

**SUBSTITUTE FOR
HOUSE BILL NO. 5801**

A bill 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:

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

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

7 Sec. 3. As used in this act:

8 (a) "Commission" means the foster care improvement commission
9 created in section 5.



1 (b) "Department" means the department of health and human
2 services.

3 (c) "Foundation" means a nonprofit corporation or a charitable
4 trust that makes grants to organizations, institutions, or
5 individuals for charitable purposes.

6 Sec. 5. (1) The foster care improvement commission is created
7 within the legislative council. The legislative council is
8 responsible for setting up the commission and establishing a budget
9 for the commission.

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

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

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

17 (i) The chief justice of the supreme court or his or her
18 designee, who represents administrators of the family division of
19 the circuit courts.

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

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

27 (i) The director of the children's services agency within the
28 department.

29 (ii) Three individuals appointed by the governor, 1 of whom



1 represents department foster care or child protective services
2 caseworkers, 1 of whom represents foster youth, and 1 of whom
3 represents parent partners.

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

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

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

11 (4) Members of the commission shall be appointed for a term of
12 3 years except that of the members first appointed, 3 members shall
13 serve for 1 year, 4 members shall serve for 2 years, and 4 members
14 shall serve for 3 years as designated by the chair of the
15 commission. After the first appointments, the term of a member of
16 the commission is 3 years or until a successor is appointed under
17 subsection (3), whichever is later.

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

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

24 (7) The chair of the commission shall call the first meeting
25 of the commission. The commission must meet at least quarterly, or
26 more frequently at the call of the chairperson or at the request of
27 6 or more members.

28 (8) A majority of the members of the commission constitute a
29 quorum for transacting business. A vote in favor by a majority of



1 the members of the commission serving is required for any action of
2 the commission.

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

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

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

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

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

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

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

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



1 foster youth and foster parents.

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

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

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

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

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

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

18 (iv) Bolstering kinship care and reunification strategies.

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

21 (h) Provide oversight over the department to ensure that
22 applicable laws, policies, procedures, and recommended improvements
23 are being properly executed.

24 (i) Develop a communication strategy that brings attention to
25 the foster care crisis, supports current foster care families, and
26 engages new families by increasing public awareness of the needs of
27 this state's foster care system.

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



1 (k) Serve as a clearinghouse for data and reporting for
2 children and youth services in this state by reviewing reports of
3 other child welfare-related commissions, boards, and task forces,
4 including, but not limited to, the state court administrative
5 office's child welfare services division, the governor's task force
6 on abuse and neglect, the state child death review team, the
7 children's trust fund, the office of the auditor general, the
8 foster care review board program, and the monitors for the *Dwayne*
9 *B. v Whitmer* implementation, sustainability, and exit plan to
10 compile data, assess current trends, and ensure that the
11 commission's reports and recommendations are being considered and
12 implemented.

13 (l) Work in conjunction with the office of the children's
14 ombudsman to share information and develop a consistent strategy of
15 reform for the child welfare system in this state.

16 (m) Oversee a resource mapping of all federal- and state-
17 funded programs serving youth to determine if there are overlapping
18 programs, gaps in service delivery, or funding opportunities that
19 the state may be eligible to utilize to meet unrecognized needs.

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

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

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

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



1 investments to the fund.

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

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

