

Legislative Analysis



CHILDREN'S ASSURANCE OF QUALITY FOSTER CARE POLICY

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

House Bill 5121 as introduced
Sponsor: Rep. Terry J. Sabo

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

House Bill 5122 as introduced
Sponsor: Rep. Jim Runestad

House Bill 5123 as introduced
Sponsor: Rep. Pamela Hornberger

Committee: Judiciary
Complete to 10-23-17

SUMMARY:

The bills would each add a new section to the Foster Care and Adoption Services Act to create the Children's Assurance of Quality Foster Care Policy (MCL 722.953 et al.). As a whole, the Policy would, among other things, ensure that children placed in foster care receive fair, equal, and respectful treatment. The DHHS would have to implement the bills' provisions no later than 90 days after the effective date of the bills. The bills are tied to each other, meaning that no single bill could take effect unless all are enacted.

House Bill 5121 would include in the act's stated purpose that it is to ensure that the Department of Health and Human Services (DHHS) develop and maintain the Children's Assurance of Quality Foster Care Policy. The bill would also add Section 8b to require that the DHHS ensures that the Policy is developed, implemented by the supervising agency, and made available to the public. ("Supervising agency" refers to the entity into whose care the foster child is placed and would be either the DHHS or a child placing agency.) The DHHS would have to promote participation of current and former children in foster care in developing the Policy. Further, the Policy would have to ensure that children placed in foster care are provided with the following:

- Fair, equal, and respectful treatment which includes treatment that doesn't violate state and federal law.
- When appropriate, placement with relatives and siblings.
- Inventory and security of the child's personal belongings.
- Age-appropriate transition planning that includes housing, workforce preparation, and financial education.
- Ongoing contact and visits with parents, relatives, and friends if court-permitted.
- For children with disabilities, access to advocacy services.
- Timely enrollment in school, with consistent placement in the same school when possible.

- Participation in extracurricular activities as allowed by the supervising agency's resources and accounting for the foster parent's schedule and resources.
- Placement in the least restrictive setting. If discipline is required, and physical restraint is used by a child caring institution, a detailed report of the incident by the institution would have to be provided to DHHS.
- Access to and receipt of information and services as soon as practicable after the screening and assessment process identifies a need: this includes necessary medical, emotional, psychological, psychiatric, and educational evaluations and treatment.
- Access to and participation in religious and/or cultural activities, taking the foster parent's schedule and resources into consideration.
- Adequate food, necessities, and shelter, including special dietary needs, school supplies, clothing, and hygiene products.
- Age-appropriate information regarding proposed placement.
- A permanency plan designed to facilitate the permanent placement or return home in a timely manner.

DHHS would also have to maintain a written policy describing, on a form provided by the department, the grievance procedure for a child to address any perceived noncompliance with the items listed above, including how and where to file a grievance and contact information for the Office of the Children's Ombudsman and the department's Office of Family Advocate.

A child in foster care could file a grievance with the supervising agency about the perceived noncompliance with the Policy as outlined in the supervising agency's grievance policy. A supervising agency would have to respond in writing within 30 days of receiving a grievance as to how the grievance will be addressed. If it doesn't, or if the child does not agree with the findings in the response, the child could contact the Office of Family Advocate. If assistance of the Office of Family Advocate doesn't resolve the grievance, the child could request his or her lawyer-guardian ad litem petition the court for appropriate relief. Injunctive relief would be the sole remedy that could be provided.

House Bill 5122 would add Section 8c to the act to require the DHHS to draft and maintain an additional specific policy addressing the child's access to the following, as age-appropriate and as mandated by the court:

- Regular contact with all of the child's caseworkers, attorneys, and advocates.
- Relevant information about a change in the child's caseworker or attorney.
- Reasonable notice of hearings.
- At 14 years of age or older, involvement by the child in his or her own case plan development and development of a plan for his or her future and aging out of the foster care system.
- Help with understanding available services and how to access them.
- A permanent plan for placement and the child's participation in developing that plan.
- Protection of the child's privacy and confidentiality about his or her case.

House Bill 5123 would add Section 8d to the act to require the DHHS to prepare and distribute to each child placed in foster care, as age-appropriate, information describing the Policy and the grievance procedure, including information about the child’s caseworker and lawyer-guardian ad litem, the Office of the Children’s Ombudsman, the DHHS Office of Family Advocate, and the Foster Care Review Board.

FISCAL IMPACT:

House Bills 5121 to 5123 would have no significant fiscal impact to the state and minimal fiscal impact to local units of government. According to DHHS, the provisions of the proposed bills are already included in the department’s current practicing policies.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Viola Bay Wild

■ 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.