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BILL



ANALYSIS

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Senate Bill 1134 (as introduced 11-8-18)
Sponsor: Senator Judy K. Emmons
Committee: Families, Seniors and Human Services

Date Completed: 12-5-18

CONTENT

The bill would amend the Guardianship Assistance Act to require the approval process for guardianship assistance to include criminal record checks, child abuse and child neglect central registry checks, and fingerprint-based criminal record checks on a successor guardian and all adults living in the successor guardian's home, in addition to those currently required for a guardian.

Under the Act, subject to certain requirements, a guardian who meets all of the following may receive guardianship assistance on behalf of an eligible child:

- The guardian is the eligible child's relative or legal custodian.
- The eligible child has resided with the prospective guardian in his or her residence for at least six months before the application for assistance is received by the Department of Health and Human Services (DHHS).

The guardian also must be a licensed foster parent and approved for guardianship assistance by the DHHS. The approval process must include criminal record checks and child abuse and neglect central registry checks on the guardian and all adults living in his or her home, as well as fingerprint-based criminal record checks on the guardian. If the guardian's fingerprints are stored in the automated fingerprint identification system (AFIS), the DHHS must use those fingerprints for the criminal record check. The bill would eliminate the provision pertaining to AFIS.

Instead, the approval process would have to include criminal record checks and child abuse and child neglect central registry checks on the guardian, all successor guardians, and all adults living in the guardian's or successor guardian's home, as well as fingerprint-based criminal record checks on the guardian or successor guardian.

The bill would take effect 90 days after its enactment.

"Guardian" means a person appointed by the court to act as a legal guardian for a child under Section 19a or 19c of the juvenile code.

"Successor guardian" means a person appointed by the court to act as a legal guardian when the preceding guardian is no longer able to act as a result of his or her death or incapacitation under Section 19a or 19c of the juvenile code, and does not include a person appointed as a guardian if that person's parental rights to the child have been terminated or suspended.

MCL 722.874

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

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

Fiscal Analyst: John Maxwell

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