

Legislative Analysis



FOSTER CARE TASK FORCE

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 1107 (S-1) as passed by the Senate
Sponsor: Sen. Peter MacGregor
House Committee: Ways and Means
Senate Committee: Families, Seniors and Veterans
Complete to 12-8-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 1107 would create a new act to establish the Foster Care Task Force in the Legislative Council and create the Michigan Foster Care Task Force Fund. Among other things, the task force would be charged with reviewing and Michigan's *foster care* data, laws, and practices and recommending improvements to those laws and practices. The task force would be dissolved upon submitting its report.

Foster care would mean a child's placement outside the child's parental home by and under the supervision of a child placing agency (as defined in 1973 PA 116), the court, or the Department of Health and Human Services (DHHS). Foster care would not include delegation of a parent's or guardian's powers under the Safe Families for Children Act.

Task force

The bill would create the Foster Care Task Force in the Legislative Council¹ and require the council to establish procedures for the budget, expenditures, and personnel of the task force within 30 days after the bill takes effect. The task force would consist of members representing the executive, judicial, and legislative branches of government who are recognized for their child welfare expertise or represent critical interests. The task force would have to include individuals of different racially or ethnically diverse backgrounds, genders, and generations.

The chief justice of the Michigan Supreme Court (or his or her designee) and the director of DHHS would serve as co-chairs of the task force. Within 60 days after the bill takes effect, other members would be appointed as follows:

- Two individuals appointed by the chief justice: one representing judges who adjudicate family or juvenile matters in the family division of circuit court and one representing administrators of that division.
- Three individuals appointed by the governor: one representing DHHS foster care caseworkers, one representing foster youth, and one representing parent partners.
- Three individuals appointed by the senate majority leader, at least one of whom represents foster parents.
- Three individuals appointed by the speaker of the house, at least one of whom represents contract private agencies.
- One individual appointed by the senate minority leader.
- One individual appointed by the minority leader of the house.

¹ The Legislative Council consists of six representatives and six senators who are respectively appointed by the Speaker of the House and the Senate Majority Leader. Each group of six members must include at least two members from the respective chamber's minority party. See <http://council.legislature.mi.gov/CouncilAdministrator/Agencies>

Task force duties

The task force would have to do all of the following:

- Conduct a comprehensive review of Michigan's foster care statewide data, statutes, and administrative practices.
- Review the data, statutes, and administrative practices of the states with the best performance practices related to the following seven national child welfare outcomes reported annually to Congress by the U.S. Department of Health and Human Services:
 - Reduce recurrence of child abuse and child neglect.
 - Reduce the incidence of child abuse and child neglect in foster care.
 - Increase permanency for children in foster care.
 - Reduce time in foster care to reunification without increasing reentry.
 - Reduce time in foster care to adoption.
 - Increase placement stability.
 - Reduce placements of young children in group homes or institutions.
- Identify key disparities between Michigan and the top five ranking states described above and identify barriers to successful outcomes.
- Develop recommendations for legislative, administrative, and judicial action to correct the identified disparities and barriers and relieve the state from oversight for the implementation, sustainability, and exit plan according to the *settlement agreement*.
- Develop initiatives with a focus on all of the following:
 - Primary prevention and early intervention across systems of care, including behavioral health services, early childhood development, and public health.
 - Ensuring implementation of a financial strategy that draws down funding from available private and public resources.
 - Bolstering kinship care and reunification strategies.
- Develop a communication strategy to support current foster families and engage new families by increasing public awareness of the needs of the state's foster care system.
- Review reports by statewide child welfare-related entities and monitoring reports relating to the settlement agreement to assess trends and recommended actions.
- Develop recommendations for creating an oversight authority to ensure long-term success and compliance with the proposed foster care policy changes.
- Develop a method for receiving public input concerning the current operations of Michigan's foster care system that will enhance the task force's recommendations and report developed or submitted under the bill.

Settlement agreement would mean the settlement agreement under *Dwayne B. v Snyder*, Docket No. 2:06-CV-13548 in the United States District Court for the Eastern District of Michigan.

To carry out its duties, the task force could accept federal money granted for that purpose as well as donations from individuals, foundations, or private organizations. The task force could conduct a campaign to solicit such donations. The bill states that the use of federal money does not commit state money or oblige the legislature to continue the purpose for which the federal money was made available.

The task force could also work or contract with a public or private entity to fulfill its responsibilities.

Michigan Foster Care Task Force Fund

The bill would create the Michigan Foster Care Task Force Fund in the state treasury and allow the state treasurer to receive money or other assets from any source for deposit into the fund. The state treasurer would have to direct the investment of the fund, crediting the fund with interest and earnings from those investments. Money in the fund at the close of the fiscal year would remain in the fund and not lapse to the general fund. For auditing purposes, DHHS would be the fund's administrator.

DHHS would have to expend money from the fund, upon appropriation, to assist the task force in properly executing its duties.

Report

No later than 18 months after the bill's effective date, the task force would have to submit a report to the governor, the chief justice, the senate majority and minority leaders, the speaker and minority leader of the House of Representatives, the director of DHHS, the legislative appropriations subcommittees on the DHHS budget, the Senate Fiscal Agency, and the House Fiscal Agency. Before submitting the report, the task force would have to consult with the monitor of the settlement agreement and consider the monitor's response in the final policy recommendations.

The task force would be dissolved upon submitting this report.

FISCAL IMPACT:

The bill contains no direct appropriations for the administration and operation of the Foster Care Task Force. Therefore, appropriation authority in an appropriations act would be necessary to allow for the expenditure of federal or private funds received by the newly created Michigan Foster Care Task Force Fund or to provide other state funding if federal or private revenue was deemed insufficient to cover the costs of the task force. Without a corresponding appropriation for administration and operation of the task force, it is unknown how the task force would cover the cost of operations. The magnitude of the administrative and operational costs would be correlated to the scope and size of the task force, which are undefined in the bill. Because the task force would dissolve upon the submission of the report, the costs would be one-time.

Legislative Analyst: Rick Yuille
Fiscal Analyst: Ben Gielczyk

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.