

HOUSE BILL No. 4260

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

A bill to amend sections 1, 3, 4, 5, 6, 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,"

as amended by Act No. 159 of the Public Acts of 1986, being sections 722.131, 722.133, 722.134, 722.135, 722.136, and 722.139 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1, 3, 4, 5, 6, and 9 of Act No. 422 of
2 the Public Acts of 1984, as amended by Act No. 159 of the Public
3 Acts of 1986, being sections 722.131, 722.133, 722.134, 722.135,
4 722.136, and 722.139 of the Michigan Compiled Laws, are amended
5 to read as follows:

1 Sec. 1. As used in this act:

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

6 (b) "Director" means the director of the state foster care
7 review board program.

8 (c) "Foster care" means care provided to a child on a
9 24-hour basis either by a child care organization or by a person
10 or organization appointed by the juvenile division of the probate
11 court to provide court supervised child care, pursuant to any of
12 the following:

13 (i) An order of the juvenile division of the probate court
14 if the court acquired jurisdiction over the child pursuant to
15 section 2(b)(1) or (2) of chapter XIIA of Act No. 288 of the
16 Public Acts of 1939, being section 712A.2 of the Michigan
17 Compiled Laws.

18 (ii) A voluntary action of a parent or guardian that results
19 in an expenditure of funds appropriated to the ~~department of~~
20 ~~social~~ CHILDREN AND FAMILY services AGENCY.

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

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

25 (i) The child's return to the parent from whom the child was
26 removed.

1 (ii) The child's placement with a parent other than the
2 parent from whom the child was removed.

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

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

5 (v) The filing on behalf of the child of a petition to ter-
6minate parental rights to the child.

7 (e) "Interested party" means any of the following:

8 (i) A biological parent whose parental rights have not been
9 terminated.

10 (ii) A foster parent.

11 (iii) An employee or representative of the child care orga-
12nization providing the foster care to the child.

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

15 (v) Any person designated by the director.

16 (f) "Local board" means a local foster care review board
17 created under section 4.

18 (g) "State board program" means the state foster care review
19 board program created in section 2.

20 Sec. 3. The director 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~~
13 ~~social~~ CHILDREN AND FAMILY services AGENCY, or probate court
14 that provided notification pursuant to section 6(a) of the local
15 board to which the child is assigned.

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

19 (i) Establish a system to monitor the status of each child
20 who is in foster care, has been assigned to a local board, and
21 has been in foster care in this state for more 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 considers necessary to review the foster care
6 system and to make recommendations concerning the foster care
7 system to the appropriate groups and agencies. Not less than a
8 majority of the advisory committee shall consist of representa-
9 tives 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~~ CHILDREN AND FAMILY services AGENCY and
26 the juvenile division of the probate court, and upon the basis of
27 demonstrated need, but shall not be less than 40%. The minimum

1 acceptable percentage shall be uniform for each county. The
2 percentage of children who achieve a foster care event within 6
3 months after admission into foster care in each county shall be
4 determined by the ~~department of social~~ CHILDREN AND FAMILY
5 services AGENCY and the juvenile division of the probate court,
6 and reported to the director not less than once each state fiscal
7 year. If sufficient information is not available from the
8 ~~department of social~~ CHILDREN AND FAMILY services AGENCY and
9 the juvenile division of the probate court, the director shall
10 determine whether to create or continue a local board.

11 (3) A local board created pursuant to subsection (1) shall
12 be terminated if the minimum acceptable percentage of children
13 within the county achieving foster care events within 6 months
14 after admission into foster care, as determined pursuant to sub-
15 section (2), is attained and maintained for 2 consecutive state
16 fiscal years.

17 (4) One or more local foster care review boards shall be
18 created in a county exempted under subsection (2) upon agreement
19 of the director, the judge or judges of the juvenile division of
20 the probate court serving in the county, and the ~~county board of~~
21 ~~social~~ DISTRICT CHILDREN AND FAMILY services AGENCY.

22 (5) For a county having fewer than 100 children in foster
23 care, a local board shall be created upon agreement of the direc-
24 tor, the judge or judges of the juvenile division of the probate
25 court serving in the county, and the ~~county board of social~~
26 DISTRICT CHILDREN AND FAMILY services AGENCY.

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

5 (2) A local board member shall serve a renewable 4-year
6 term. Of the initial members, 3 members shall serve for 2 years,
7 and 2 members shall serve for 4 years.

8 (3) A person employed by a child care organization, the
9 ~~department of social~~ CHILDREN AND FAMILY services AGENCY, or
10 the probate court shall not be appointed to a local board.

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

14 (5) A local board shall meet at a place and time specified
15 by the director and approved by the chairperson of the local
16 board.

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

24 (7) Each member of a local board shall attend an orientation
25 training session and subsequent training sessions as required by
26 the director.

1 (8) The members of a local board shall serve without
2 compensation. Reimbursement of expenses of members of the local
3 board shall be in accordance with standard travel reimbursement
4 rates established annually by the department of management and
5 budget.

6 (9) A local board member may be removed for cause by the
7 director.

8 Sec. 6. A child care organization, the ~~department of~~
9 ~~social~~ CHILDREN AND FAMILY services AGENCY, or the probate court
10 responsible for supervising a child in foster care shall do all
11 of the following:

12 (a) Provide written notification monthly to the director of
13 an admission into, discharge from, or transfer of a child in
14 foster care.

15 (b) Upon request submit an initial placement plan; a list of
16 names, addresses, and telephone numbers of interested parties;
17 and progress reports to the appropriate local board at least once
18 each 6 months, and cooperate with and furnish other information
19 requested by the director. If foster care is purchased from a
20 child placing agency or child caring institution, that organi-
21 zation shall cooperate in the preparation of an initial placement
22 plan and progress reports.

23 Sec. 9. (1) The director shall issue an annual report of
24 the state board program created by this act to the governor, leg-
25 islature, juvenile division of the probate court, ~~department of~~
26 ~~social~~ CHILDREN AND FAMILY services AGENCY, child care
27 organizations, and the public.

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

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

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

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

13 (iv) A plan for the next fiscal year which includes proposed
14 goals, projections, fiscal requirements, and rationale for any
15 needed resources.

16 Section 2. This amendatory act shall take effect October 1,
17 1990.

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

21 (a) Senate Bill No. ____ or House Bill No. 4251 (request
22 no. 00593'89).

23 (b) Senate Bill No. ____ or House Bill No. 4252 (request
24 no. 00593'89 a).

25 (c) Senate Bill No. ____ or House Bill No. 4253 (request
26 no. 00593'89 b).

- 1 (d) Senate Bill No. ____ or House Bill No. 4254 (request
2 no. 00593'89 c).
- 3 (e) Senate Bill No. ____ or House Bill No. 4255 (request
4 no. 00593'89 d).
- 5 (f) Senate Bill No. ____ or House Bill No. 4256 (request
6 no. 00593'89 e).
- 7 (g) Senate Bill No. ____ or House Bill No. 4257 (request
8 no. 00593'89 f).
- 9 (h) Senate Bill No. ____ or House Bill No. 4258 (request
10 no. 00593'89 g).
- 11 (i) Senate Bill No. ____ or House Bill No. 4259 (request
12 no. 00593'89 h).
- 13 (j) Senate Bill No. ____ or House Bill No. 4261 (request
14 no. 00593'89 j).
- 15 (k) Senate Bill No. ____ or House Bill No. 4262 (request
16 no. 00593'89 k).
- 17 (l) Senate Bill No. ____ or House Bill No. 4263 (request
18 no. 00593'89 l).
- 19 (m) Senate Bill No. ____ or House Bill No. 4264 (request
20 no. 00593'89 m).
- 21 (n) Senate Bill No. ____ or House Bill No. 4265 (request
22 no. 00593'89 n).
- 23 (o) Senate Bill No. ____ or House Bill No. 4266 (request
24 no. 00593'89 o).
- 25 (p) Senate Bill No. ____ or House Bill No. 4267 (request
26 no. 00593'89 p).

1 (q) Senate Bill No. _____ or House Bill No. 4268 (request
2 no. 00593'89 q).

3 (r) Senate Bill No. _____ or House Bill No. 4269 (request
4 no. 00593'89 r).

5 (s) Senate Bill No. _____ or House Bill No. 4270 (request
6 no. 00593'89 s).