

# HOUSE BILL No. 4258

February 21, 1989, Introduced by Reps. Hunter, DeMars, Brown, Berman, Murphy, Ciaramitaro, Joe Young, Jr., Gire, Scott, Honigman, Jondahl, Wallace, Kilpatrick, Bankes, Stabenow, Saunders, Martin, Leland, Barns and Hollister and referred to the Committee on Social Services and Youth.

A bill to amend the title and sections 1 and 2 of Act No. 33 of the Public Acts of 1980, entitled as amended

"An act to provide for the reimbursement of certain legal costs of foster parents; to provide for the recognition and nonrecognition of certain causes of action against foster parents and legal guardians; and to prescribe powers and duties of the department of social services,"

being sections 722.161 and 722.162 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1 and 2 of Act No. 33 of  
2 the Public Acts of 1980, being sections 722.161 and 722.162 of  
3 the Michigan Compiled Laws, are amended to read as follows:

### 4 TITLE

5 An act to provide for the reimbursement of certain legal  
6 costs of foster parents; to provide for the recognition and  
7 nonrecognition of certain causes of action against foster parents

1 and legal guardians; and to prescribe powers and duties of the  
2 ~~department of social~~ CHILDREN AND FAMILY services AGENCY.

3       Sec. 1. (1) The ~~department of social~~ CHILDREN AND FAMILY  
4 services AGENCY may reimburse a foster parent for the costs of  
5 legal counsel ~~when~~ IF an action is commenced against the foster  
6 parent for injury or damage which is sustained or ~~which is~~  
7 ~~alleged to have been~~ ALLEGEDLY sustained by, or which resulted  
8 from or ~~which is alleged to have~~ ALLEGEDLY resulted from the  
9 action of ~~—~~ a foster child during the time when the foster  
10 parent was acting within the scope of his or her authority as a  
11 foster parent. This subsection does not apply to an administra-  
12 tive hearing or judicial review under THE ADMINISTRATIVE PROCE-  
13 DURES ACT OF 1969, Act No. 306 of the Public Acts of 1969, as  
14 amended, being sections 24.201 to ~~24.315~~ 24.328 of the Michigan  
15 Compiled Laws.

16       (2) The ~~department of social~~ CHILDREN AND FAMILY services  
17 AGENCY shall not reimburse a foster parent as provided in subsec-  
18 tion (1), unless the ~~department~~ AGENCY is satisfied that all of  
19 the following apply:

20       (a) The foster parent is licensed under Act No. 116 of the  
21 Public Acts of 1973, as amended, being sections 722.111 to  
22 722.128 of the Michigan Compiled Laws.

23       (b) If the action is a civil action, a judgment for damages  
24 is not awarded against the foster parent as a result of the  
25 action.

26       (c) If the action is a criminal action, the foster parent is  
27 not convicted, does not plead nolo contendere, or is not found

1 guilty but mentally ill or not guilty by reason of insanity as a  
2 result of the action.

3 Sec. 2. (1) This act ~~shall not be construed to~~ DOES NOT  
4 defeat, deny, or diminish a defense otherwise available to a  
5 foster parent or to a foster child in another action.

6 (2) The reimbursement of a foster parent under this act  
7 ~~shall~~ DOES not impose any liability on the ~~department of~~  
8 ~~social~~ CHILDREN AND FAMILY services AGENCY or a foster parent.

9 Section 2. This amendatory act shall take effect October 1,  
10 1990.

11 Section 3. This amendatory act shall not take effect unless  
12 all of the following bills of the 85th Legislature are enacted  
13 into law:

14 (a) Senate Bill No. \_\_\_\_ or House Bill No. 4251 (request  
15 no. 00593'89<sup>\*</sup>).

16 (b) Senate Bill No. \_\_\_\_ or House Bill No. 4252 (request  
17 no. 00593'89 a).

18 (c) Senate Bill No. \_\_\_\_ or House Bill No. 4253 (request  
19 no. 00593'89 b).

20 (d) Senate Bill No. \_\_\_\_ or House Bill No. 4254 (request  
21 no. 00593'89 c).

22 (e) Senate Bill No. \_\_\_\_ or House Bill No. 4255 (request  
23 no. 00593'89 d).

24 (f) Senate Bill No. \_\_\_\_ or House Bill No. 4256 (request  
25 no. 00593'89 e).

26 (g) Senate Bill No. \_\_\_\_ or House Bill No. 4257 (request  
27 no. 00593'89 f).

1 (h) Senate Bill No. \_\_\_\_\_ or House Bill No. 4259 (request  
2 no. 00593'89 h).

3 (i) Senate Bill No. \_\_\_\_\_ or House Bill No. 4260 (request  
4 no. 00593'89 i).

5 (j) Senate Bill No. \_\_\_\_\_ or House Bill No. 4261 (request  
6 no. 00593'89 j).

7 (k) Senate Bill No. \_\_\_\_\_ or House Bill No. 4262 (request  
8 no. 00593'89 k).

9 (l) Senate Bill No. \_\_\_\_\_ or House Bill No. 4263 (request  
10 no. 00593'89 l).

11 (m) Senate Bill No. \_\_\_\_\_ or House Bill No. 4264 (request  
12 no. 00593'89 m).

13 (n) Senate Bill No. \_\_\_\_\_ or House Bill No. 4265 (request  
14 no. 00593'89 n).

15 (o) Senate Bill No. \_\_\_\_\_ or House Bill No. 4266 (request  
16 no. 00593'89 o).

17 (p) Senate Bill No. \_\_\_\_\_ or House Bill No. 4267 (request  
18 no. 00593'89 p).

19 (q) Senate Bill No. \_\_\_\_\_ or House Bill No. 4268 (request  
20 no. 00593'89 q).

21 (r) Senate Bill No. \_\_\_\_\_ or House Bill No. 4269 (request  
22 no. 00593'89 r).

23 (s) Senate Bill No. \_\_\_\_\_ or House Bill No. 4270 (request  
24 no. 00593'89 s).