

Legislative Analysis



FOSTER CARE IMPROVEMENT COMMISSION ACT

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House Bill 5801 (proposed substitute H-1)
Sponsor: Rep. Bronna Kahle
Committee: Families, Children and Seniors
Complete to 4-26-22

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5801 would create a new act, the Foster Care Improvement Commission Act, to create the Foster Care Improvement Commission to provide certain oversight, research, and advisory functions with regard to child welfare and protection and children and youth services. The bill also would create the Children's Services Commission Fund.

Foster Care Improvement Commission

The bill would create the Foster Care Improvement Commission in the Legislative Council, which would be responsible for setting up the commission and establishing its budget. The commission could appoint and employ an executive director and other individuals it considered necessary to assist in carrying out its duties.

The commission would consist of the following 11 members:

- Three members representing the judicial branch:
 - The chief justice of the Michigan Supreme Court or his or her designee, representing administrators of the family division of circuit court.
 - An individual appointed by the chief justice representing judges who adjudicate family matters or juvenile matters in the family division of circuit court.
 - An individual appointed by the chief justice representing attorneys who represent children and parents in juvenile matters.
- Four members representing the executive branch:
 - The director of the Children's Services Agency in the Department of Health and Human Services (DHHS).
 - An individual appointed by the governor representing DHHS foster care or child protective services caseworkers.
 - An individual appointed by the governor representing foster youth.
 - An individual appointed by the governor representing parent partners.
- Four members representing the legislative branch:
 - An individual appointed by the Legislative Council, who would be the chair of the commission.
 - An individual appointed by the chair representing private foster care agencies.
 - An individual appointed by the chair representing foster parents.
 - An individual appointed by the chair representing a child welfare expert.

The commission or its advisory panels, or both, would have to reflect the diversity of Michigan and include individuals of different racially and ethnically diverse backgrounds, genders, and generations.

Member service

Members of the commission would serve terms of three years or until a successor is appointed, except that members first appointed would serve terms of one year (three members), two years (four members), or three years (four members), as determined by the chair. Vacancies would be filled for the unexpired term in the same manner as the original appointment. The Legislative Council or the commission could remove a member for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

A member of the commission would not be entitled to compensation for commission service, but the commission could reimburse a member for actual and necessary expenses incurred in serving on the commission.

Commission meetings

The chair would call the first meeting of the commission. The commission would have to meet at least quarterly, but could meet more frequently at the call of the chairperson or at the request of six or more members. A majority of members would constitute a quorum for transacting business. A vote in favor by a majority of members serving would be required for commission action. The commission would have to conduct its business in compliance with the Open Meetings Act, and a writing prepared, owned, used, possessed, or retained by the commission in performing an official function would be subject to the Freedom of Information Act.

Commission duties

The commission would have to do all of the following:

- Facilitate coordination across the three branches of state government and continuous, consistent leadership in the child protection area to ensure that efforts at progress and improvement are not hindered by changes in leadership in any branch.
- Review current data, laws, and processes for children and youth services in Michigan.
- Research best practices in other states regarding the seven national child welfare outcomes reported annually to Congress by the U.S. Department of Health and Human Services under the federal Adoption and Safe Families Act of 1997.
- Create advisory panels to provide insight and recommendations for improvements to the child welfare system. (The advisory panels would have to be composed of national experts in the area of child welfare and individuals who have experience in the child welfare system, such as current and former foster youth and foster parents.)
- Identify gaps, problems, and barriers for children and youth services in Michigan.
- Develop recommendations and advocate for legislative, administrative, and judicial administrative action to correct identified gaps, problems, and barriers to success and to accomplish the commitments of the modified implementation, sustainability, and exit plan under *Dwayne B. v Whitmer*.
- Develop initiatives with a focus on the following:
 - Primary prevention and early intervention across systems of care, including behavioral health services, early childhood development, and public health.
 - Identifying and addressing racial and ethnic disproportionality and disparity in the child welfare system.
 - Ensuring implementation of a braided financial strategy that receives funding from available private and public resources.
 - Bolstering kinship care and reunification strategies.
 - Support for youth aging out of the child welfare system.

- Provide oversight over DHHS to ensure that applicable laws, policies, procedures, and recommended improvements are being properly executed.
- Develop a communication strategy that brings attention to the foster care crisis, supports current foster care families, and engages new families by increasing public awareness of the needs of Michigan’s foster care system.
- Serve as a liaison with public and private stakeholders, including *foundations* and the higher education community. (*Foundation* would mean a nonprofit corporation or a charitable trust that makes grants to organizations, institutions, or individuals for charitable purposes.)
- Serve as a clearinghouse for data and reporting for children and youth services in Michigan by reviewing reports of other child welfare-related commissions, boards, and task forces¹ to compile data, assess current trends, and ensure that the commission’s reports and recommendations are being considered and implemented.
- Work in conjunction with the Office of the Children’s Ombudsman to share information and develop a consistent strategy of reform for the child welfare system in Michigan.
- Oversee a resource mapping of all federal- and state-funded programs serving youth to determine if there are overlapping programs, gaps in service delivery, or funding opportunities that the state may be eligible to utilize to meet unrecognized needs.
- Publish a publicly available annual report on the commission’s activities, outcomes, and recommendations.

Children’s Services Commission Fund

The bill would create the Children’s Services Commission Fund in the state treasury. The state treasurer would have to deposit into the fund money and other assets received from the Children’s Services Commission or any other source, direct the investment of money in the fund, and credit to the fund interest and earnings from those investments. DHHS would be the administrator of the fund for audits and could expend money from the fund, upon appropriation, only to carry out the provisions of the new act.

FISCAL IMPACT:

House Bill 5801 would likely increase state expenditures for DHHS by an indeterminate amount and would not have a significant impact on local units of government. The fiscal impact of the bill would be dependent on the revenue source used to fund the Children’s Services Commission Fund that is established within the treasury under the provisions of the bill. Any additional fiscal impact would be dependent on the amount of reimbursable costs incurred by members of the committee.

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

¹ Such as the Child Welfare Services Division of the State Court Administrative Office (SCAO), the Governor’s Task Force on Abuse and Neglect, the State Child Death Review Team, the Children’s Trust Fund, the Office of the Auditor General, the Foster Care Review Board program, and the monitors for the *Dwayne B. v Whitmer* implementation, sustainability, and exit plan.