

**SUBSTITUTE FOR
HOUSE BILL NO. 5443**

A bill to create the kinship caregiver advisory council; to prescribe the membership of the council; to prescribe the powers and duties of the kinship caregiver advisory council; to prescribe the powers and duties of certain state departments and agencies; to allow for appropriations to carry out the provisions of this act; and to promulgate rules to carry out the purposes of this act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "kinship caregiver advisory council act".

3 Sec. 2. As used in this act:

4 (a) "Council" means the kinship caregiver advisory council
5 created in section 3.

6 (b) "Department" means the department of health and human



1 services.

2 (c) "Kinship caregiver" means a relative, 18 years of age or
3 older, who has fully undertaken an unequivocal, committed, and
4 responsible parental and caregiving role for a child who is not his
5 or her own, whether informally arranged among relatives or formally
6 supported by the child welfare system.

7 (d) "Kinship caregiver navigator program" means the program
8 created in the kinship caregiver navigator act to provide resources
9 and services to kinship caregivers.

10 (e) "Kinship family" means a kinship caregiver and the child
11 with whom he or she has taken on the caregiving role.

12 (f) "Relative" means an individual, 18 years of age or older,
13 who is related to the child within the fifth degree by marriage,
14 blood, or adoption, including step relationships and the spouse of
15 an individual related to the child within the fifth degree, even
16 after the marriage has ended by death or divorce, or an individual
17 who has a close family-like relationship with the child.

18 Sec. 3. (1) The kinship caregiver advisory council is created
19 within the department.

20 (2) The purpose of the council is to do all of the following:

21 (a) Study the prevalence and needs of kinship caregivers and
22 the children they care for.

23 (b) Advocate for reform and system changes to contribute to a
24 better coordinated, consumer friendly, and family-centered system
25 that is responsive to the needs of kinship caregivers, the children
26 they care for, and the legal parents of those children with an
27 emphasis on legal issues, custody, state services, community
28 supports and resources, and overall system changes.

29 (c) Prevent child abuse and child neglect through empowering



1 and supporting kinship caregivers in the formal child welfare
2 system, as well as children informally placed with kinship
3 caregivers by relatives.

4 (3) The department shall provide support and coordinated
5 services to the council sufficient to carry out the council's
6 duties, powers, and responsibilities.

7 Sec. 4. (1) The council shall be composed of all of the
8 following members:

9 (a) The director of the department's children services agency
10 or his or her designee.

11 (b) The director of the department's aging and adult services
12 or his or her designee.

13 (c) The superintendent of public instruction, or his or her
14 designee.

15 (d) The state court administrator or his or her designee.

16 (e) Nineteen public members appointed by the governor with the
17 advice and consent of the senate as follows:

18 (i) Three members who are kinship caregivers, 1 of whom
19 represents kinship caregivers over 60 years old, 1 representing
20 kinship caregivers in the formal child welfare system, and 1
21 representing kinship caregivers who had children informally placed
22 with them.

23 (ii) One member who is an adult who was raised by a kinship
24 caregiver.

25 (iii) Two members representing nonprofit child advocacy
26 organizations.

27 (iv) Four members representing private agencies that contract
28 with the state to provide child welfare services, with at least 1
29 member representing agencies that make foster care placements, 1



1 member representing agencies that provide postadoption or
2 postguardianship services, 1 member representing agencies that
3 provide adoption services, and 1 member representing agencies that
4 provide prevention and family preservation services.

5 (v) Two members representing mental health professionals with,
6 at least, 1 member who has expertise in dealing with adverse
7 childhood experiences and, at least, 1 member who has expertise in
8 substance use disorder. One member appointed under this
9 subparagraph must be a licensed psychologist or psychiatrist and
10 the other member must be a licensed master's social worker.

11 (vi) Two members who are licensed attorneys.

12 (vii) One member representing local Area Agencies on Aging.

13 (viii) One member representing all the federally recognized
14 tribes in this state.

15 (ix) One member representing an agency that provides kinship
16 navigation services.

17 (x) One parent who previously had a child in a kinship care
18 arrangement but has since been reunited with that child.

19 (xi) One member who has demonstrated expertise in domestic
20 violence victim services and advocacy.

21 (2) The members first appointed to the council must be
22 appointed within 90 days after the effective date of this act.

23 (3) Public members of the council shall serve for terms of 3
24 years or until a successor is appointed, whichever is later, except
25 that of the public members first appointed, 6 shall serve for 1
26 year, 6 shall serve for 2 years, and 5 shall serve for 3 years.

27 (4) If a vacancy occurs on the council, the governor shall
28 make an appointment for the unexpired term in the same manner as
29 the original appointment.



1 (5) The governor shall designate a chairperson of the council.
2 The chairperson shall serve in that position at the pleasure of the
3 governor. The council may elect other officers and establish
4 committees as it considers appropriate.

5 (6) To the extent practicable, the council must be composed of
6 geographic, ethnic, age, and gender diversity and represent the
7 demographic composition of this state.

8 (7) Every public member of the council must have experience
9 and knowledge in kinship caregiver issues.

10 (8) Members of the council may be reimbursed for actual and
11 necessary expenses incurred in the performance of their official
12 duties as council members. The actual and necessary expenses and
13 the schedule for reimbursement of those expenses shall be the same
14 as established annually by the legislature for similar councils or
15 boards that are reimbursed from the general fund. The compensation,
16 reimbursement, and all actual and necessary operating expenses of
17 the council shall be appropriated by the legislature.

18 Sec. 5. (1) The council shall meet not less than 4 times per
19 year.

20 (2) The council shall hold at least 2 public meetings across
21 the state to address local issues regarding kinship caregiving and
22 to provide a process that incorporates the public in the
23 development of the council's recommendations.

24 (3) The council shall conduct its business at a public meeting
25 held in compliance with the open meetings act, 1976 PA 267, MCL
26 15.261 to 15.275. Public notice of the time, date, and place of the
27 meeting must be given in the manner required by the open meetings
28 act, 1976 PA 267, MCL 15.261 to 15.275. The council shall establish
29 its own procedures and requirements with respect to quorum, place,



1 and conduct of its meetings and other matters. A writing prepared,
2 owned, used, in the possession of, or retained by the council in
3 the performance of an official function is subject to the freedom
4 of information act, 1976 PA 442, MCL 15.231 to 15.246.

5 (4) The council may remove a member for misfeasance,
6 malfeasance, or nonfeasance in office, after hearing. Missing 3 or
7 more consecutive meetings is malfeasance and is grounds for
8 removal.

9 Sec. 6. The council may do all of the following:

10 (a) Establish a public awareness campaign to educate the
11 public about kinship caregivers and the state's efforts to better
12 serve kinship caregivers.

13 (b) Consult and coordinate with the kinship caregiver
14 navigator program to collect aggregate data on individuals being
15 served by the kinship caregiver navigator program, including
16 information on what services these individuals need.

17 (c) Consult and collaborate with the provider of the kinship
18 caregiver navigator program on the design and administration of
19 that program.

20 (d) Establish, maintain, and update a list of local support
21 groups and programs that provide services to kinship families.
22 Devise a plan of action for engaging with the groups and programs
23 on the list in order to obtain a better understanding of the issues
24 facing kinship families.

25 (e) Develop methods to promote and improve collaboration
26 between state, county, and local governments and agencies, and
27 private stakeholders to obtain a broad understanding of the
28 characteristics and prevalence of kinship caregiving, to improve
29 service delivery, and to include these in the council's



1 recommendations.

2 Sec. 7. (1) For the purposes of carrying out its duties under
3 this act, the council may do both of the following:

4 (a) Accept federal money granted for the purposes of this act
5 as well as gifts, grants, bequests, or donations from individuals,
6 private organizations, or foundations. Accepting or using federal
7 money does not commit state money and does not place an obligation
8 on the legislature to continue the purposes for which the federal
9 money is made available.

10 (b) Plan, manage, or conduct a campaign to solicit gifts,
11 bequests, grants, or donations of money or property, or pledges of
12 gifts, bequests, grants, or donations.

13 (2) Money received in the manner described in subsection (1)
14 shall be transmitted to the state treasurer for deposit in the
15 general fund and made available only to the council for carrying
16 out its duties under this act.

17 Sec. 8. (1) Subject to receiving funds in the manner described
18 in subsection (3), the council shall conduct an assessment on
19 kinship caregivers and children being raised by kinship caregivers.
20 The council may contract with a third party to conduct the
21 assessment required under this subsection.

22 (2) The assessment required under this section must do all of
23 the following:

24 (a) Address the prevalence, challenges, and needs of kinship
25 families.

26 (b) Identify and evaluate current state and federal policies,
27 programs and services for kinship caregivers in this state and
28 other states.

29 (c) Investigate the benefits of creating a program dedicated



1 to providing support and assistance to kinship families utilizing
2 child placing agencies or similar agencies.

3 (d) Provide policy options for supporting and empowering
4 kinship caregivers.

5 (3) Funds to conduct the assessment described in subsection
6 (1) may be obtained through grants from nonprofit entities or other
7 third parties or appropriations from the legislature.

8 (4) The assessment required under this section must be
9 submitted to the council not more than 12 months after the date of
10 the council's first meeting.

11 Sec. 9. (1) By no later than 18 months after the date of the
12 council's first meeting, subject to receiving funds in the manner
13 described in section 8(3), the council shall provide an initial
14 report to the legislature, the governor, the department, the foster
15 care review board program, the children's trust fund, and the
16 governor's task force on child abuse and neglect.

17 (2) The report must include all of the following:

18 (a) The findings of the assessment required under section 8.

19 (b) Items not listed in the assessment, such as barriers that
20 block access to services for kinship families, best practices, or
21 other challenges identified that kinship caregivers and kinship
22 families encounter.

23 (c) Concerns or public comments from kinship caregivers.

24 (d) Identification of applicable policy areas, including
25 federal and state guidelines, related to kinship caregivers and
26 kinship families.

27 (e) Recommendations on how to improve services, systems,
28 programs, state law, executive policy, and administrative rules to
29 become more responsive to kinship caregivers.



1 (3) The council shall provide a follow up report each year to
2 the legislature, the governor, the department, the foster care
3 review board program, the children's trust fund, and the governor's
4 task force on child abuse and neglect. The annual follow-up report
5 must include all of the following:

6 (a) A summary of previous report recommendations, including
7 action taken to implement the recommendations.

8 (b) An update on the status and characteristics of kinship
9 families.

10 (c) An update on the public awareness campaign and the kinship
11 caregiver navigator program.

12 (d) A description of ongoing projects regarding local support
13 groups.

14 (e) New recommendations.

15 Sec. 10. The department shall promulgate rules to implement
16 this act according to the administrative procedures act of 1969,
17 1969 PA 306, MCL 24.201 to 24.328.

18 Enacting section 1. This act does not take effect unless House
19 Bill No. 5444 of the 100th Legislature is enacted into law.

