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CHILDREN'S PROTECTIVE SERVICES

House Bills 6076, 6078 and 6079
Sponsor: Rep. Edward LaForge

House Bill 6077
Sponsor: Rep. Mark Schauer

Committee: Human Services and Children

Complete to 9-18-98

A SUMMARY OF HOUSE BILLS 6076-6079 AS INTRODUCED 9-16-98

The bills would amend various acts that regulate the family division of circuit court, and the Family Independence Agency (FIA), to expand the jurisdiction and the powers of these agencies, and to redefine certain social welfare policies. Under the bills, the family division of circuit court and the FIA would have jurisdiction over a "nonparent adult," defined under House Bills 6076, 6078, and 6079 to mean a person who was 18 years of age or older; had substantial and regular contact with a child under the court's jurisdiction; was not the child's parent or a person acting *in loco parentis* to the child under the court's jurisdiction; and was not related to a child under the court's jurisdiction, by blood or affinity to the fourth degree. In addition, the court could require responsible adults to participate in the development of, and comply with, case service plans that were developed by the FIA to outline parents' responsibilities, and the attorneys of children placed under the court's jurisdiction would have to comply with certain requirements. Among the bills' provisions are the following:

House Bill 6076. Currently, the Social Welfare Act (MCL 400.14) defines the powers and duties of the FIA to include, among other things, the power to allocate and distribute funds appropriated by the legislature "for the relief of destitution or unemployment" to county and district FIA agencies, and money received from the federal government to grant aid to dependent children and supplemental security income; and the power to operate day care programs, and to provide services to aging persons. House Bill 6076 would extend these powers and duties to permit the FIA to do the following:

- Educate FIA social workers who investigate and evaluate suspected child abuse or neglect cases.
- Ensure that FIA social workers' decisions are subject to review, regardless of seniority.
- Ensure that FIA social workers' supervisors provide interactive, supportive, and performance review supervision of caseworkers.
- Ensure that a computer-based tracking system is available to the agency at the time of a protective services referral.

- Establish the following four categories of findings with regard to an investigation of child abuse or neglect: "substantiated," "substantiated--perpetrator unknown," "indicated," and "unsubstantiated."
- Ensure that a child is not denied protective services due to an agency's inability to determine the identity of the perpetrator of abuse or neglect.
- Ensure that the agency does the following: establish a procedure to randomly review protective services' investigations; establish a consistent definition of "substantial abuse;" establish incentives, protocols, and collaborations with the medical community to ensure that a child less than five years old suspected of being abused or neglected has a physical examination by a physician or registered professional licensed nurse within 24 hours after an investigation begins; and investigate any allegation of substance abuse of a child's parent or guardian, and establish protocols to protect the children.
- Require a "nonparent adult" responsible for a child's welfare to comply with any protective services plan affecting the child.
- Initiate proceedings to terminate parental or guardian rights if a parent or guardian does one or more of the following: fails to substantially comply with a protective services plan affecting the child; or continues to reside with a nonparent adult who fails to comply with a protective services plan.

House Bill 6078 would add a new section to Chapter XIIA of the Probate Code (MCL 712A.1 et al.) which regulates the juvenile division of probate court (renamed the "family division of circuit court" under the provisions of Public Act 409 of 1996), to, among other things, permit the court to issue an order affecting an adult residing in the home of a child over whom the court had jurisdiction.

Case Service Plans. Under the bill, the court could issue an order requiring the adult to participate in the development of a "case service plan," require compliance with a plan; or impose sanctions if the nonparent adult did not participate or comply with a plan. (A "case service plan" would be defined under the bill to mean the plan developed by an agency, and prepared, as specified under the statute, and agreed to by a parent, that included services to be provided by, and responsibilities and obligations of, the agency, and activities, responsibilities, and obligations of the parent. The plan could be referred to using a term different than "case service plan," including, but not limited to, a "parent/agency agreement" or a "parent/agency treatment and service agreement.")

Under the bill, the court would have to serve written notice of a review hearing upon an adult who lived in a child's home and who was required to comply with the case service plan. The bill would also require that a case service plan be included in its entirety in the order issued by the court following each review hearing. Further, compliance with a case service plan would have to be taken into consideration by the court at a dispositional hearing and each review hearing.

Placement of Juveniles and Children. House Bill 6078 would also specify that, when determining the placement of a juvenile outside of his or her home, the court would have to consider whether the juvenile was the victim or the perpetrator of the alleged abuse. In addition, the bill would specify that each agency responsible for the care of children in foster care would be required to monitor and document in the child's case file the progress and performance of each child under its supervision. Documentation would also have to be recorded of any disagreement between the agency and the foster care provider, together with a record of efforts to resolve the disagreement.

The bill would add a new section to the statute to specify that, if a juvenile was removed from his or her home because of an alleged incident of abuse to a sibling, the agency would be required to inform the parties of the action to be taken. In addition, the agency would have to consider whether the juvenile was the victim or the perpetrator of the alleged abuse when making a referral regarding sibling on sibling abuse.

Responsibilities of Attorneys. The bill would also add a new section to specify that, at each review, dispositional, or permanence hearing, the court would be required to inquire whether the attorney of the child who was the subject of the hearing had done each of the following:

- ** Consulted with the child.
- ** Fulfilled his or her obligation to observe and interview the child, as provided under the statute.
- ** Consulted with the child's foster parents, if the child were in foster care.
- ** Consulted with the child's public or private agency caseworker.

Further the bill would specify that, in a proceeding involving a juvenile who had violated the Michigan Vehicle Code or one involving a juvenile apprehended while being absent without leave from an institution or facility, an agency caseworker who knew that a child's attorney had not met the obligation to observe and interview the child would be required to inform the court of that fact.

Department Responsibilities. The bill would expand the responsibilities of the FIA to require that the agency prepare a report for each review hearing and present it to the court to document noncompliance with a case service plan by a parent or nonparent adult.

House Bill 6078 would amend Section 2 of Chapter XIIA of the Probate Code (MCL 712A.2), which regulates the juvenile division of probate court (renamed "the family division of circuit court" under the provisions of Public Act 409 of 1996) to permit the court to maintain jurisdiction over an adult who resides in the home of a child over whom the court has jurisdiction. Under the statute, the court has jurisdiction over certain juveniles under 17 years of age. Those who, for example, among other acts, run away from home without sufficient cause, or those whose home is found to be an unfit place for the juvenile to live in by reason of a parent,

guardian, or other custodian's neglect, cruelty, drunkenness, or other actions. The bill would extend the list of adults responsible for the condition of the juvenile's home to include a "nonparent adult."

House Bill 6079 would amend sections of the Social Welfare Act (MCL 400.55 et al.) that regulate county FIAs to conform to the provisions of House Bills 6076 and 6077 and to delete archaic language.

Analyst: R. Young

■ 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.