

**ASSIGNMENT OF SUPPORT RIGHTS
AND FOSTER CARE PAYMENTS**

House Bill 4769
Sponsor: Rep. Virgil Smith
Committee: Judiciary

Complete to 6-2-03

A SUMMARY OF HOUSE BILL 4769AS INTRODUCED 5-28-03

The bill would amend the Social Welfare Act to add provisions pertaining to the assignment of support rights and foster care payments and to make other amendments.

Specifically, the bill provides that all rights to current, past due, and future support payments payable on behalf of a child under the supervision of the Family Independence Agency, and for whom the FIA was making state or federally funded foster care maintenance payments, would be assigned to the FIA while the child was receiving or benefiting from those payments. When the FIA ceased making foster care maintenance payments, any past due support accrued under the assignments would remain assigned to the FIA, and the assignment of current and future support rights to the FIA would cease. Further, the bill specifies that the maximum amount of support that the FIA could retain to reimburse the state and/or the federal government could not exceed the amount of foster care maintenance payments made from state and/or federal funds.

In addition, the act permits the FIA to pay a support subsidy to the adoptive parents of a child who is placed in the home of the adoptive parents pursuant to the Adoption Code or the adoption laws of any other state or tribal government if, among other reasons, the FIA certifies that the adopted child is indeed eligible for a support subsidy. Eligibility requires that a reasonable, albeit unsuccessful, effort has been made to place the adopted child with appropriate parents without the adoption subsidy or a prospective placement is the only placement that is in the child's best interests and the adoptive parents are requesting a support subsidy, and that the adopted child was in foster care at the time of certification for the support subsidy. The bill would delete the above requirements, and simply require the FIA to certify that the adopted child is a "child with special needs". The act defines a "child with special needs" to mean an individual under 18 years of age for whom the state has determined, among other things, that the child cannot or should not be returned to the home of the child's parents. The bill would specify that there must be a judicial finding that the child cannot or should not be returned to the home of the child's parents.

Further, the act allows the Office of Children and Youth Services to spend money from the child care fund to provide for early intervention to treat problems of delinquency and neglect. The act places a limitation on the expenditure of not more than 20 percent of the money appropriated. The bill would eliminate this limitation.

MCL 400.115b et al.

Analyst: M. Wolf

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