

# SENATE BILL No. 670

November 1, 1989, Introduced by Senators DINGELL, WELBORN, CARL and POLLACK and referred to the Committee on Criminal Justice and Urban Affairs.

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:

### TITLE

4  
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, YOUTH, AND FAMILY services.

3       Sec. 1. (1) The department of ~~social~~ CHILDREN, YOUTH, AND  
4 FAMILY services 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~~ THAT is sustained or ~~which~~  
7 ~~is alleged to have been~~ ALLEGEDLY sustained by, or ~~which~~ THAT  
8 resulted from or ~~which is alleged to have~~ ALLEGEDLY resulted  
9 from the action of ~~—~~ a foster child during the time when the  
10 foster parent was acting within the scope of his or her authority  
11 as a foster parent. This subsection does not apply to an admin-  
12 istrative hearing or judicial review under THE ADMINISTRATIVE  
13 PROCEDURES ACT OF 1969, Act No. 306 of the Public Acts of 1969,  
14 as amended, being sections 24.201 to ~~24.315~~ 24.328 of the  
15 Michigan Compiled Laws.

16       (2) The department of ~~social~~ CHILDREN, YOUTH, AND FAMILY  
17 services shall not reimburse a foster parent as provided in sub-  
18 section (1), unless the department is satisfied that all of the  
19 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 defeat,  
4 deny, or diminish a defense otherwise available to a foster  
5 parent or to a foster child in another action.

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

9       Section 2. This amendatory act shall not take effect unless  
10 Senate Bill No. 109 of the 85th Legislature is enacted into law.

11       Section 3. This amendatory act shall take effect October 1,  
12 1990.