al.), respectively.

FISCAL IMPLICATIONS:

According to the state court administrative office, the bills' fiscal impact would be negligible. (5-17-89)

ARGUMENTS:

For:

The bills would maintain and improve a program that has helped many children in foster care find appropriate care and placement. By extending review to permanent wards

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and children in foster care less than six months, House Bill 4801 would ensure that more children are helped earlier in their placement in the system. Better, more permanent homes could be provided to permanent wards. Earlier review of other cases could prevent problems with children "drifting" in the system, and could hasten permanent placement or reuniting of families.

Various amendments — for example, capping the number of review boards at ten per county, allowing the state court administrator to discontinue boards where necessity or funding was lacking — would help to keep the program within the bounds of its appropriation and ensure that funding for boards was directed where most needed. Restoring the previously-existing ten-per-county limit would curtail expenditures while allowing an adequate sample of foster care cases to be reviewed. Lodging executive authority with the state court administrator would better integrate the program in the state court administrative office, while still allowing decision-making to be delegated. Overall, various administrative changes would help to maintain a coherent and well-planned program in light of a limited budget.

Against:

The program may well be worth maintaining, but the lack of outside review makes it difficult to assess the program's effectiveness. An impartial review of the program, perhaps done by a private entity under contract, could help to point out the program's strengths and weaknesses, thus assisting decisions on the program.

POSITIONS:

The State Court Administrative Office supports the bills. (5-17-89)

The Foster Care Review Board Advisory Committee supports the bills. (5-17-89)

The Michigan Probate Judges Association is supportive of the bills. (5-16-89)

The Office of Children and Youth Services supports the bills, providing some sort of outside review is made. (5-17-89)

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