

Act No. 74  
Public Act of 1989  
June 27, 1989  
Filed by the Secretary of State  
June 27, 1989

**STATE OF MICHIGAN  
85TH LEGISLATURE  
REGULAR SESSION OF 1989**

Introduced by Reps. Stabenow, Martin, DeMars, Gubow, Wallace and Camp

# ENROLLED HOUSE BILL No. 4801

AN ACT to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of Act No. 422 of the Public Acts of 1984, entitled as amended "An act to create a state foster care review board program in the state court administrative office; to create local foster care review boards; to prescribe the powers and duties of certain public officers and certain public and private agencies; to provide penalties; and to repeal certain acts and parts of acts on specific dates," sections 1, 2, 3, 4, 5, 6, 7, and 9 as amended by Act No. 159 of the Public Acts of 1986, being sections 722.131, 722.132, 722.133, 722.134, 722.135, 722.136, 722.137, 722.138, and 722.139 of the Michigan Compiled Laws; to add section 9a; and to repeal certain parts of the act.

*The People of the State of Michigan enact:*

Section 1. The title and sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of Act No. 422 of the Public Acts of 1984, sections 1, 2, 3, 4, 5, 6, 7, and 9 as amended by Act No. 159 of the Public Acts of 1986, being sections 722.131, 722.132, 722.133, 722.134, 722.135, 722.136, 722.137, 722.138, and 722.139 of the Michigan Compiled Laws, are amended and section 9a is added to read as follows:

## TITLE

An act to create a state foster care review board program in the state court administrative office; to create local foster care review boards; to prescribe the powers and duties of certain public officers and certain public and private agencies; and to provide penalties.

Sec. 1. As used in this act:

(a) "Child care organization" means a child caring institution or a child placing agency as defined in section 1 of Act No. 116 of the Public Acts of 1973, being section 722.111 of the Michigan Compiled Laws.

(b) "Foster care" means care provided to a child on a 24-hour basis either by a child care organization or by a person or organization appointed by the juvenile division of the probate court, either temporarily or permanently, to provide court supervised child care, pursuant to any of the following:

(i) An order of the juvenile division of the probate court if the court acquired jurisdiction over the child pursuant to section 2(b)(1) or (2) of chapter XA of Act No. 288 of the Public Acts of 1939, being section 712A.2 of the Michigan Compiled Laws.

(ii) A voluntary action of a parent or guardian that results in an expenditure of funds appropriated to the department of social services.

(iii) A voluntary release executed pursuant to section 28 of chapter X of Act No. 288 of the Public Acts of 1939, being section 710.28 of the Michigan Compiled Laws.

(d) "Foster care event" means any of the following:

- (i) The child's return to the parent from whom the child was removed.
- (ii) The child's placement with a parent other than the parent from whom the child was removed.
- (iii) The child's placement with a relative.
- (iv) The voluntary release of parental rights to the child.
- (v) The filing on behalf of the child of a petition to terminate parental rights to the child.
- (e) "Interested party" means any of the following:
  - (i) A biological parent whose parental rights have not been terminated.
  - (ii) A foster parent.
  - (iii) An employee or representative of the child care organization providing the foster care to the child.
  - (iv) A person with whom a local board consults during a review of a child in foster care.
  - (v) Any person designated by the state court administrator.
- (f) "Local board" means a local foster care review board created under section 4.
- (g) "State board program" means the state foster care review board program created in section 2.

Sec. 2. (1) The state foster care review board program is created within the state court administrative office, to consist of staff necessary to perform the functions of the state board program as prescribed by this act. The state court administrative office shall administer the state foster care review program.

(2) The state court administrative office shall assist the state board program in developing and maintaining access to and liaison with the probate court in each county of this state that has a local board.

(3) This act shall not be construed to authorize either the state court administrative office or the local boards to provide direct supervision of foster care services.

Sec. 3. The state court administrative office shall do all of the following:

- (a) Determine the number of children who are in foster care in this state.
- (b) Establish uniform policies and procedures for foster care review pursuant to this act, including criteria for the selection of foster care cases to be reviewed.
- (c) In accordance with section 4, determine the appropriate number of local boards necessary to meet the needs of children in foster care, and establish the jurisdiction of each local board.
- (d) Establish criteria and procedures for membership of a local board.
- (e) Solicit and receive applications for local board membership and make membership decisions.
- (f) Provide written notification to a local board of specific cases of children in foster care appropriate for review, and schedule those cases for review within the time intervals established under section 7.
- (g) Inform the child care organization, department of social services, or probate court that provided notification pursuant to section 6(a) of the local board to which the child is assigned.
- (h) Make a reasonable effort to provide written notification to each interested party of the date, time, and procedures for a review by a local board of a child in foster care.
- (i) Establish a system to monitor the status of each child who is in foster care and who has been assigned to a local board.
- (j) Analyze information gathered by local boards throughout this state.
- (k) Employ and provide state board program staff and provide local board volunteers.
- (l) Provide periodic training sessions for the members of each local board. The training sessions shall include instruction on the need to maintain confidentiality as required under section 8.
- (m) Establish an advisory committee consisting of representatives from child care organizations, local boards, and others as the state court administrator considers necessary to review the foster care system and to make recommendations concerning the foster care system to the appropriate groups and agencies. Not less than a majority of the advisory committee shall consist of representatives of the local boards.
- (n) Issue an annual report pursuant to section 9.
- (o) Perform those duties necessary to implement and review the state board program.

Sec. 4. (1) Except as otherwise provided in this section, there is created a local foster care review board in each county having at least 100 but not more than 500 children in foster care. For a county with more than 500 children in foster care, there is created an additional local board for each additional 300 children in foster care in that county.

(2) Subsection (1) shall not apply to a county if, for the preceding state fiscal year, not less than the minimum acceptable percentage of children in foster care in the county achieved a foster care event within 6 months after admission into foster care. The minimum acceptable percentage shall be determined by the director, upon consideration of information furnished by the department of social services and the juvenile division of the probate court, and upon the basis of demonstrated need, but shall not be less than 40%. The minimum acceptable percentage shall be uniform for each county. The percentage of children who achieve a foster care event within 6 months after admission into foster care in each county shall be determined by the department of social services and the juvenile division of the probate court, and reported to the director not less than once each state fiscal year. If sufficient information is not available from the department of social services and the juvenile division of the probate court, the director shall determine whether to create or continue a local board.

(3) A local board created pursuant to subsection (1) shall be terminated if the minimum acceptable percentage of children within the county achieving foster care events within 6 months after admission into foster care, as determined pursuant to subsection (2), is attained and maintained for 2 consecutive state fiscal years.

(4) One or more local foster care review boards shall be created in a county exempted under subsection (2) upon agreement of the state court administrative office, the judge or judges of the juvenile division of the probate court serving in the county, and the county board of social services.

(5) If a county has fewer than 100 children in foster care, the county may create a single county local board or join with 1 or more counties that also have fewer than 100 children in foster care to create a multicounty local board. A county shall do so only under the following conditions:

(a) For a single county local board, upon agreement of the state court administrator, the judge of the juvenile division of the probate court, and the county board of social services.

(b) For a multicounty local board, upon agreement of the state court administrator, the judge of the juvenile division of the probate court for each county, and the county board of social services of each county.

(6) If the state court administrator determines that a local board need not be created in a certain county or that there are insufficient funds available to create a local board in a certain county, a local board shall not be created in that county.

(7) Three years after a local board is created, the state court administrative office shall review the local board to determine whether it shall continue to provide support to the local board and act in accordance with that determination.

(8) A county shall not have more than 10 local foster care review boards.

Sec. 5. (1) A local board shall be composed of 5 members who reside within the jurisdiction of the local board, and who represent to the maximum extent possible the socio-economic, racial, and ethnic groups residing within that jurisdiction.

(2) A local board member shall serve a renewable 3-year term. Of the initial members, 3 members shall serve for 3 years, and 2 members shall serve for 2 years.

(3) A person employed by a child care organization, the department of social services, or the probate court shall not be appointed to a local board.

(4) A local board shall elect 1 of its members to serve as chairperson and 1 to serve as vice-chairperson. Each shall serve for a term of 1 year.

(5) A local board shall meet at a place and time specified by the state court administrative office and approved by the chairperson of the local board.

(6) Each member of a local board shall attend an orientation training session and subsequent training sessions as required by the state court administrative office.

(7) The members of a local board shall serve without compensation. Reimbursement of expenses of members of the local board shall be in accordance with standard travel reimbursement rates established annually by the department of management and budget.

(8) A local board member may be removed for cause by the state court administrator.

Sec. 6. A child care organization, the department of social services, or the probate court responsible for supervising a child in foster care shall do all of the following:

(a) Provide written notification monthly to the state court administrator of an admission into, discharge from, or transfer of a child in foster care.

(b) Upon request submit an initial placement plan; a list of names, addresses, and telephone numbers of interested parties; and progress reports to the appropriate local board at least once each 6 months, and cooperate with and furnish other information requested by the state court administrator. If foster care is

purchased from a child placing agency or child caring institution, that organization shall cooperate in the preparation of an initial placement plan and progress reports.

Sec. 7. (1) A local board shall do all of the following:

(a) Review each initial placement plan submitted under section 6 for a child in foster care. The review shall be to determine whether the placement plan for the child contains at least all of the following information:

(i) The purpose for which the child has been placed in foster care and the reason that the child cannot be returned to his or her home immediately.

(ii) The length of time in which the purpose of foster care will be accomplished.

(iii) An assessment of the involvement of the legal parent and steps taken by the child care organization to involve the legal parent in the planning and implementation of the plan.

(iv) A description of the services which have been and are to be provided in order for the purpose of foster care to be accomplished.

(v) The number of foster care placements the child has experienced while in foster care, and the length of time of each foster care placement.

(vi) The person within the child care organization who is directly responsible for assuring that the plan is implemented.

(vii) The type of permanent placement recommended for the child.

(b) Review progress reports submitted under section 6(b) every 6 months following the initial review to determine whether the purpose for which the child has been placed in foster care, as described in the initial placement plan, is being achieved, and whether the plan continues to be appropriate, based on a review of all of the following:

(i) An assessment of the extent to which the child care organization is accomplishing the purpose of foster care as described in the placement plan.

(ii) Identification of the person within the child care organization who is directly responsible for assuring that the placement plan is implemented.

(iii) The length of time the child has been in foster care.

(iv) The number of foster care placements the child has experienced while in foster care and the length of time of each foster care placement.

(v) An assessment of the involvement of the legal parent and steps taken by the child care organization to involve the legal parent in planning and implementation of the plan.

(c) Whenever practicable, conduct reviews and submit reports, as required under subdivision (e), before the judicial review or rehearing mandated in section 19 of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.19 of the Michigan Compiled Laws.

(d) Review, at any time considered necessary by the local board, or at the request of the juvenile division of the probate court or an interested party, the case and information submitted by a child care organization under section 6.

(e) Submit to the child care organization that submitted the initial placement plan and progress report and, if applicable, to the juvenile division of the probate court, within 30 days after a review under subdivision (a) or (b), a written statement of findings and recommendations regarding the care, maintenance, and supervision of a child in foster care and the plan for permanent placement of the child. A copy of the statement may be sent to all interested parties. The local board may give information or file a petition for court action or rehearing under section 11 or 21 of chapter XIIA of Act No. 288 of the Public Acts of 1939, being sections 712A.11 and 712A.21 of the Michigan Compiled Laws.

(f) Perform those duties necessary to implement this act.

(2) A local board may limit the review to a written report or request a personal appearance of an interested party, as considered necessary by the local board.

(3) If interested parties are provided with a copy of the findings and recommendations of the local board, the local board shall allow the interested parties to submit written comments. Upon approval of a local board, an interested party may make a personal appearance before the local board in connection with the foster care case.

(4) A local board may make recommendations to the state court administrative office regarding issues in foster care policy and procedure and the functions of child care organizations and the juvenile division of the probate court.

Sec. 8. (1) Records regarding specific children and their parents and relatives shall be confidential. Disclosure of this confidential information shall be properly safeguarded by the local board, the staff of the state board, and the state court administrator.

(2) A person who discloses confidential information contained in records, reports, and plans prepared pursuant to this act is guilty of a misdemeanor.

(3) Unauthorized disclosure of information contained in records and reports made pursuant to this act by a member of a local board shall be grounds for removal from the board.

Sec. 9. (1) The state court administrator shall publish an annual report of the state board program created by this act and shall make the annual report available to the public.

(2) The annual report required by subsection (1) shall include, but not be limited to, all of the following:

(i) An evaluative summary, supplemented by applicable quantitative data, of the activities and functioning of each local board during the preceding year.

(ii) An evaluative summary, supplemented by applicable quantitative data, of the activities and functioning of the aggregate of all local boards in the state during the preceding year.

(iii) An identification of problems that impede the timely placement of children in a permanent placement and recommendations for improving the timely placement of children in a permanent placement.

Sec. 9a. The state court administrator may reevaluate the state board program and make recommendations to the legislature that the state board program be terminated or placed under the jurisdiction of the legislative or executive branch.

Section 2. Section 10 of Act No. 422 of the Public Acts of 1984, being section 722.140 of the Michigan Compiled Laws, is repealed.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved .....

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Governor.