



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 1107 (as introduced 9-15-20)
Sponsor: Senator Peter MacGregor
Committee: Families, Seniors, and Veterans

Date Completed: 11-9-20

CONTENT

The bill would enact a new law to create the Foster Care Task Force within the Legislative Council and to do the following:

- **Require the Task Force to consist of members who represented the three branches of government who were recognized for their child welfare expertise or who represent critical stakeholder interests.**
- **Require appointments to the Task Force to include the Chief Justice of the Supreme Court, the Director of the Department of Health and Human Services (DHHS), and certain appointees made by the Chief Justice, the Governor, the Senate Majority and Minority Leaders, the Speaker of the House, and the Minority Leader of the House.**
- **Prescribe the duties and responsibilities of the Task Force, which would include conducting a comprehensive review of the State's foster care statewide data, statutes, and administrative practices and identifying key disparities between Michigan and the top five ranking states with the best performance practices related to certain child welfare outcomes described below and identify any other barriers to successful outcomes, among other things.**
- **Create the "Michigan Foster Care Task Force Fund" within the State Treasury and provide for the disposition of money to and from the Fund.**
- **Within 18 months after the bill's effective date, require the Task Force to submit a report related to its findings to certain elected officials and State agencies.**
- **Specify that the Task Force would be dissolved after the report's submission.**

The bill states that it "is the intent of the legislature that the foster care task force provide comprehensive research on the enumerated priorities in this act and provide specific actionable recommendations and applicable metrics for long-term oversight and to remove obstacles and disincentives preventing Michigan families from supporting foster children to ensure that this state is a national leader in outcomes for children in the foster care system."

Foster Care Task Force Creation

The bill would require the Council, within 30 days after the bill's effective date, to establish procedures for approving the Task Force budget, for spending funds, and for employing personnel for the Task Force.

(The bill would define "foster care" as a child's placement outside the child's parental home by and under the supervision of a child placing agency, the court, or the DHHS. The term would not include delegation of a parent's or guardian's powers regarding care, custody, or

property of a child or ward under a properly executed power of attorney under the Safe Families for Children Act. "Child placing agency" would mean that term as defined in Section 1 of the child care licensing Act: a governmental organization or an agency organized under the Nonprofit Corporation Act for the purpose of receiving children for placement in private family homes for foster care or for adoption.)

Membership

Under the bill, the Task Force would have to consist of members who represented the three branches of government who were recognized for their child welfare expertise or who represented critical stakeholder interests. The bill states that, in order to promote the important goal of fostering a diversity of ideas and opinions and to undo the bias and oppression that limited those voices, to the extent practicable, the Task Force would have to reflect the diversity of the State and be inclusive of individuals of different racially or ethnically diverse backgrounds, genders, and generations.

Appointments to the Task Force would have to be made in accordance with the following:

- The Chief Justice of the Supreme Court or his or her designee, who would have to serve as co-chair.
- The Director of the DHHS or his or her designee, who also would have to serve as co-chair.
- Two individuals appointed by the Chief Justice of the Supreme Court, one of whom represented judges who adjudicated family matters or juvenile matters in the family division of circuit court and one of whom represented administrators of the family division of circuit court.
- Three individuals appointed by the Governor, one of whom represented DHHS foster care caseworkers, one of whom represented foster youth, and one of whom represented parent partners.
- Three individuals appointed by the Senate Majority Leader, one of whom represented foster parents.
- Three individuals appointed by the Speaker of the House, one of whom represented contract private agencies.
- One individual appointed by the Senate Minority Leader.
- One individual appointed by the Minority Leader of the House.

The members first appointed to the Task Force would have to be appointed within 60 days after the bill's effective date.

Task Force Responsibilities

Under the bill, the Task Force would have to do all the following:

- Conduct a comprehensive review of the State's foster care statewide data, statutes, and administrative practices.
- Identify key disparities between Michigan and the top five ranking states with the best performance practices related to certain child welfare outcomes described below and identify any other barriers to successful outcomes.
- Develop recommendations for legislative, administrative, and judicial action to correct the identified disparities and barriers to success and to relieve the State from oversight for the implementation, sustainability, and exit plan according to the settlement agreement.
- 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 produced by other statewide child welfare-related entities, including the Governor's Task Force On Child Abuse and Neglect, the Children's Trust Fund, the Michigan Child Death State Advisory Team, the Office of the Children's Ombudsman, the Foster Care Review Board Program, the Office of the Auditor General, and the monitoring reports relating to the settlement agreement to assess trends and recommend actions.
- Develop recommendations for creating an oversight authority to ensure long-term success and compliance with the proposed foster care policy changes.

("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.)

The bill also would require the Task Force to review the foster care statewide 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 United States Department of Health and Human Services according to Federal law:

- Reduce recurrence of child abuse and child neglect.
- Reduce the incidence of child abuse and child neglect.
- 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.

In addition, the Task Force would have to develop initiatives with a focus on all 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 drew down funding from available private and public resources.
- Bolstering kinship care and reunification strategies.

For the purpose of carrying out its duties under the bill, the Task Force could accept Federal money granted for the bill's purposes as well as gifts, grants, bequests, or donations from individuals, private organizations, or foundations. The bill specifies that accepting or using Federal money would not commit State money and would not place an obligation on the Legislature to continue the purpose for which the Federal money was made available. The bill also would allow the Task Force to plan, manage, or conduct a campaign to solicit gifts, bequests, grants, or donations of money or property, or pledges of gifts, bequests, grants, or donations for the purpose of carrying out its duties.

The bill specifies that it would not prevent the Task Force from working or contracting with a public or private entity to fulfill its responsibilities.

Foster Care Task Force Fund

The bill would create the Michigan Foster Care Task Force Fund within 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 and credit to it interest and earnings from Fund investments. Money in the Fund at the close of the fiscal year would have to remain in the Fund and would not lapse to the General Fund.

The bill specifies that the DHHS would be the administrator of the Foster Care Task Force Fund for auditing purposes. The DHHS would have to spend money from the Fund, upon appropriation, to assist the Task Force in properly executing its prescribed duties.

Task Force Report

Under the bill, within 18 months after the bill's effective date, the Task Force would have to submit a report to the Governor, the Chief Justice of the Supreme Court, the Senate Majority Leader, the Speaker of the House or Representatives, the Minority Leader of the House of Representatives, the Director of the DHHS, the Senate and House of Representatives 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 after it submitted the report.

BACKGROUND

On August 8, 2006, several children in the custody of Michigan's foster care who were represented by Children's Rights, Inc. filed a class action suit against the State and the DHHS in the United States District Court for the Eastern District of Michigan alleging maltreatment and neglect of foster children in State custody. The suit, *Dwayne B. v Snyder*, resulted in a settlement agreement, which was approved on October 24, 2008. The settlement agreement established certain standards and outcomes that the defendants had to meet over a five-year period under the supervision of an independent monitor, including increased services for children in foster care and DHHS organizational change, among other things.

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

To the extent that any funds were received by the Michigan Foster Care Task Force Fund, there would need to be a recognition of budget authorization. If the funds received were Federal or private, no State resources would be required for the Task Force. Additionally, if current staffing levels were sufficient to meet any research or data requests from the Task Force, the bill would have no fiscal impact on State government.

The Department of Treasury would experience a minimal fiscal impact to administer and invest the Michigan Foster Care Task Force Fund, which would be minimal and within current appropriations.

Fiscal Analyst: John Maxwell
Cory Savino

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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.