

# SENATE BILL NO. 1107

September 15, 2020, Introduced by Senator MACGREGOR and referred to the Committee on Families, Seniors, and Veterans.

A bill to create the foster care task force; to provide for the powers and duties of the foster care task force; and to provide for the powers and duties of certain state departments and agencies.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. As used in this act:

2           (a) "Child placing agency" means that term as defined in  
3 section 1 of 1973 PA 116, MCL 722.111.

4           (b) "Council" means the legislative council established under

1 section 15 of article IV of the state constitution of 1963.

2 (c) "Department" means the department of health and human  
3 services.

4 (d) "Director" means the director of the department.

5 (e) "Foster care" means a child's placement outside the  
6 child's parental home by and under the supervision of a child  
7 placing agency, the court, or the department. Foster care does not  
8 include delegation of a parent's or guardian's powers regarding  
9 care, custody, or property of a child or ward under a properly  
10 executed power of attorney under the safe families for children  
11 act, 2018 PA 434, MCL 722.1551 to 722.1567.

12 (f) "Settlement agreement" means the settlement agreement  
13 under *Dwayne B. v Snyder*, Docket No. 2:06-CV-13548 in the United  
14 States District Court for the Eastern District of Michigan.

15 (g) "Task force" means the foster care task force created in  
16 section 2.

17 Sec. 2. (1) The foster care task force is created within the  
18 legislative council.

19 (2) No later than 30 days after the effective date of this  
20 act, the council shall establish procedures for approving the task  
21 force budget, for expending funds, and for employing personnel for  
22 the task force.

23 (3) The task force shall consist of members who represent the  
24 3 branches of government who are recognized for their child welfare  
25 expertise or who represent critical stakeholder interests.

26 (4) In order to promote the important goal of fostering a  
27 diversity of ideas and opinions, and undo the bias and oppression  
28 that limits those voices, to the extent practicable, the task force  
29 must reflect the diversity of this state and be inclusive of

1 individuals of different racially or ethnically diverse  
2 backgrounds, genders, and generations.

3 (5) Appointments to the task force must be made in accordance  
4 with the following:

5 (a) The chief justice of the supreme court or his or her  
6 designee. This member shall serve as co-chair.

7 (b) The director or his or her designee. This member shall  
8 also serve as co-chair.

9 (c) Two individuals appointed by the chief justice of the  
10 supreme court, 1 of whom represents judges who adjudicate family  
11 matters or juvenile matters in the family division of circuit court  
12 and 1 of whom represents administrators of the family division of  
13 circuit court.

14 (d) Three individuals appointed by the governor, 1 of whom  
15 represents department foster care caseworkers, 1 of whom represents  
16 foster youth, and 1 of whom represents parent partners.

17 (e) Three individuals appointed by the senate majority leader,  
18 1 of whom represents foster parents.

19 (f) Three individuals appointed by the speaker of the house, 1  
20 of whom represents contract private agencies.

21 (g) One individual appointed by the senate minority leader.

22 (h) One individual appointed by the minority leader of the  
23 house.

24 (6) The members first appointed to the task force shall be  
25 appointed within 60 days after the effective date of this act.

26 Sec. 3. The task force shall do all of the following:

27 (a) Conduct a comprehensive review of this state's foster care  
28 statewide data, statutes, and administrative practices.

29 (b) Review the foster care statewide data, statutes, and

1 administrative practices of the states with the best performance  
2 practices related to the following 7 national child welfare  
3 outcomes reported annually to Congress by the United States  
4 Department of Health and Human Services according to the  
5 requirements of section 203(a) of the adoption and safe families  
6 act of 1997, Public Law 105-89:

7 (i) Reduce recurrence of child abuse and child neglect.

8 (ii) Reduce the incidence of child abuse and child neglect in  
9 foster care.

10 (iii) Increase permanency for children in foster care.

11 (iv) Reduce time in foster care to reunification without  
12 increasing reentry.

13 (v) Reduce time in foster care to adoption.

14 (vi) Increase placement stability.

15 (vii) Reduce placements of young children in group homes or  
16 institutions.

17 (c) Identify key disparities between this state and the top 5  
18 ranking states described in subdivision (b). Identify any other  
19 barriers to successful outcomes.

20 (d) Develop recommendations for legislative, administrative,  
21 and judicial action to correct the identified disparities and  
22 barriers to success described in subdivision (c) and to relieve the  
23 state from oversight for the implementation, sustainability, and  
24 exit plan according to the settlement agreement.

25 (e) Develop initiatives with a focus on all of the following:

26 (i) Primary prevention and early intervention across systems of  
27 care, including behavioral health services, early childhood  
28 development, and public health.

1           (ii) Ensuring implementation of a financial strategy that draws  
2 down funding from available private and public resources.

3           (iii) Bolstering kinship care and reunification strategies.

4           (f) Develop a communication strategy to support current foster  
5 families and engage new families by increasing public awareness of  
6 the needs of the state's foster care system.

7           (g) Review reports produced by other statewide child welfare-  
8 related entities, including, but not limited to, the governor's  
9 task force on child abuse and neglect, the children's trust fund,  
10 the Michigan child death state advisory team, the office of the  
11 children's ombudsman, the foster care review board program, the  
12 office of the auditor general, and the monitoring reports relating  
13 to the settlement agreement to assess trends and recommended  
14 actions.

15           (h) Develop recommendations for creating an oversight  
16 authority to ensure long-term success and compliance with the  
17 proposed foster care policy changes.

18           Sec. 4. (1) For the purpose of carrying out its duties under  
19 this act, the task force may do both of the following:

20           (a) Accept federal money granted for the purpose of this act  
21 as well as gifts, grants, bequests, or donations from individuals,  
22 private organizations, or foundations. Accepting or using federal  
23 money does not commit state money and does not place an obligation  
24 on the legislature to continue the purpose for which the federal  
25 money is made available.

26           (b) Plan, manage, or conduct a campaign to solicit gifts,  
27 bequests, grants, or donations of money or property, or pledges of  
28 gifts, bequests, grants, or donations.

29           Sec. 5. (1) The Michigan foster care task force fund is

1 created within the state treasury.

2 (2) The state treasurer may receive money or other assets from  
3 any source for deposit into the fund. The state treasurer shall  
4 direct the investment of the fund. The state treasurer shall credit  
5 to the fund interest and earnings from fund investments.

6 (3) Money in the fund at the close of the fiscal year shall  
7 remain in the fund and shall not lapse to the general fund.

8 (4) The department shall be the administrator of the fund for  
9 auditing purposes.

10 (5) The department shall expend money from the fund, upon  
11 appropriation, to assist the task force in properly executing its  
12 prescribed duties under this act.

13 Sec. 6. (1) By not later than 18 months after the effective  
14 date of this act, the task force must submit a report to the  
15 governor, the chief justice of the supreme court, the senate  
16 majority leader, the senate minority leader, the speaker of the  
17 house of representatives, the minority leader of the house of  
18 representatives, the director, the senate and house of  
19 representatives appropriations subcommittees on the department  
20 budget, the senate fiscal agency, and the house fiscal agency.  
21 Before submitting the report required under this subsection, the  
22 task force shall consult with the monitor of the settlement  
23 agreement and shall consider the monitor's response in the final  
24 policy recommendations.

25 (2) The task force is dissolved upon submitting the report  
26 required under subsection (1).

27 Sec. 7. This act does not prevent the task force from working  
28 or contracting with a public or private entity to fulfill the  
29 responsibilities under this act.

1           Enacting section 1. It is the intent of the legislature that  
2 the foster care task force provide comprehensive research on the  
3 enumerated priorities in this act and provide specific actionable  
4 recommendations and applicable metrics for long-term oversight and  
5 to remove obstacles and disincentives preventing Michigan families  
6 from supporting foster children to ensure that this state is a  
7 national leader in outcomes for children in the foster care system.