



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4976 (Substitute H-3 as passed by the House)
House Bill 4977 (Substitute H-1 as passed by the House)
House Bill 4978 (as passed by the House)
Sponsor: Representative Marcia Hovey-Wright (H.B. 4976)
Representative Jim Runestad (H.B. 4977)
Representative George T. Darany (H.B. 4978)
House Committee: Families, Children, and Seniors
Senate Committee: Families, Seniors and Human Services

Date Completed: 11-30-16

CONTENT

The bills would amend the Foster Care and Adoption Services Act to require the Department of Health and Human Services (DHHS) to develop and implement policies regarding the provision of services to foster children.

House Bill 4976 (H-3) would do the following:

- **Require the DHHS to develop and implement the Children's Assurance of Quality Foster Care Policy and promote the participation of current and former foster children in developing the Policy.**
- **Require the Policy to ensure that children placed in foster care received certain services.**
- **Require the DHHS to maintain a written grievance procedure for foster children to address perceived noncompliance with the Policy.**
- **Provide that, if a grievance were not resolved, the foster child could request his or her lawyer-guardian ad litem to petition the court for injunctive relief.**

House Bill 4977 (H-1) would require the DHHS to maintain an additional policy that would have to address foster children's age-appropriate access to caseworkers, attorneys, and advocates, as well as other matters concerning their cases and services.

House Bill 4978 would require the DHHS to prepare and distribute to foster children information describing the Children's Assurance of Quality Foster Care Policy and the grievance process.

Each of the bills is tie-barred to the other two.

House Bill 4976 (H-3)

Children's Assurance of Quality Foster Care Policy

The Act states several purposes. Under the bill, those purposes would include to ensure that the DHHS developed and maintained a specific policy of the provisions described in the bill

and House Bills 4977 (H-1) and 4978, to provide services to children placed in foster care. Those policies would be known as the "Children's Assurance of Quality Foster Care Policy".

The bill would require the DHHS to ensure that the Children's Assurance of Quality Foster Care Policy was developed, implemented by the supervising agency, and made available to the public. The Department would have to promote the participation of both current and former foster children in developing the Policy.

The Children's Assurance of Quality Foster Care Policy would have to ensure that children placed in foster care were provided with the following:

- Fair, equal, and respectful treatment, including treatment that did not violate the Elliott-Larsen Civil Rights Act.
- Placement with relatives and siblings, when appropriate, as provided in the Act.
- Inventory and security of the foster child's personal belongings.
- Transition planning, including housing, workforce preparation, financial education, access to personal documents, information regarding secondary education and postsecondary 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.
- Access to and receipt of information and services, including necessary medical, emotional, psychological, psychiatric, and educational evaluations and treatment, as soon as practicable after identification of 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 was designed to facilitate the permanent placement or return home of a foster child in a timely manner.

The Policy also would have to ensure placement in the least restrictive setting, appropriate to the foster child's needs, free from abuse or excessive physical restraint, discrimination, harassment, corporal punishment, mental anguish, or any other form of physical force or mental deprivation. If discipline were required, and physical restraint had been used by a child caring institution, the child caring institution would have to provide a detailed report of the incident to the DHHS.

The DHHS would have to implement the Children's Assurance of Quality Foster Care Policy within 90 days after the bill's effective date.

Grievance Procedure for Noncompliance

The bill would require the DHHS to maintain a written policy describing the grievance procedure for foster children to address any perceived noncompliance with the requirements of 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, including contact information for the Department's Office of Family Advocate, on a Department-approved form.

A foster child could file a grievance with the supervising agency regarding the perceived noncompliance with any of the items listed in the Children's Assurance of Quality Foster Care Policy as outlined in the supervising agency's grievance policy. Within 30 days after receiving a grievance, the supervision agency would have to respond with a written statement of how

the grievance would be addressed. If the agency did not provide a written response within 30 days, or if the foster child did not agree with the findings in the written response, the foster child could contact the DHHS Office of Family Advocate.

If the grievance were not resolved with the assistance of the Office of Family Advocate, the foster child could request that his or her lawyer-guardian ad litem petition the court for the appropriate relief. The sole remedy that could be provided would be limited to injunctive relief.

House Bill 4977 (H-1)

In addition to the specific policies required by House Bills 4976 (H-3) and 4978, House Bill 4977 (H-1) would require the DHHS to draft and maintain a specific policy for foster children that would have to be implemented within 90 day after the bill's effective date. This specific policy would have to address a foster child's access to the following, as age-appropriate and as mandated by the court:

- Regular contact with all of the foster child's caseworkers, attorneys, and advocates.
- Relevant information regarding a change in the foster child's caseworker or attorney.
- Reasonable notification of hearings.
- Involvement in the foster child's own case plan development and development of a plan for his or her future and aging out of the foster care system.
- Help with understanding the services available to foster children and how to obtain those services.
- 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.

House Bill 4978

The bill would require the DHHS 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 had concerns regarding a violation of the Policy. This would have to include information regarding the foster child's caseworker, legal guardian ad litem, the Office of the Children's Ombudsman, how to file a complaint, and whom the foster child could contact with any issues.

The DHHS would have to implement these requirements within 90 days after the bill's effective date.

MCL 722.953 et al. (H.B. 4976)
Proposed MCL 722.958c (H.B. 4977)
Proposed MCL 722.958d (H.B. 4978)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills could have a fiscal impact on the State and would have no fiscal impact on local government. As the bills would codify existing Department of Health and Human Services policies, any fiscal impact would be due to increased compliance with foster children's grievance procedures.

Fiscal Analyst: John Maxwell

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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.