

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 517

A bill to amend 1984 PA 422, entitled

"An act to create a state foster care review board program in the state court administrative office; to create local foster care review boards; to prescribe the powers and duties of certain public officers and certain public and private agencies; and to provide penalties,"

by amending sections 4, 5, 7, and 9 (MCL 722.134, 722.135, 722.137, and 722.139), as amended by 1989 PA 74, and by adding section 7a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 4. (1) ~~Except as otherwise provided in this section,~~  
2 ~~there~~ THERE is created a local foster care review board in each  
3 county ~~having at least 100 but not more than 500 children in~~  
4 ~~foster care~~ OR IN MULTIPLE COUNTIES AS PROVIDED IN  
5 SUBSECTION (2). ~~For a county with more than 500 children in~~  
6 ~~foster care, there is created an additional local board for each~~  
7 ~~additional 300 children in foster care in that county.~~ SUBJECT

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1 TO SUBSECTION (3), ADDITIONAL BOARDS MAY BE CREATED IN EACH  
2 COUNTY OR IN MULTIPLE COUNTIES AT THE DISCRETION OF THE STATE  
3 COURT ADMINISTRATIVE OFFICE.

4 ~~(2) Subsection (1) shall not apply to a county if, for the~~  
5 ~~preceding state fiscal year, not less than the minimum acceptable~~  
6 ~~percentage of children in foster care in the county achieved a~~  
7 ~~foster care event within 6 months after admission into foster~~  
8 ~~care. The minimum acceptable percentage shall be determined by~~  
9 ~~the director, upon consideration of information furnished by the~~  
10 ~~department of social services and the juvenile division of the~~  
11 ~~probate court, and upon the basis of demonstrated need, but shall~~  
12 ~~not be less than 40%. The minimum acceptable percentage shall be~~  
13 ~~uniform for each county. The percentage of children who achieve~~  
14 ~~a foster care event within 6 months after admission into foster~~  
15 ~~care in each county shall be determined by the department of~~  
16 ~~social services and the juvenile division of the probate court,~~  
17 ~~and reported to the director not less than once each state fiscal~~  
18 ~~year. If sufficient information is not available from the~~  
19 ~~department of social services and the juvenile division of the~~  
20 ~~probate court, the director shall determine whether to create or~~  
21 ~~continue a local board.~~

22 ~~(3) A local board created pursuant to subsection (1) shall~~  
23 ~~be terminated if the minimum acceptable percentage of children~~  
24 ~~within the county achieving foster care events within 6 months~~  
25 ~~after admission into foster care, as determined pursuant to sub-~~  
26 ~~section (2), is attained and maintained for 2 consecutive state~~  
27 ~~fiscal years.~~

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1       ~~(4) One or more local foster care review boards shall be~~  
2 ~~created in a county exempted under subsection (2) upon agreement~~  
3 ~~of the state court administrative office, the judge or judges of~~  
4 ~~the juvenile division of the probate court serving in the county,~~  
5 ~~and the county board of social services.~~

6       ~~(5) If a county has fewer than 100 children in foster care,~~  
7 ~~the county may create a single county local board or join with 1~~  
8 ~~or more counties that also have fewer than 100 children in foster~~  
9 ~~care to create a multicounty local board. A county shall do so~~  
10 ~~only under the following conditions:~~

11       ~~(a) For a single county local board, upon agreement of the~~  
12 ~~state court administrator, the judge of the juvenile division of~~  
13 ~~the probate court, and the county board of social services.~~

14       ~~(b) For a multicounty local board, upon agreement of the~~  
15 ~~state court administrator, the judge of the juvenile division of~~  
16 ~~the probate court for each county, and the county board of social~~  
17 ~~services of each county.~~

18       ~~(6) If the state court administrator determines that a local~~  
19 ~~board need not be created in a certain county or that there are~~  
20 ~~insufficient funds available to create a local board in a certain~~  
21 ~~county, a local board shall not be created in that county.~~

22       ~~(7) Three years after a local board is created, the state~~  
23 ~~court administrative office shall review the local board to~~  
24 ~~determine whether it shall continue to provide support to the~~  
25 ~~local board and act in accordance with that determination.~~

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1 (2) AT THE DIRECTION OF THE STATE COURT ADMINISTRATIVE  
2 OFFICE, A SINGLE COUNTY LOCAL BOARD OR A BOARD COMPRISED OF 1 OR  
3 MORE COUNTIES IS CREATED.

4 (3) ~~-(8)-~~ A county shall not have more than ~~-10-~~ 15 local  
5 foster care review boards.

6 Sec. 5. (1) A local board shall be composed of 5 members  
7 who reside within the jurisdiction of the local board, and who  
8 represent to the maximum extent possible the socio-economic,  
9 racial, and ethnic groups residing within that jurisdiction. A  
10 LOCAL BOARD MAY HAVE 1 OR MORE ALTERNATE MEMBERS WHO SERVE WHEN  
11 AN APPOINTED BOARD MEMBER IS UNAVAILABLE.

12 (2) A local board member shall serve a renewable 3-year  
13 term. Of the initial members, 3 members shall serve for 3 years,  
14 and 2 members shall serve for 2 years.

15 (3) A person employed by a child care organization, the  
16 ~~department of social services~~ FAMILY INDEPENDENCE AGENCY, or  
17 the ~~probate~~ court shall not be appointed to a local board.

18 (4) A local board shall elect 1 of its members to serve as  
19 chairperson and 1 to serve as vice-chairperson. Each shall serve  
20 for a term of 1 year.

21 (5) A local board shall meet at a place and time specified  
22 by the state court administrative office and approved by the  
23 chairperson of the local board.

24 (6) Each member of a local board shall attend an orientation  
25 training session and subsequent training sessions as required by  
26 the state court administrative office.

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1       (7) The members of a local board shall serve without  
2 compensation. Reimbursement of expenses of members of the local  
3 board shall be in accordance with standard travel reimbursement  
4 rates established annually by the department of management and  
5 budget.

6       (8) A local board member may be removed for cause by the  
7 state court administrator.

8       Sec. 7. (1) A local board shall do all of the following:

9       (a) Review each initial placement plan submitted under sec-  
10 tion 6 for a child in foster care. The review shall be to deter-  
11 mine whether the placement plan for the child contains at least  
12 all of the following information:

13       (i) The purpose for which the child has been placed in  
14 foster care and the reason that the child cannot be returned to  
15 his or her home immediately.

16       (ii) The length of time in which the purpose of foster care  
17 will be accomplished.

18       (iii) An assessment of the involvement of the legal parent  
19 and steps taken by the child care organization to involve the  
20 legal parent in the planning and implementation of the plan.

21       (iv) A description of the services which have been and are  
22 to be provided in order for the purpose of foster care to be  
23 accomplished.

24       (v) The number of foster care placements the child has  
25 experienced while in foster care, and the length of time of each  
26 foster care placement.

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1       (vi) The person within the child care organization who is  
2 directly responsible for assuring that the plan is implemented.

3       (vii) The type of permanent placement recommended for the  
4 child.

5       (b) Review progress reports submitted under section 6(b)  
6 every 6 months following the initial review to determine whether  
7 the purpose for which the child has been placed in foster care,  
8 as described in the initial placement plan, is being achieved,  
9 and whether the plan continues to be appropriate, based on a  
10 review of all of the following:

11       (i) An assessment of the extent to which the child care  
12 organization is accomplishing the purpose of foster care as  
13 described in the placement plan.

14       (ii) Identification of the person within the child care  
15 organization who is directly responsible for assuring that the  
16 placement plan is implemented.

17       (iii) The length of time the child has been in foster care.

18       (iv) The number of foster care placements the child has  
19 experienced while in foster care and the length of time of each  
20 foster care placement.

21       (v) An assessment of the involvement of the legal parent and  
22 steps taken by the child care organization to involve the legal  
23 parent in planning and implementation of the plan.

24       (c) Whenever practicable, conduct reviews and submit  
25 reports, as required under subdivision (e), before the judicial  
26 review or rehearing mandated in section 19 of chapter XIIA of

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1 ~~Act No. 288 of the Public Acts of 1939, being section 712A.19 of~~  
2 ~~the Michigan Compiled Laws 1939 PA 288, MCL 712A.19.~~

3 (d) Review, at any time considered necessary by the local  
4 board, or at the request of the ~~juvenile division of the~~  
5 ~~probate~~ court or an interested party, the case and information  
6 submitted by a child care organization under section 6.

7 (e) Submit to the child care organization that submitted the  
8 initial placement plan and progress report and, if applicable, to  
9 the ~~juvenile division of the probate~~ court, within 30 days  
10 after a review under subdivision (a) or (b), a written statement  
11 of findings and recommendations regarding the care, maintenance,  
12 and supervision of a child in foster care and the plan for per-  
13 manent placement of the child. A copy of the statement may be  
14 sent to all interested parties. The local board may give infor-  
15 mation or file a petition for court action or rehearing under  
16 section 11 or 21 of chapter XIIIA of ~~Act No. 288 of the Public~~  
17 ~~Acts of 1939, being sections 712A.11 and 712A.21 of the Michigan~~  
18 ~~Compiled Laws 1939 PA 288, MCL 712A.11 AND 712A.21.~~

19 (F) HEAR AN APPEAL OF A PROPOSED CHANGE IN FOSTER CARE  
20 PLACEMENT AS PROVIDED IN SECTION 13B OF CHAPTER XIIIA OF 1939 PA  
21 288, MCL 712A.13B, AND REPORT TO THE COURT AS REQUIRED BY THAT  
22 SECTION.

23 (G) AS PART OF THE ONGOING REVIEW PROCESS, SELECT PERMANENT  
24 WARDS FOR REVIEW FROM ALL OF THE FOLLOWING CATEGORIES:

25 (i) WARDS WHO ARE REGISTERED WITH THE MICHIGAN ADOPTION  
26 RESOURCE EXCHANGE AND WHO HAVE BEEN ON HOLD STATUS FOR NOT LESS  
27 THAN 12 MONTHS.

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1           (ii) WARDS WHO HAVE NOT BEEN REGISTERED WITH THE MICHIGAN  
2 ADOPTION RESOURCE EXCHANGE, HAVE BEEN PERMANENT WARDS FOR NOT  
3 LESS THAN 6 MONTHS, AND DO NOT HAVE A DOCUMENTED PERMANENCY PLAN  
4 IN PLACE.

5           (iii) WARDS WHO ARE LESS THAN 12 YEARS OF AGE AND HAVE BEEN  
6 LISTED IN THE MICHIGAN ADOPTION RESOURCE EXCHANGE PHOTO LISTING  
7 BOOK FOR MORE THAN 6 MONTHS AND FOR WHOM NO FAMILY HAS BEEN  
8 IDENTIFIED.

9           (H) ~~-(f)-~~ Perform those duties necessary to implement this  
10 act.

11           (2) A local board may limit the review to a written report  
12 or request a personal appearance of an interested party, as con-  
13 sidered necessary by the local board.

14           (3) If interested parties are provided with a copy of the  
15 findings and recommendations of the local board, the local board  
16 shall allow the interested parties to submit written comments.  
17 Upon approval of a local board, an interested party may make a  
18 personal appearance before the local board in connection with the  
19 foster care case.

20           (4) A local board may make recommendations to the state  
21 court administrative office regarding issues in foster care  
22 policy and procedure and the functions of child care organiza-  
23 tions and the ~~juvenile division of the probate~~ court.

24           (5) A LOCAL BOARD SHALL COMPILE AND MAINTAIN STATISTICS AND  
25 MAKE FINDINGS REGARDING ITS REVIEWS OF PERMANENT WARDS UNDER SUB-  
26 SECTION (1)(G), INCLUDING, BUT NOT LIMITED TO, IDENTIFICATION OF  
27 ANY BARRIERS TO PERMANENCY.

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1           (6) THE MICHIGAN ADOPTION RESOURCE EXCHANGE SHALL COOPERATE  
2 WITH THE FOSTER CARE REVIEW BOARD PROGRAM AND SUBMIT COPIES OF  
3 THEIR FILE MATERIAL AND REGISTRATION DOCUMENTATION AS REQUESTED  
4 BY THE FOSTER CARE REVIEW BOARD PROGRAM.

5           SEC. 7A. IF THE CASE OF A CHILD WHO HAS AT LEAST 1 SIBLING  
6 IS OTHERWISE BEFORE A LOCAL BOARD, THE LOCAL BOARD MAY EVALUATE  
7 THE CHILD'S PLACEMENT IN A FOSTER FAMILY HOME OR FOSTER FAMILY  
8 GROUP HOME THAT WOULD ALLOW THE CHILD AND 1 OR MORE SIBLINGS TO  
9 REMAIN OR BE PLACED TOGETHER, BUT WOULD ALSO REQUIRE OBTAINING A  
10 VARIANCE FROM 1 OR MORE LICENSING RULES OR STATUTES UNDER SECTION  
11 8B OF 1973 PA 116, MCL 722.118B. IF THE LOCAL BOARD DETERMINES  
12 THAT SUCH A PLACEMENT WOULD BE IN THE CHILD'S BEST INTERESTS AND  
13 THAT THE VARIANCE FROM THE PARTICULAR LICENSING RULES OR STATUTES  
14 WOULD NOT JEOPARDIZE THE HEALTH OR SAFETY OF A CHILD RESIDING IN  
15 THE FOSTER FAMILY HOME OR FOSTER FAMILY GROUP HOME, THE LOCAL  
16 BOARD SHALL RECOMMEND THE VARIANCE TO THE DEPARTMENT OF CONSUMER  
17 AND INDUSTRY SERVICES AS PROVIDED IN SECTION 8B OF 1973 PA 116,  
18 MCL 722.118B.

19           Sec. 9. (1) The state court administrator shall publish an  
20 annual report of the state board program created by this act and  
21 shall make the annual report available to the public.  
22 ADDITIONALLY, THE STATE COURT ADMINISTRATOR SHALL SUBMIT THE  
23 ANNUAL REPORT TO THE LEGISLATURE AND THE GOVERNOR.

24           (2) The annual report required by subsection (1) shall  
25 include, but IS not ~~be~~ limited to, all of the following:

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1           (A) ~~(i)~~ An evaluative summary, supplemented by applicable  
2 quantitative data, of the activities and functioning of each  
3 local board during the preceding year.

4           (B) ~~(ii)~~ An evaluative summary, supplemented by applicable  
5 quantitative data, of the activities and functioning of the  
6 aggregate of all local boards in the state during the preceding  
7 year.

8           (C) ~~(iii)~~ An identification of problems that impede the  
9 timely placement of children in a permanent placement and recom-  
10 mendations for improving the timely placement of children in a  
11 permanent placement.

12           (D) THE STATISTICS AND FINDINGS COMPILED UNDER SECTION 7(5).

13           Enacting section 1. This amendatory act does not take  
14 effect unless Senate Bill No. 490 of the 89th Legislature is  
15 enacted into law.

[Enacting section 2. Section 7 of 1984 PA 422, MCL 722.137, as amended by this amendatory act, takes effect July 1, 1998.]