

Legislative Analysis

MCI SUPERINTENDENT: ALLOW DESIGNEE TO CONSENT TO GUARDIANSHIP OF CHILD

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 220

(Enacted as Public Act 31 of 2011)

Sponsor: Sen. Judy K. Emmons

House Committee: Families, Children, and Seniors

Senate Committee: Families, Seniors, and Human Services

Complete to 5-17-11

A SUMMARY OF SENATE BILL 220 AS REPORTED FROM HOUSE COMMITTEE ON 5-17-11

Senate Bill 220 is one of a package of bills that deal with the role of the superintendent of the Michigan Children's Institute in situations where the parental rights of children have been terminated. Each of the bills would allow a designee of the superintendent to carry out certain powers currently granted only to the superintendent. The House Bills addressing this are House Bills 4381-4383 and Senate Bills 218-220.

Senate Bill 220 contains identical provisions as House Bill 4383, which has already passed the House, along with House Bills 4381 and 4382.

Senate Bill 220 would amend the Juvenile Code (MCL 712A.19c) to authorize a **designee** of the superintendent of the Michigan Children's Institute (MCI) to grant consent to the appointment of a guardian for a child.

Under the code, if a child remains in placement following the termination of parental rights to the child, the family court must conduct review hearings and permanency planning hearings. The court may appoint a guardian for the child, if it determines that doing so is in the child's best interest. The court may not appoint a guardian without the MCI superintendent's written consent. Under the bill, the court could not appoint a guardian without the written consent of the superintendent or a designee.

The code requires the MCI superintendent to consult with the child's lawyer guardian ad litem when considering whether to grant consent. Under the bill, that requirement also would apply to the superintendent's designee.

[According to the Department of Human Services website:

The Michigan Children's Institute was created to assure the proper care of children needing services from the state. The law established the MCI superintendent as the legal guardian for children committed to MCI when parental rights have been terminated. In 1935, the Michigan Legislature established the MCI Superintendent as the legal guardian for these children. The Superintendent is authorized to consent to adoption, emancipation, and marriage of MCI wards. Children who have been committed to MCI,

whose permanency plan is other than adoption, usually remain under the MCI supervision until age 19.]

FISCAL IMPACT:

The bills in this package could generate a small amount of administrative savings for the state. These bills will help address delays in the Michigan Children's Institute review process for adoption and permanent guardianship requests by allowing the MCI superintendent to appoint a designee on his or her behalf to consent to the adoption or guardianship of a child committed to the MCI.

The bills could generate savings for local units of governments. Local governments are required to provide 50% of the cost for out-of-home placements for foster youth that are not eligible for federal IV-E funding or funded entirely with state funds. When a foster youth is moved to a permanent placement through adoption or subsidized guardianship, that local unit of government is no longer required to meet a proportion of the cost of care. So if the process of placing a foster child into one of those permanent placements can be expedited, then the local government will see fiscal savings.

POSITIONS:

Department of Human Services supports the bill. (5-17-11)

Office of Children's Ombudsman supports the bill. (5-17-11)

National Association of Social Workers-Michigan Chapter supports the bill. (5-17-11)

Legislative Analyst: E. Best
Fiscal Analyst: Kevin Koorstra

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.