

# HOUSE BILL No. 5113

October 12, 2017, Introduced by Reps. Chang, Howrylak, Hertel, Moss, Pagan, Pagel, Yaroach, Hammoud, Liberati, Wittenberg, Sowerby, Elder, Green, Guerra, Rabhi, Lilly, Marino, Inman, LaSata and Jones and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1939 PA 280, entitled  
"The social welfare act,"  
(MCL 400.1 to 400.119b) by adding section 18f.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 18F. (1) IF A MINOR CHILD, WHOSE PARENT OR GUARDIAN HAS  
2        BEEN DETAINED UNDER THE CONTROL AND CUSTODY OF OR DEPORTED BY THE  
3        UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT, IS TAKEN INTO  
4        PROTECTIVE CUSTODY OR PLACED WITH THE DEPARTMENT FOR CARE AND  
5        SUPERVISION, A CASEWORKER MUST NOTIFY THE PARENT'S OR GUARDIAN'S  
6        APPROPRIATE CONSULAR OFFICE IN ACCORDANCE WITH THE VIENNA  
7        CONVENTION ON CONSULAR RELATIONS NOT MORE THAN 48 HOURS AFTER THE  
8        TIME THE MINOR CHILD COMES WITHIN THE DEPARTMENT'S CARE AND  
9        SUPERVISION, IF BOTH OF THE FOLLOWING CONDITIONS ARE MET:

1 (A) THAT PARENT OR GUARDIAN HAS NOT EXECUTED A POWER OF  
2 ATTORNEY FOR THE CARE AND CUSTODY OF THE MINOR CHILD.

3 (B) THERE IS NO RELATIVE TO PROVIDE FOR THE CARE AND CUSTODY  
4 OF THE MINOR CHILD.

5 (2) BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THE  
6 AMENDATORY ACT THAT ADDED THIS SECTION, THE DEPARTMENT SHALL  
7 DEVELOP AND IMPLEMENT A SYSTEM THAT COLLECTS AND MAINTAINS DATA  
8 REGARDING CHILDREN WHO COME UNDER THE DEPARTMENT'S CARE AND  
9 SUPERVISION AS DESCRIBED IN SUBSECTION (1). THE DATA COLLECTED  
10 UNDER THIS SUBSECTION MUST INCLUDE, BUT ARE NOT LIMITED TO, ALL OF  
11 THE FOLLOWING:

12 (A) THE CHILD'S NAME.

13 (B) THE CHILD'S RACE OR ETHNICITY.

14 (C) WHETHER OR NOT THE CONSULATE WAS CONTACTED.

15 (D) THE STATUS OF THE CASE, IF IT IS STILL OPEN, OR THE  
16 OUTCOME OF THE CASE, IF IT IS CLOSED.

17 (3) THE INFORMATION IN SUBSECTION (2) (A) SHALL ONLY BE MADE  
18 AVAILABLE INTERNALLY TO DEPARTMENT STAFF. THE INFORMATION IN  
19 SUBSECTION (2) (B) TO (D) MAY BE MADE ACCESSIBLE TO THE PUBLIC.

20 Enacting section 1. This amendatory act takes effect 90 days  
21 after the date it is enacted into law.