

Legislative Analysis



IMPLEMENT CHILDREN'S ASSURANCE OF QUALITY FOSTER CARE POLICY

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House Bill 4976 (reported from committee as H-3)
Sponsor: Rep. Marcia Hovey-Wright

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4977 (reported as H-1)
Sponsor: Rep. Jim Runestad

House Bill 4978 (without amendment)
Rep. George T. Darany

Committee: Families, Children, and Seniors
Complete to 12-15-15

SUMMARY:

Generally speaking, House Bills 4976-4978 would each amend the Foster Care and Adoption Act to ensure that the Department of Health and Human Services develops, implements, and makes available a *Children's Assurance of Quality Foster Care Policy*. The policy is to be implemented no later than 90 days after the effective date the amendatory act takes effect.

The bills are tie-barred to each other, meaning none could take effect unless all are enacted. A detailed explanation of each bill follows.

Children's Assurance of Quality Foster Care Policy

House Bill 4976 would require the department to ensure that the *children's assurance of quality foster care policy* is developed, implemented by the supervising agency, and made available to the public. The department would have to promote the participation of current and former foster children in developing the policy. The policy must ensure that children placed in foster care are provided with the all of the following:

- Fair, equal, and respectful treatment, including treatment that does not violate the provisions of the Elliott-Larsen Civil Rights Act (MCL 37.2101 et al.).
- Placement with relatives and siblings, when appropriate.
- Inventory and security of the foster child's personal belongings.
- Transition planning, including housing, workforce preparation, financial education, access to personal documents, information regarding post-secondary education, and independent living preparation, as age-appropriate.
- Ongoing contact and visits with parents, relatives, and friends, if permitted by the court.
- Access to advocacy services for foster children with disabilities.
- Timely enrollment in school with consistent placement in the same school, when possible.
- Participation in extracurricular activities consistent with the foster child's age and developmental level, as allowed by the supervising agency's resources.

- Placement in the least restrictive setting, appropriate to the foster child's needs, free from abuse, excessive physical restraint, discrimination, or harassment, corporal punishment, mental anguish, or any other form of physical force, mental deprivation anguish or other form of physical force. If discipline is required and physical restraint has been used by the care giving institution, it would be required to provide a detailed report of the incident to the department. (*The bill would define "Child Caring Institution" to mean that term as defined in the Child Care Organizations Act, MCL 722.11*)
- Access to and receipt of information and services, including necessary medical, emotional, psychological, psychiatric, and educational evaluations and treatment, as soon as practicable after identifying the need for services by the screening and assessment process.
- Access to and participation in religious activities, cultural activities, or both.
- Adequate food, necessities, and shelter, including special dietary needs, school supplies, clothing, and hygiene products.
- Information regarding proposed placement, as age-appropriate.
- A permanency plan, as required by state and federal law, that is designed to facilitate the permanent placement or return home of a foster child in a timely manner.

Grievance Procedure

The department would be required to maintain a written policy describing the grievance procedures for foster children to address any perceived non-compliance with the items listed in the *children's assurance of quality foster care policy*. The grievance procedure would have to include information on how and where to file a grievance and contact information for the department's office of family advocate, on a form approved by the department.

A foster child could file a grievance with the supervising agency regarding the perceived non-compliance with any items listed in the *children's assurance of quality foster care policy*. Within 30 days after receiving the grievance, the supervising agency would need to respond with a written statement of how the foster child's grievance would be addressed. If the supervising agency does not provide a written response within 30 days after the grievance is filed, or if the foster child does not agree with the findings in the written response, he or she would contact the department's Office of Family Advocate.

If the grievance is not resolved with the assistance of that office, the foster child would request the lawyer/guardian ad litem to petition the court for the appropriate relief. The sole remedy that could be provided under this section would be limited to injunctive relief.

Foster Child's Access to Age-Appropriate Information

House Bill 4977 would require the policy to address the foster child's access to the following as age-appropriate and as mandated by the court:

- Regular contact with all caseworkers, attorneys, and advocates.
- Relevant information regarding a change in the caseworker or attorney.
- Reasonable notification of hearings.

- Involvement in his or her own case plan development, and in the development of a plan for the future and for aging out of the foster care system.
- Help with understanding the services available and how to access those services.
- The ability of foster children to request to review their own case records.
- A permanent plan for placement and the foster child's participation in the development of that plan.
- Protection of the foster child's privacy and confidentiality regarding his or her case.

Distribution of Age-Appropriate Information

House Bill 4978 would require the department to prepare and distribute to each child placed in foster care, as age-appropriate, information describing the *children's assurance of quality foster care policy* and the process to follow if the foster child has concerns regarding a violation of the policy. This information would include information about the foster child's caseworker, legal guardian ad litem, the Office of the Children's Ombudsman, how to file a complaint, and whom to contact with any issues.

FISCAL IMPACT:

These bills are not anticipated to have a significant fiscal impact to the Department of Health and Human Services and would have no fiscal impact to local units of government.

The majority of the content of these bills places in statute what is already current department policy. House Bill 4976 establishes and codifies a grievance procedure which may increase administrative costs to DHHS. Under current department policy, the grievance procedure begins with a caseworker and/or supervisor trying to resolve any concerns regarding the violation of a foster child's rights. If resolution is not accomplished, then the party can file a grievance at the local DHHS office. After that, a complaint can be filed with the Office of Family Advocate (OFA). Under the provisions of the bill, it may be possible that the OFA could receive an increase in the number of complaints. The amount of fiscal impact to DHHS would depend upon how many additional grievances might be filed and any additional administrative workload the disposition of these grievances or other requirements of the bill may generate.

POSITIONS:

Department of Health and Human Services supports the bills. (12-2-15)

A representative of Michigan's Children testified in support of the bills. (11-4-15)

A representative of the Michigan Foster Care Review Board testified in support of the bills. (12-2-15)

Michigan State Council of Junior Leagues supports the bills. (12-2-15)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.