



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 973 (Substitute S-4 as reported)
Sponsor: Senator Bruce Caswell
Committee: Families, Seniors and Human Services

Date Completed: 11-7-14

RATIONALE

The child welfare system is viewed by some as a complex network of mandates, risks, funding sources, service providers, and stakeholders. Some participants in that system evidently are concerned that there is insufficient communication between parties involved in child welfare, and believe that they would be better served by ample communication within the system. Also, there is interest in developing a State-administered performance-based child welfare program, starting with a pilot program based in one county in Michigan. To assist in the planning and development of such a program, and to facilitate communication and learning between parties having an interest in the child welfare system, it has been suggested that a council composed of individuals having experience with the child welfare system be created.

CONTENT

The bill would create the "Child Welfare Partnership Council Act", to do the following:

- **Require the Department of Human Services (DHS) to establish and operate the Child Welfare Partnership Council.**
- **Prescribe the qualifications, methods of appointment, and term lengths for Council members.**
- **Require the Council to guide the ongoing planning and quality improvement of a State-administered performance-based child welfare program, and to submit an annual report to the Legislature.**

The Act would be repealed on May 1, 2018.

Council Membership & Appointment

The Council would consist of nine members, as follows:

- The Directors of the DHS, the Department of Community Health, and the Department of Education, or their respective designees.
- One member representing private child welfare agencies appointed by the Governor from a list of three names submitted by private child welfare agencies.
- One family court judge appointed by the Governor from a list of three names submitted by the Michigan Probate Judges Association and Michigan Judges Association.
- One county commissioner, county administrator, or court administrator, appointed by the Governor from a list of three names submitted by the Michigan Association of Counties.
- Three members representing the public, appointed by the Governor.

The public members, to the extent possible, would have to demonstrate knowledge in the area of foster care, be representative of the demographic composition of the State, and be

representative of any of the following categories: birth and foster parents, former foster care children, professional providers of foster care services, or volunteers in foster care services.

An appointment to the Council by the Governor would take effect unless disapproved by a majority vote of the Senate within 60 session days after the date of the appointment. The Governor would have to appoint a chairperson to serve a one-year term, after which the Council would have to appoint the chairperson. A chairperson could not serve more than three consecutive one-year terms. Appointed members would serve four years, or until a successor was appointed, except that of the members first appointed, two would serve for four years, two for three years, and two for two years. If a vacancy occurred on the Council, the Governor would have to make an appointment for the unexpired term in the same manner as the original appointment.

Council members would serve without compensation, but could receive reimbursement for their necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Technology, Management, and Budget, subject to available funding.

The Council would be subject to the Open Meetings Act.

A member of the Council would have to discharge his or her duties in a nonpartisan manner, in good faith, in the best interests of children in the State, and with the degree of diligence, care, and skill that an ordinarily prudent person would exercise under similar circumstances in a like position. A member would be prohibited from making, or participating in, a decision or attempting to use his or her position to influence a decision on a matter before the Council in which the member was directly or indirectly interested. The Council would have to adopt policies and procedures requiring members to comply, and members would have to comply, with the proposed Act and the following laws: a) Public Act 566 of 1978 (relating to incompatible public offices); b) Public Act 318 of 1968 (pertaining to conflicts of interest); c) Public Act 317 of 1968 (concerning contracts of public servants with public entities); and d) Public Act 196 of 1973 (pertaining to standards of conduct for public officers and employees).

An individual who was not of good moral character or who had been convicted of, pleaded guilty or no contest to, or forfeited bail concerning a felony under any State or Federal law could not be appointed or remain as a member of the Council.

Council Responsibilities

The Council would have to guide the ongoing planning, fiscal model, and continuous quality improvement of a State-administered performance-based child welfare program, including reviewing relevant data and performance outcomes to advise the DHS. "Continuous quality improvement" would mean "an ongoing process used to evaluate the effectiveness of child welfare service provisions using various sources of information to promote continuous learning and improvement in child welfare practice within the child welfare system and to promote the use of evidence-based or evidence-informed programs".

The Council also would have to provide input in the planning and final decision regarding a plan to reinvest savings that resulted from the system in an ongoing risk management pool, start-up costs, and performance incentives.

The Council could establish subcommittees of its members and advisory workgroups composed of public officers, public employees, legislators, or members of the public who were not members of the Council, and it could adopt, reject, or modify any recommendation proposed by a subcommittee or workgroup.

By December 1, 2015, and annually after that, the Council would have to provide a report to the DHS, the chairpersons of the Senate and House Appropriations Committees, and the chairpersons of the Senate and House Appropriations subcommittees on human services. The

report would have to make nonbinding recommendations regarding implementation of a State-administered performance-based child welfare system.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The child welfare system is complicated and consists of a number of service providers, funding sources, and mandates. The bill would create a guaranteed, statutorily mandated body in which child welfare stakeholders could communicate with each other and learn about the child welfare system's various needs, which should ultimately improve child welfare outcomes. The Council also would assist in the planning and implementation of the State-administered performance-based child welfare program. (Senate Bills 975 and 1086 would provide for the implementation of such a program in a county with a population of 575,000 to 650,000.) The sunset in the bill would ensure that the Council would be eliminated if it were ultimately ineffective or unnecessary.

Opposing Argument

A statutorily mandated council is unnecessary because the State-administered performance-based child welfare program referred to by the bill is being implemented as a test program in one county, Kent County. Also, it is unclear what the purpose or impact of the Council would be, because it would consist of a limited number of members from around the State, and not officials from Kent County. If the Council were to have statewide implications, it should be made up of more stakeholders from the State.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Frances Carley

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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.