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**SFA****BILL ANALYSIS**

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Senate Bill 517 (as introduced 5-21-97)  
Sponsor: Senator George A. McManus, Jr.  
Committee: Families, Mental Health and Human Services

Date Completed: 5-21-97

### **CONTENT**

The bill would amend the foster care review board Act to do the following:

- Require a local board, upon request of the department or agency responsible for supervising a child in foster care, to evaluate a proposal to place a child in a foster home that otherwise would be out of compliance with licensing requirements.
- Require a local board to request waiver of licensing requirements for a foster care home that was out of compliance, if the local board determined that placement would be in a child's best interest and would not jeopardize the child's health or safety.
- Require a local board, if a child had not been adopted within six months after parental rights had been terminated, to perform an administrative review of the case every six months until a permanent placement was achieved.
- Require a local board to hear an appeal of a proposed change in foster care placement.
- Delete the requirement that a foster care review board be established in a county that has 100 to 500 children in foster care and require, instead, that there be a review board in each county or multiple counties.
- Delete provisions that exempt a county from establishing a review board, require the termination of a board under certain circumstances, and require the establishment of a board in an exempted county under certain conditions.

The bill is tie-barred to Senate Bill 490, which would amend provisions in the juvenile code on foster care placement.

#### **Local Foster Care Review Boards**

The Act provides for the creation of a local foster care review board in each county having at least 100 but not more than 500 children in foster care. The bill, instead, provides that a local foster care review board would be created in each county or in multiple counties. As currently provided, an additional board would be created for each additional 300 children in a county having more than 500 children in foster care, and a county with fewer than 100 children in foster care could create its own board or create a multicounty board with other counties having fewer than 100 children in foster care. The bill would delete the conditions under which a county with fewer than 100 children in foster care may create or join a local board.

The bill also would delete provisions that do the following: exempt a county from establishing a review board if not less than the minimum acceptable percentage of children in foster care in the county achieved a foster care event within six months after admission into foster care; require that

a board be terminated if the minimum acceptable percentage of children within the county achieving foster care events within six months after admission is attained and maintained for two consecutive State fiscal years; and, require the creation of one or more review boards in an exempted county upon agreement of the State Court Administrative Office, the judge(s) of the juvenile division of the county's probate court, and the county board of social services. (A "foster care event" is the child's return to the parent from whom the child was removed; the child's placement with the other parent; the child's placement with a relative; the voluntary release of parental rights to the child; or the filing of a petition for the termination of parental rights.)

Currently, a local board must be composed of five members who reside within the jurisdiction of the local board, and who represent to the maximum extent possible the socioeconomic, racial, and ethnic groups residing within that jurisdiction. The bill would add that a local board could have one alternative member who would serve when an appointed board member was unavailable.

### Foster Care Placement

The bill would add to the activities required of a local board that it hear an appeal of a proposed change in foster care placement, as provided in a section of Senate 490 that would establish procedures for a change in foster care placement. A local board also would have to report to the court as required by those procedures.

If a child had not been adopted within six months after termination of parental rights, the bill would require a local board to perform an administrative review of the case every six months until a permanent placement was achieved. The results of each review would have to be reported to the court and the department or agency responsible for supervising the child.

Upon request of the department or agency responsible for supervising a child in foster care, a local board would be required to place a child in a foster care home under circumstances that would have caused the foster home to be out of compliance with one or more licensing requirements. If the local board determined that the placement would be in the best interests of the child and that the lack of compliance with the particular licensing requirements would not jeopardize the health or safety of the children in the foster home, it would have to recommend to the Director of the Department of Consumer and Industry Services that the particular licensing requirements be waived for that foster home to allow the placement of the child.

MCL 722.134 et al.

Legislative Analyst: L. Arasim

### **FISCAL IMPACT**

The fiscal impact is indeterminate. Assuming that there are no multicounty boards, the provisions of the bill would require at least an additional 68 boards. This would mean an additional 340 volunteer members on the local boards and the necessary staff support by the Foster Care Review Board. Currently there are two field representatives in the State Court Administrative Office-Foster Care Review Board (FCRB) who provide the necessary support to 19 local boards in 15 counties. The additional local boards would require additional staff support and resources by the FCRB.

Based on recommendations of the Children's Commission, local foster care review boards would be expanding their duties. As such, the Judiciary in its FY 1997-98 budget recommendation has requested additional funds of approximately \$296,000 in order to expand the 19 boards to 33 boards. The 33 boards would provide service to all counties. The Senate has provided additional Federal funds totaling \$118,400 to the Judiciary's budget, the House subcommittee is expected to provide the total amount requested by the Judiciary.

Provided that the Legislature approves the total funding requested in the FY 1997-98 Judiciary budget, and assuming that this bill would allow the boards to expand rather than require a board in every county, the fiscal impact of the bill should be minimal.

Fiscal Analyst: M. Ortiz

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.