

Legislative Analysis



IMPLEMENT CHILDREN'S ASSURANCE OF QUALITY FOSTER CARE POLICY

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House Bill 5849

Sponsor: Rep. Marcia Hovey-Wright

House Bill 5850

Sponsor: Rep. Cindy Denby

House Bill 5851

Sponsor: Rep. George T. Darany

Committee: Families, Children, and Seniors
Complete to 9-30-14

A SUMMARY OF HOUSE BILLS 5849-5851 AS INTRODUCED 9-23-14

Generally speaking, House Bills 5849-5851 would each amend the Foster Care and Adoption Act to ensure that the Department of Human Services develop, implement and make available a *Children's Assurance of Quality Foster Care Policy*. The policy is to be implemented no later than July 1, 2015.

The bills are tie-barred to each other meaning none could take effect unless all are enacted. A detailed explanation of each bill follows.

Children's Assurance of Quality Foster Care Policy

House Bill 5849 would require the department to ensure that the children's assurance of quality foster care policy is developed, implemented, and made available to the public. The department would have to promote the participation of current and former foster children in developing the policy. The policy must ensure that children placed in foster care are provided with the all of the following:

- Fair, equal, and respectful treatment, including treatment that does not violate the provisions of the Elliott-Larsen Civil Rights Act (MCL 37.2101 et al.).
- Placement with relatives and siblings, when appropriate.
- Inventory and security of the foster child's personal belongings.
- Transition planning, including financial education, access to personal documents, information regarding post-secondary education, and independent living preparation, as age-appropriate.
- Ongoing contact and visits with parents, relatives, and friends, if permitted by the court.
- Access to advocacy services for foster children with disabilities.
- Timely enrollment in school with consistent placement in the same school, when possible.
- Participation in extracurricular activities consistent with the foster child's age and developmental level, as allowed by the supervising agency's resources.
- Placement in the least restrictive setting, appropriate to the foster child's needs, free from abuse, physical restraint, and discrimination or harassment.

- Access to and receipt of information and services, including necessary medical, emotional, psychological, psychiatric, and educational evaluations and treatment, as soon as practicable after identifying the need for services by the screening and assessment process.
- Access to and participation in religious activities, cultural activities, or both.
- Adequate food, necessities, and shelter, including special dietary needs, school supplies, clothing, and hygiene products.
- Information regarding proposed placement, as age-appropriate.
- A permanency plan, as required by state and federal law, that is designed to facilitate the permanent placement or return home of a foster child in a timely manner.

Foster Child's Access to Age-Appropriate Information

House Bill 5850 would require the policy to address the foster child's access to the following as age-appropriate and as mandated by the court:

- Regular contact with all caseworkers, attorneys, and advocates.
- Relevant information regarding a change in the caseworker or attorney.
- The foster child's ability to attend hearings and request to speak with the judge presiding over his or her case.
- Reasonable notification of hearings.
- Involvement in his or her own case plan development and development of a plan for the future and for aging out of the foster care system.
- Help with understanding the services available and how to access those services.
- The ability of foster children to request to review their own case records.
- A permanent plan for placement and the foster child's participation in the development of that plan.
- Protection of the foster child's privacy and confidentiality regarding his or her case.

Distribution of Age-Appropriate Information

House Bill 5851 would require the department to prepare and distribute to each child placed in foster care, as age-appropriate, information describing the children's assurance of quality foster care policy and the process to follow if the foster child has concerns regarding a violation of the policy. This information would need to include information regarding the foster child's caseworker, legal guardian ad litem, the Office of the Children's Ombudsman, how to file a complaint, and whom the foster child may contact with any issues.

MCL 722.951-722.960

FISCAL IMPACT:

These bills should have a negligible fiscal impact on the state and local units of government.

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