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BILL ANALYSIS

Senate Fiscal Agency

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Senate Bills 326, 327, and 328

Sponsor: Senator Lana Pollack (Senate Bill 326)
Senator Chris Dingell (Senate Bill 327)
Senator Jack Welborn (Senate Bill 328)

Committee: Human Resources and Senior Citizens

Date Completed: 4-25-89

SUMMARY OF SENATE BILLS 326, 327, and 328 as introduced 4-18-89:

Senate Bills 326, 327, and 328 would amend acts pertaining to foster care review boards, the probate court, and child care organizations to eliminate the position of Director of the State Foster Care Review Board Program and delegate the director's duties and responsibilities to the State Court Administrator, and remove the expiration dates on provisions concerning the involvement of foster care review board members in Probate Court hearings and their right to access records. More detailed descriptions of the bills are provided.

Senate Bill 326 would amend Public Act 422 of 1984, which established the Foster Care Review Board and a network of local foster care review boards, to eliminate the position of director and delegate the director's duties and responsibilities to the State Court Administrator. (The review board is housed within the State Court Administrative Office and the Administrator currently selects the director.) Further, the bill provides that the State Court Administrator could reevaluate the State board program and recommend to the Legislature that the program be terminated or placed under the jurisdiction of the Legislative or Executive branch.

In addition, the bill would amend the Act's provisions concerning the establishment of foster care review boards in certain counties. Currently, a county with 100 or more children in foster care must have a local foster care review board unless, in the preceding fiscal year, not less than the minimum acceptable percentage of children in foster care (to be determined by the director, but not less than 40%) achieved a foster care "event" (i.e., the child was returned to a parent or relative, or placed with a permanent foster family or independent living situation, or a petition was filed on behalf of the child for termination of parental rights) within six months after admission into foster care. A local foster care board must be terminated if the county reaches the minimum acceptable foster care performance standard and maintains it for two consecutive State fiscal years.

The bill would delete these provisions and specify instead that if a county had less than 100 children in foster care, the county could either create a single county local board or join with another county or counties with less than 100

children in foster care to create a multi-county local board under the following conditions:

- For a single county local board, upon agreement of the State Court Administrator, judge of the juvenile division of the Probate Court, and county board of social services.
- For a multi-county local board, upon agreement of the State Court Administrator, judge of the juvenile division of Probate Court for each county, and the county board of social services of each county.

If the State Court Administrator determined that a local board did not have to be created in a certain county or that there were insufficient funds available to create a local board in a certain county, a local board could not be created. A county would be prohibited from having more than 10 local foster care review boards.

Three years after a local board was created, the State Court Administrative Office would be required to review the local board to determine whether it should continue to provide support to the local board, and act accordingly.

The bill would decrease from four years to three years the membership terms for foster care review board members and would specify that of the initial members, three would serve three-year terms (rather than the currently provided two-year terms) and two would serve two-year terms (rather than the currently provided four-year terms).

The bill would delete the requirement that local boards hold meetings that are open to the public except when the board is conducting children's case reviews. Further, the bill would delete a provision requiring an annual report of the State board program to be issued specifically to the Governor, Legislature, juvenile division of the Probate Court, the Department of Social Services, and child care organizations; the report, however, would continue to be made available to the public. The report would no longer have to include a plan for the next fiscal year including proposed goals, projections, fiscal requirements, and rationale for any needed resources.

The bill would repeal language specifying that the Act would be repealed October 1, 1989.

Senate Bill 327 would amend Public Act 288 of 1939 which prescribes the powers and duties of the Probate Court to remove the October 1, 1989, expiration date on the Act's provisions allowing local foster care review board members to attend Probate Court hearings and request access to records of juvenile diversion cases.

Senate Bill 328 would amend Public Act 116 of 1973, which provides for the regulation of child care organizations, to remove the September 30, 1989, expiration date on the Act's provision requiring licensed child placing agencies, child care institutions, and local units of government to provide to foster care review boards upon request any records pertaining to children placed in foster care.

MCL 722.131 et al. (S.B. 326) Legislative Analyst: L. Burghardt
712A.17, 712A.21, and 712A.28 (S.B. 327)
722.115 (S.B. 328)

FISCAL IMPACT

Senate Bill 326 would have an indeterminate impact on State and local units of government. The provision that would allow for the creation of multi-county review boards has the potential of reducing the number of boards with jurisdiction over 100 children or less, thus reducing costs to the State. However, the number of multi-county boards that could be formed cannot be estimated. Currently, there are 60 boards that fall under that category.

Senate Bills 327 and 328 would have no fiscal impact on State or local government.

Fiscal Analyst: F. Sanchez

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

SFA BILL ANALYSIS

Senate Bill 327

Analysis Summary

See SB 326

SFA BILL ANALYSIS

Senate Bill 328

Analysis Summary

See SB 326