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MCI AND FOSTER CARE SUPERVISION

Senate Bill 543 (Substitute H-3)
Sponsor: Sen. Gary Peters

Senate Bill 544 (Substitute H-2)
Sponsor: Sen. Bill Schuette

Addendum to SFA analysis (12-2-97)
**Senate Committee: Families, Mental
Health and Human Services**
**House Committee: Human Services and
Children**

ADDENDUM TO SENATE FISCAL AGENCY ANALYSIS OF SB 543 AND 544 DATED 6-20-97:

The Senate Fiscal Agency analysis reflects the bills as passed by the Senate.

HOUSE COMMITTEE ACTION:

Senate Bill 543. The House committee substitute would delete references to the "judge of probate" to conform to the provisions of Public Act 388 of 1996, which created the family division of the circuit court (family court) to incorporate the functions of the probate court.

Michigan Children's Institute. Senate Bill 543, as passed by the Senate, provided that, if a child were committed to the Michigan Children's Institute (MCI) and the child's attorney objected to the actions of the Family Independence Agency, the attorney would have to consult with and be consulted by the superintendent of the institute regarding all issues of commitment, placement, and permanency planning. The House committee substitute would add that, during the time a child was committed to the MCI superintendent, the superintendent and the child's attorney could communicate with each other regarding issues of commitment, placement, and permanency planning.

Senate Bill 544.

Supervising Agency. The bill, as passed by the Senate, established requirements for a "supervising agency." Among other things, the bill specified that a supervising agency in whose care a child was placed for foster care would have to make a placement decision after consulting with relatives to determine placement with a fit and appropriate relative or member of the child's extended family. The House committee substitute would delete "member of the child's extended family" from this provision.

Senate Bills 543 and 544 (12-2-97)

Review Hearing. The bill, as passed by the Senate, would also require that any person who received a written decision could request in writing, within five "business" days, documentation of the reasons for the decision. The House committee substitute would specify that the request be made in five days. The Senate-passed bill would also specify that, if the person did not agree with the placement decision, he or she could request that the child's attorney review the decision to determine whether it was in the child's best interest. If the attorney determined that the decision was not in the child's best interest, he or she could petition the court for a review hearing, on the record, to commence within 14 days after the date of the written decision. The House committee substitute would delete the requirement that a petition be requested "on the record." In addition, the House committee substitute would specify that the court would have to commence the review hearing not more than 7 days after the date of the attorney's petition, and hold the hearing on the record.

Psychological Assessments. The bill, as passed by the Senate, would specify that, if a child under the care of a supervising agency had suffered sexual abuse, serious physical abuse, or mental illness, the agency would have to have an experienced and licensed mental health professional or a certified social worker trained in children's psychological assessments perform an assessment or psychological evaluation of the child. The costs of an evaluation would have to be borne by the supervising agency. The House committee substitute would add that this provision applied only to a child who had been made a state ward on or after the effective date of the bill. The House substitute would also require that a child's supervising agency ensure that the child received a medical exam when first placed in foster care, one objective of which would be to provide a record of the child's medical and physical status upon entry into foster care.

Analyst: R. Young

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