

SENATE BILL No. 672

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

A bill to amend sections 1, 3, 4, 5, and 6 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; and to provide penalties,"

as amended by Act No. 74 of the Public Acts of 1989, being sections 722.131, 722.133, 722.134, 722.135, and 722.136 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1, 3, 4, 5, and 6 of Act No. 422 of the
2 Public Acts of 1984, as amended by Act No. 74 of the Public Acts
3 of 1989, being sections 722.131, 722.133, 722.134, 722.135, and
4 722.136 of the Michigan Compiled Laws, are amended to read as
5 follows:

1 Sec. 1. As used in this act:

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

6 (b) "Foster care" means care provided to a child on a
7 24-hour basis either by a child care organization or by a person
8 or organization appointed by the juvenile division of the probate
9 court, either temporarily or permanently, to provide court super-
10 vised child care, pursuant to any of the following:

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

16 (ii) A voluntary action of a parent or guardian that results
17 in an expenditure of funds appropriated to the department of
18 ~~-social-~~ CHILDREN, YOUTH, AND FAMILY services.

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

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

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

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

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

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

(v) The filing on behalf of the child of a petition to terminate parental rights to the child.

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

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

(ii) A foster parent.

(iii) An employee or representative of the child care organization providing the foster care to the child.

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

(v) Any person designated by the state court administrator.

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

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

Sec. 3. The state court administrative office shall do all of the following:

(a) Determine the number of children who are in foster care in this state.

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

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

1 (d) Establish criteria and procedures for membership of a
2 local board.

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

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

9 (g) Inform the child care organization, department of
10 ~~social~~ CHILDREN, YOUTH, AND FAMILY services, or probate court
11 that provided notification pursuant to section 6(a) of the local
12 board to which the child is assigned.

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

16 (i) Establish a system to monitor the status of each child
17 who is in foster care and who has been assigned to a local
18 board.

19 (j) Analyze information gathered by local boards throughout
20 this state.

21 (k) Employ and provide state board program staff and provide
22 local board volunteers.

23 (l) Provide periodic training sessions for the members of
24 each local board. The training sessions shall include instruc-
25 tion on the need to maintain confidentiality as required under
26 section 8.

1 (m) Establish an advisory committee consisting of
2 representatives from child care organizations, local boards, and
3 others as the state court administrator considers necessary to
4 review the foster care system and to make recommendations con-
5 cerning the foster care system to the appropriate groups and
6 agencies. Not less than a majority of the advisory committee
7 shall consist of representatives of the local boards.

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

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

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

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

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

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

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

21 (5) If a county has fewer than 100 children in foster care,
22 the county may create a single county local board or join with 1
23 or more counties that also have fewer than 100 children in foster
24 care to create a multicounty local board. A county shall do so
25 only under the following conditions:

26 (a) For a single county local board, upon agreement of the
27 state court administrator, the judge of the juvenile division of

1 the probate court, and the county ~~board~~ DEPARTMENT of ~~social~~
2 CHILDREN, YOUTH, AND FAMILY services.

3 (b) For a multicounty local board, upon agreement of the
4 state court administrator, the judge of the juvenile division of
5 the probate court for each county, and the county ~~board~~
6 DEPARTMENT of ~~social~~ CHILDREN, YOUTH, AND FAMILY services of
7 each county.

8 (6) If the state court administrator determines that a local
9 board need not be created in a certain county or that there are
10 insufficient funds available to create a local board in a certain
11 county, a local board shall not be created in that county.

12 (7) Three years after a local board is created, the state
13 court administrative office shall review the local board to
14 determine whether it shall continue to provide support to the
15 local board and act in accordance with that determination.

16 (8) 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 3-year
23 term. Of the initial members, 3 members shall serve for 3 years,
24 and 2 members shall serve for 2 years.

25 (3) A person employed by a child care organization, the
26 department of ~~social~~ CHILDREN, YOUTH, AND FAMILY services, or
27 the probate court shall not be 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 state court administrative office and approved by the
6 chairperson of the local board.

7 (6) Each member of a local board shall attend an orientation
8 training session and subsequent training sessions as required by
9 the state court administrative office.

10 (7) The members of a local board shall serve without
11 compensation. Reimbursement of expenses of members of the local
12 board shall be in accordance with standard travel reimbursement
13 rates established annually by the department of management and
14 budget.

15 (8) A local board member may be removed for cause by the
16 state court administrator.

17 Sec. 6. A child care organization, the department of
18 ~~social~~ CHILDREN, YOUTH, AND FAMILY services, or the probate
19 court responsible for supervising a child in foster care shall do
20 all of the following:

21 (a) Provide written notification monthly to the state court
22 administrator of an admission into, discharge from, or transfer
23 of a child in foster care.

24 (b) Upon request submit an initial placement plan; a list of
25 names, addresses, and telephone numbers of interested parties;
26 and progress reports to the appropriate local board at least once
27 each 6 months, and cooperate with and furnish other information

1 requested by the state court administrator. If foster care is
2 purchased from a child placing agency or child caring institu-
3 tion, that organization shall cooperate in the preparation of an
4 initial placement plan and progress reports.

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

7 Section 3. This amendatory act shall take effect October 1,
8 1990.