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BILL ANALYSIS

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House Bill 4118 (Substitute H-1 as passed by the House)
Sponsor: Representative Gino Polidori
House Committee: Families and Children's Services
Senate Committee: Families and Human Services

Date Completed: 9-1-10

CONTENT

The bill would amend the Foster Care and Adoption Services Act to require that special consideration and preference be given to placement with relatives; and require notification of relatives when a child was removed from his or her home.

Notice to Relatives

The Act requires a supervising agency to take certain actions when a child is removed from his or her home under the juvenile code. Within 30 days after removal, as part of the child's initial case service plan, the agency must identify, locate, and consult with relatives to determine placement with a fit and appropriate relative who would meet the child's developmental, emotional, and physical needs.

Under the bill, the supervising agency also would have to notify relatives within 30 days after a child was removed. The notice would have to do all of the following:

- Specify that the child had been removed from the custody of his or her parent.
- Explain the relative's options to participate in the care and placement of the child, including any option that the relative could lose by failing to respond to the notice.
- Describe the requirements and benefits, including the amount of monetary benefits, of becoming a licensed foster family home.
- Describe how the relative could subsequently enter into an agreement with the Department of Human Services (DHS) for guardianship assistance.

(A supervising agency is the DHS if a child is placed with the Department for foster care, or a child placing agency with which a child is placed for foster care.)

Special Consideration

The bill would require a supervising agency, before determining placement of a child in its care, to give special consideration and preference to the child's relatives. If the agency determined that a relative was willing and fit to care for the child, and would meet the child's developmental, emotional, and physical needs, the child would have to be placed in the relative's home unless that placement were determined not to be in the child's best interests.

The DHS and a supervising agency would have to implement these requirements in compliance with a consent decree that was in force on the bill's effective date.

MCL 722.954a

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would largely codify existing DHS policy regarding relative placements in the Foster Care and Adoption Services Act. To that extent, the bill would have little fiscal impact as the DHS is already looking closely at placing children with relatives whenever a suitable relative placement exists.

Fiscal Analyst: Kathryn Summers

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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.