

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Reps. Kahle, Whiteford, Calley, Witwer, Bellino, O'Malley, Bezotte, Green, Young, Yaroch, Tate, Rendon, O'Neal, Tyrone Carter, Breen, Wakeman, Markkanen, Anthony, Pohutsky and Whitsett

ENROLLED HOUSE BILL No. 5801

AN ACT to create the foster care improvement commission; to prescribe its powers and duties; and to prescribe the powers and duties of certain state departments and agencies.

The People of the State of Michigan enact:

Sec. 1. (1) This act may be cited as the “foster care improvement commission act”.

(2) The commission or the advisory panels, or both, must reflect the diversity of this state and be inclusive of individuals of different racially and ethnically diverse backgrounds, genders, and generations.

Sec. 3. As used in this act:

(a) “Commission” means the foster care improvement commission created in section 5.

(b) “Department” means the department of health and human services.

(c) “Foundation” means a nonprofit corporation or a charitable trust that makes grants to organizations, institutions, or individuals for charitable purposes.

Sec. 5. (1) The foster care improvement commission is created within the department. The department is responsible for setting up the commission and establishing a budget for the commission.

(2) The commission may appoint and employ, at its pleasure, an executive director and other individuals it considers necessary to assist in carrying out its duties.

(3) The commission shall consist of 11 members. The members of the commission must consist of the following:

(a) Three members representing the judicial branch, as follows:

(i) One individual from the state court administrative office’s child welfare services division, as designated by the chief justice of the supreme court.

(ii) Two individuals appointed by the chief justice of the supreme court, 1 of whom represents judges who adjudicate family matters or juvenile matters in the family division of the circuit courts and 1 of whom represents attorneys who represent children and parents in juvenile matters.

(b) Four members representing the executive branch, as follows:

(i) The director of the children’s services agency within the department.

(ii) Three individuals appointed by the governor, 1 of whom represents department foster care or child protective services caseworkers, 1 of whom represents foster youth, and 1 of whom represents parent partners.

(c) Four members representing the legislative branch, as follows:

(i) One individual appointed by the legislative council who shall be the chair of the commission.

(ii) Three individuals appointed by the chair, 1 of whom represents private foster care agencies, 1 of whom represents foster parents, and 1 of whom represents a child welfare expert.

(4) Members of the commission shall be appointed for a term of 3 years except that of the members first appointed, 3 members shall serve for 1 year, 4 members shall serve for 2 years, and 4 members shall serve for 3 years as designated by the chair of the commission. After the first appointments, the term of a member of the commission is 3 years or until a successor is appointed under subsection (3), whichever is later.

(5) If a vacancy occurs on the commission, the vacancy must be filled for the balance of the unexpired term in the same manner as the original appointment under subsection (3).

(6) The legislative council or the commission may remove a member for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

(7) The chair of the commission shall call the first meeting of the commission. The commission must meet at least quarterly, or more frequently at the call of the chairperson or at the request of 6 or more members.

(8) A majority of the members of the commission constitute a quorum for transacting business. A vote in favor by a majority of the members of the commission serving is required for any action of the commission.

(9) The commission must conduct its business in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(10) A writing that is prepared, owned, used, possessed, or retained by the commission in performing an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(11) A member of the commission is not entitled to compensation for service on the commission, but the commission may reimburse a member for actual and necessary expenses incurred in serving.

Sec. 7. (1) The commission must do all of the following:

(a) Facilitate coordination across the 3 branches of state government and continuous, consistent leadership in the child protection area to ensure progress and improvement efforts are not hindered by changes in leadership in any branch.

(b) Review all current data, laws, and processes for children and youth services in this state.

(c) Research best practices in other states regarding the 7 national child welfare outcomes reported annually to the United States Congress by the United States Department of Health and Human Services according to the requirements of section 203(a) of the adoption and safe families act of 1997, Public Law 105-89.

(d) Create advisory panels to provide insight and recommendations for improvements to the child welfare system. The advisory panels must be composed of national experts in the area of child welfare and individuals who have experience within the child welfare system, including, but not limited to, current and former foster youth and foster parents.

(e) Identify current gaps, problems, and barriers for children and youth services in this state.

(f) Develop recommendations and advocate for legislative, administrative, and judicial administrative action to correct identified gaps, problems, and barriers to success described in subdivision (e) and to accomplish the commitments of the modified implementation, sustainability, and exit plan under *Dwayne B. v Whitmer*.

(g) Develop initiatives with a focus on the following:

(i) Primary prevention and early intervention across systems of care, including behavioral health services, early childhood development, and public health.

(ii) Identifying and addressing racial and ethnic disproportionality and disparity in the child welfare system.

(iii) Ensuring implementation of a braided financial strategy that receives funding from available private and public resources.

(iv) Bolstering kinship care and reunification strategies.

(v) Support for youth who have aged out or will age out of the child welfare system.

(h) Ensure the department is in compliance with applicable laws, policies, procedures, and is effectively implementing recommended improvements and best practices identified by the commission.

(i) 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 this state's foster care system.

(j) Serve as a liaison with public and private stakeholders, including foundations and the higher education community.

(k) Serve as a clearinghouse for data and reporting for children and youth services in this state by reviewing reports of other child welfare-related commissions, boards, and task forces, including, but not limited to, the state court administrative office's child welfare services division, 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 to compile data, assess current trends, and ensure that the commission's reports and recommendations are being considered and implemented.

(l) 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 this state.

(m) 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.

(n) Publish a publicly available annual report on the commission's activities, outcomes, and recommendations.

(2) The commission may raise money to carry out the provisions of this act.

Sec. 9. (1) The children's services commission fund is created in the state treasury.

(2) The state treasurer shall deposit money and other assets received from the children's services commission or from any other source in the fund. The state treasurer shall direct the investment of money in the fund and credit interest and earnings from the investments to the fund.

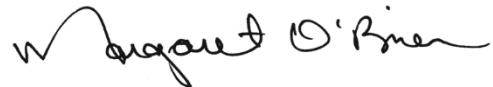
(3) The department is the administrator of the fund for audits of the fund.

(4) The department shall expend money from the fund, on appropriation, only to carry out the provisions of this act.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor