

# HOUSE BILL No. 4801

May 10, 1989, Introduced by Reps. Stabenow, Martin, DeMars, Gubow, Wallace and Camp and referred to the Committee on Judiciary.

A bill to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of Act No. 422 of the Public Acts of 1984, entitled as amended

"An act to create a state foster care review board program in the state court administrative office; to create local foster care review boards; to prescribe the powers and duties of certain public officers and certain public and private agencies; to provide penalties; and to repeal certain acts and parts of acts on specific dates,"

sections 1, 2, 3, 4, 5, 6, 7, and 9 as amended by Act No. 159 of the Public Acts of 1986, being sections 722.131, 722.132, 722.133, 722.134, 722.135, 722.136, 722.137, 722.138, and 722.139 of the Michigan Compiled Laws; to add section 9a; and to repeal certain parts of the act.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. The title and sections 1, 2, 3, 4, 5, 6, 7, 8,  
2 and 9 of Act No. 422 of the Public Acts of 1984, sections 1, 2,

1 3, 4, 5, 6, 7, and 9 as amended by Act No. 159 of the Public Acts  
 2 of 1986, being sections 722.131, 722.132, 722.133, 722.134,  
 3 722.135, 722.136, 722.137, 722.138, and 722.139 of the Michigan  
 4 Compiled Laws, are amended and section 9a is added to read as  
 5 follows:

# 6 TITLE

7 An act to create a state foster care review board program in  
 8 the state court administrative office; to create local foster  
 9 care review boards; to prescribe the powers and duties of certain  
 10 public officers and certain public and private agencies; AND to  
 11 provide penalties. ~~and to repeal certain acts and parts of~~  
 12 ~~acts on specific dates.~~

13 Sec. 1. As used in this act:

14 (a) "Child care organization" means a child caring institu-  
 15 tion or a child placing agency as defined in section 1 of Act  
 16 No. 116 of the Public Acts of 1973, being section 722.111 of the  
 17 Michigan Compiled Laws.

18 ~~(b) "Director" means the director of the state foster care~~  
 19 ~~review board program.~~

20 (B) ~~(c)~~ "Foster care" means care provided to a child on a  
 21 24-hour basis either by a child care organization or by a person  
 22 or organization appointed by the juvenile division of the probate  
 23 court, EITHER TEMPORARILY OR PERMANENTLY, to provide court super-  
 24 vised child care, pursuant to any of the following:

25 (i) An order of the juvenile division of the probate court  
 26 if the court acquired jurisdiction over the child pursuant to  
 27 section 2(b)(1) or (2) of chapter XIIA of Act No. 288 of the

1 Public Acts of 1939, being section 712A.2 of the Michigan  
2 Compiled Laws.

3 (ii) A voluntary action of a parent or guardian that results  
4 in an expenditure of funds appropriated to the department of  
5 social services.

6 (iii) A voluntary release executed pursuant to section 28 of  
7 chapter X of Act No. 288 of the Public Acts of 1939, being sec-  
8 tion 710.28 of the Michigan Compiled Laws.

9 ~~(d) "Foster care event" means any of the following:~~

10 ~~(i) The child's return to the parent from whom the child was~~  
11 ~~removed.~~

12 ~~(ii) The child's placement with a parent other than the~~  
13 ~~parent from whom the child was removed.~~

14 ~~(iii) The child's placement with a relative.~~

15 ~~(iv) The voluntary release of parental rights to the child.~~

16 ~~(v) The filing on behalf of the child of a petition to ter-~~  
17 ~~minate parental rights to the child.~~

18 (C) ~~(e)~~ "Interested party" means any of the following:

19 (i) A biological parent whose parental rights have not been  
20 terminated.

21 (ii) A foster parent.

22 (iii) An employee or representative of the child care orga-  
23 nization providing the foster care to the child.

24 (iv) A person with whom a local board consults during a  
25 review of a child in foster care.

26 (v) Any person designated by the ~~director~~ STATE COURT  
27 ADMINISTRATOR.

1 (D) ~~(f)~~ "Local board" means a local foster care review  
2 board created under section 4.

3 (E) ~~(g)~~ "State board program" means the state foster care  
4 review board program created in section 2.

5 Sec. 2. (1) The state foster care review board program is  
6 created within the state court administrative office, to consist  
7 of ~~a director and other~~ staff necessary to perform the func-  
8 tions of the state board program as prescribed by this act. The  
9 state court ~~administrator shall select the director~~  
10 ADMINISTRATIVE OFFICE SHALL ADMINISTER THE STATE FOSTER CARE  
11 REVIEW PROGRAM.

12 (2) The state court administrative office shall assist the  
13 state board program in developing and maintaining access to and  
14 liaison with the probate court in each county of this state that  
15 has a local board.

16 (3) This act shall not be construed to authorize either the  
17 state court administrative office or the local boards to provide  
18 direct supervision of foster care services.

19 Sec. 3. The ~~director~~ STATE COURT ADMINISTRATIVE OFFICE  
20 shall do all of the following:

21 (a) Determine the number of children who are in foster care  
22 ~~and have been in foster care~~ in this state. ~~for more than~~  
23 ~~6 months.~~

24 (b) Establish uniform policies and procedures for foster  
25 care review pursuant to this act, including criteria for the  
26 selection of foster care cases to be reviewed.

1 (c) In accordance with section 4, determine the appropriate  
2 number of local boards necessary to meet the needs of children in  
3 foster care, and establish the jurisdiction of each local board.

4 (d) Establish criteria and procedures for membership of a  
5 local board.

6 (e) Solicit and receive applications for local board member-  
7 ship and make membership decisions.

8 (f) Provide written notification to a local board of spe-  
9 cific cases of children in foster care appropriate for review,  
10 and schedule those cases for review within the time intervals  
11 established under section 7.

12 (g) Inform the child care organization, department of social  
13 services, or probate court that provided notification pursuant to  
14 section 6(a) of the local board to which the child is assigned.

15 (h) Make a reasonable effort to provide written notification  
16 to each interested party of the date, time, and procedures for a  
17 review by a local board of a child in foster care.

18 (i) Establish a system to monitor the status of each child  
19 who is in foster care ~~AND WHO~~ has been assigned to a local  
20 board. ~~and has been in foster care in this state for more~~  
21 ~~than 6 months.~~

22 (j) Analyze information gathered by local boards throughout  
23 this state.

24 (k) Employ and provide state board program staff and provide  
25 local board volunteers.

26 (l) Provide periodic training sessions for the members of  
27 each local board. The training sessions shall include

1 instruction on the need to maintain confidentiality as required  
2 under section 8.

3 (m) Establish an advisory committee consisting of represen-  
4 tatives from child care organizations, local boards, and others  
5 as the ~~director~~ STATE COURT ADMINISTRATOR considers necessary  
6 to review the foster care system and to make recommendations con-  
7 cerning the foster care system to the appropriate groups and  
8 agencies. Not less than a majority of the advisory committee  
9 shall consist of representatives of the local boards.

10 (n) Issue an annual report pursuant to section 9.

11 (o) Perform those duties necessary to implement and review  
12 the state board program.

13 Sec. 4. (1) Except as otherwise provided in this section,  
14 there is created a local foster care review board in each county  
15 having at least 100 but not more than 500 children in foster  
16 care. For a county with more than 500 children in foster care,  
17 there is created an additional local board for each additional  
18 300 children in foster care in that county.

19 ~~(2) Subsection (1) shall not apply to a county if, for the~~  
20 ~~preceding state fiscal year, not less than the minimum acceptable~~  
21 ~~percentage of children in foster care in the county achieved a~~  
22 ~~foster care event within 6 months after admission into foster~~  
23 ~~care. The minimum acceptable percentage shall be determined by~~  
24 ~~the director, upon consideration of information furnished by the~~  
25 ~~department of social services and the juvenile division of the~~  
26 ~~probate court, and upon the basis of demonstrated need, but shall~~  
27 ~~not be less than 40%. The minimum acceptable percentage shall be~~

~~1 uniform for each county. The percentage of children who achieve~~  
~~2 a foster care event within 6 months after admission into foster~~  
~~3 care in each county shall be determined by the department of~~  
~~4 social services and the juvenile division of the probate court,~~  
~~5 and reported to the director not less than once each state fiscal~~  
~~6 year. If sufficient information is not available from the~~  
~~7 department of social services and the juvenile division of the~~  
~~8 probate court, the director shall determine whether to create or~~  
~~9 continue a local board.~~ IF A COUNTY HAS FEWER THAN 100 CHILDREN  
10 IN FOSTER CARE, THE COUNTY MAY CREATE A SINGLE COUNTY LOCAL BOARD  
11 OR JOIN WITH 1 OR MORE COUNTIES THAT ALSO HAVE FEWER THAN 100  
12 CHILDREN IN FOSTER CARE TO CREATE A MULTICOUNTY LOCAL BOARD. A  
13 COUNTY SHALL DO SO ONLY UNDER THE FOLLOWING CONDITIONS:

14 (A) FOR A SINGLE COUNTY LOCAL BOARD, UPON AGREEMENT OF THE  
15 STATE COURT ADMINISTRATOR, THE JUDGE OF THE JUVENILE DIVISION OF  
16 THE PROBATE COURT, AND THE COUNTY BOARD OF SOCIAL SERVICES.

17 (B) FOR A MULTICOUNTY LOCAL BOARD, UPON AGREEMENT OF THE  
18 STATE COURT ADMINISTRATOR, THE JUDGE OF THE JUVENILE DIVISION OF  
19 THE PROBATE COURT FOR EACH COUNTY, AND THE COUNTY BOARD OF SOCIAL  
20 SERVICES OF EACH COUNTY.

21 (3) ~~A local board created pursuant to subsection (1) shall~~  
~~22 be terminated if the minimum acceptable percentage of children~~  
~~23 within the county achieving foster care events within 6 months~~  
~~24 after admission into foster care, as determined pursuant to sub-~~  
~~25 section (2), is attained and maintained for 2 consecutive state~~  
~~26 fiscal years.~~ IF THE STATE COURT ADMINISTRATOR DETERMINES THAT A  
27 LOCAL BOARD NEED NOT BE CREATED IN A CERTAIN COUNTY OR THAT THERE

1 ARE INSUFFICIENT FUNDS AVAILABLE TO CREATE A LOCAL BOARD IN A  
2 CERTAIN COUNTY, A LOCAL BOARD SHALL NOT BE CREATED IN THAT  
3 COUNTY.

4       (4) ~~One or more local foster care review boards shall be~~  
5 ~~created in a county exempted under subsection (2) upon agreement~~  
6 ~~of the director, the judge or judges of the juvenile division of~~  
7 ~~the probate court serving in the county, and the county board of~~  
8 ~~social services.~~ THREE YEARS AFTER A LOCAL BOARD IS CREATED, THE  
9 STATE COURT ADMINISTRATIVE OFFICE SHALL REVIEW THE LOCAL BOARD TO  
10 DETERMINE WHETHER IT SHALL CONTINUE TO PROVIDE SUPPORT TO THE  
11 LOCAL BOARD AND ACT IN ACCORDANCE WITH THAT DETERMINATION.

12       (5) ~~For a county having fewer than 100 children in foster~~  
13 ~~care, a local board shall be created upon agreement of the direc-~~  
14 ~~tor, the judge or judges of the juvenile division of the probate~~  
15 ~~court serving in the county, and the county board of social~~  
16 ~~services.~~ A COUNTY SHALL NOT HAVE MORE THAN 10 LOCAL FOSTER CARE  
17 REVIEW BOARDS.

18       Sec. 5. (1) A local board shall be composed of 5 members  
19 who reside within the jurisdiction of the local board, and who  
20 represent to the maximum extent possible the socio-economic,  
21 racial, and ethnic groups residing within that jurisdiction.

22       (2) A local board member shall serve a renewable ~~4 year~~  
23 3-YEAR term. Of the initial members, 3 members shall serve for  
24 ~~2~~ 3 years, and 2 members shall serve for ~~4~~ 2 years.

25       (3) A person employed by a child care organization, the  
26 department of social services, or the probate court shall not be  
27 appointed to a local board.



1 (4) A local board shall elect 1 of its members to serve as  
2 chairperson and 1 to serve as vice-chairperson. Each shall serve  
3 for a term of 1 year.

4 (5) A local board shall meet at a place and time specified  
5 by the ~~director~~ STATE COURT ADMINISTRATIVE OFFICE and approved  
6 by the chairperson of the local board.

7 ~~(6) When a local board is meeting to conduct a case review~~  
8 ~~as described in section 7(1), the meeting shall be closed to the~~  
9 ~~public under section 8(h) of the open meetings act, Act No. 267~~  
10 ~~of the Public Acts of 1976, being section 15.268 of the Michigan~~  
11 ~~Compiled Laws, except by order of the juvenile division of the~~  
12 ~~probate court. When the local board is meeting to conduct other~~  
13 ~~business, the meeting shall be open to the public.~~

14 (6) ~~(7)~~ Each member of a local board shall attend an ori-  
15 entation training session and subsequent training sessions as  
16 required by the ~~director~~ STATE COURT ADMINISTRATIVE OFFICE.

17 (7) ~~(8)~~ The members of a local board shall serve without  
18 compensation. Reimbursement of expenses of members of the local  
19 board shall be in accordance with standard travel reimbursement  
20 rates established annually by the department of management and  
21 budget.

22 (8) ~~(9)~~ A local board member may be removed for cause by  
23 the ~~director~~ STATE COURT ADMINISTRATOR.

24 Sec. 6. A child care organization, the department of social  
25 services, or the probate court responsible for supervising a  
26 child in foster care shall do all of the following:

1 (a) Provide written notification monthly to the ~~director~~  
2 STATE COURT ADMINISTRATOR of an admission into, discharge from,  
3 or transfer of a child in foster care.

4 (b) Upon request submit an initial placement plan; a list of  
5 names, addresses, and telephone numbers of interested parties;  
6 and progress reports to the appropriate local board at least once  
7 each 6 months, and cooperate with and furnish other information  
8 requested by the ~~director~~ STATE COURT ADMINISTRATOR. If foster  
9 care is purchased from a child placing agency or child caring  
10 institution, that organization shall cooperate in the preparation  
11 of an initial placement plan and progress reports.

12 Sec. 7. (1) A local board shall do all of the following:

13 (a) Review each initial placement plan submitted under sec-  
14 tion 6 for a child ~~who has been~~ in foster care. ~~for more than~~  
15 ~~6 months.~~ The review shall be to determine whether the placement  
16 plan for the child contains at least all of the following  
17 information:

18 (i) The purpose for which the child has been placed in  
19 foster care and the reason that the child cannot be returned to  
20 his or her home immediately.

21 (ii) The length of time in which the purpose of foster care  
22 will be accomplished.

23 (iii) An assessment of the involvement of the legal parent  
24 and steps taken by the child care organization to involve the  
25 legal parent in the planning and implementation of the plan.

1 (iv) A description of the services which have been and are  
2 to be provided in order for the purpose of foster care to be  
3 accomplished.

4 (v) The number of foster care placements the child has  
5 experienced while in foster care, and the length of time of each  
6 foster care placement.

7 (vi) The person within the child care organization who is  
8 directly responsible for assuring that the plan is implemented.

9 (vii) The type of permanent placement recommended for the  
10 child.

11 (b) Review progress reports submitted under section 6(b)  
12 every 6 months following the initial review to determine whether  
13 the purpose for which the child has been placed in foster care,  
14 as described in the initial placement plan, is being achieved,  
15 and whether the plan continues to be appropriate, based on a  
16 review of all of the following:

17 (i) An assessment of the extent to which the child care  
18 organization is accomplishing the purpose of foster care as  
19 described in the placement plan.

20 (ii) Identification of the person within the child care  
21 organization who is directly responsible for assuring that the  
22 placement plan is implemented.

23 (iii) The length of time the child has been in foster care.

24 (iv) The number of foster care placements the child has  
25 experienced while in foster care and the length of time of each  
26 foster care placement.

1       (v) An assessment of the involvement of the legal parent and  
2 steps taken by the child care organization to involve the legal  
3 parent in planning and implementation of the plan.

4       (c) Whenever practicable, conduct reviews and submit  
5 reports, as required under subdivision (e), before the judicial  
6 review or rehearing mandated in section 19 of chapter XIIIA of Act  
7 No. 288 of the Public Acts of 1939, being section 712A.19 of the  
8 Michigan Compiled Laws.

9       (d) Review, at any time considered necessary by the local  
10 board, or at the request of the juvenile division of the probate  
11 court or an interested party, the case and information submitted  
12 by a child care organization under section 6.

13       (e) Submit to the child care organization that submitted the  
14 initial placement plan and progress report and, if applicable, to  
15 the juvenile division of the probate court, within 30 days after  
16 a review under subdivision (a) or (b), a written statement of  
17 findings and recommendations regarding the care, maintenance, and  
18 supervision of a child in foster care and the plan for permanent  
19 placement of the child. A copy of the statement may be sent to  
20 all interested parties. The local board may give information or  
21 file a petition for court action or rehearing under section 11 or  
22 21 of chapter XIIIA of Act No. 288 of the Public Acts of 1939,  
23 being sections 712A.11 and 712A.21 of the Michigan Compiled  
24 Laws.

25       (f) Perform those duties necessary to implement this act.

1 (2) A local board may limit the review to a written report  
2 or request a personal appearance of an interested party, as  
3 considered necessary by the local board.

4 (3) If interested parties are provided with a copy of the  
5 findings and recommendations of the local board, the local board  
6 shall allow the interested parties to submit written comments.  
7 Upon approval of a local board, an interested party may make a  
8 personal appearance before the local board in connection with the  
9 foster care case.

10 (4) A local board may make recommendations to the ~~director~~  
11 STATE COURT ADMINISTRATIVE OFFICE regarding issues in foster care  
12 policy and procedure and the functions of child care organi-  
13 zations and the juvenile division of the probate court.

14 Sec. 8. (1) Records regarding specific children and their  
15 parents and relatives shall be confidential. Disclosure of this  
16 confidential information shall be properly safeguarded by the  
17 local board, ~~and~~ the staff ~~and director~~ of the state board,  
18 AND THE STATE COURT ADMINISTRATOR.

19 (2) A person who discloses confidential information con-  
20 tained in records, reports, and plans prepared pursuant to this  
21 act is guilty of a misdemeanor.

22 (3) Unauthorized disclosure of information contained in  
23 records and reports made pursuant to this act by a member of a  
24 local board shall be grounds for removal from the board.

25 Sec. 9. (1) The ~~director~~ STATE COURT ADMINISTRATOR shall  
26 ~~issue~~ PUBLISH an annual report of the state board program  
27 created by this act ~~to the governor, legislature, juvenile~~

1 ~~division of the probate court, department of social services,~~  
2 ~~child care organizations,~~ and SHALL MAKE THE ANNUAL REPORT  
3 AVAILABLE TO the public.

4 (2) The annual report required by subsection (1) shall  
5 include, but not be limited to, all of the following:

6 (i) An evaluative summary, supplemented by applicable quan-  
7 titative data, of the activities and functioning of each local  
8 board during the preceding year.

9 (ii) An evaluative summary, supplemented by applicable quan-  
10 titative data, of the activities and functioning of the aggregate  
11 of all local boards in the state during the preceding year.

12 (iii) An identification of problems that impede the timely  
13 placement of children in a permanent placement and recommenda-  
14 tions for improving the timely placement of children in a per-  
15 manent placement.

16 ~~(iv) A plan for the next fiscal year which includes pro-~~  
17 ~~posed goals, projections, fiscal requirements, and rationale for~~  
18 ~~any needed resources.~~

19 SEC. 9A. THE STATE COURT ADMINISTRATOR MAY REEVALUATE THE  
20 STATE BOARD PROGRAM AND MAKE RECOMMENDATIONS TO THE LEGISLATURE  
21 THAT THE STATE BOARD PROGRAM BE TERMINATED OR PLACED UNDER THE  
22 JURISDICTION OF THE LEGISLATIVE OR EXECUTIVE BRANCH.

23 Section 2. Section 10 of Act No. 422 of the Public Acts of  
24 1984, being section 722.140 of the Michigan Compiled Laws, is  
25 repealed.