

BACKGROUND CHECKS FOR SUCCESSOR GUARDIANS

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House Bill 4550 as enacted

Public Act 95 of 2019

Sponsor: Rep. Brenda Carter

1st House Committee: Families, Children and Seniors

2nd House Committee: Ways and Means

Senate Committee: Families, Seniors and Veterans

Complete to 5-24-20

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

SUMMARY:

House Bill 4550 amends the Guardianship Assistance Act to require the approval process for guardianship assistance to include criminal record checks and child abuse and child neglect central registry checks on successor guardians and all adults living in the successor guardian's home, as well as a submission of the guardian's or successor guardian's fingerprints to the Michigan Department of State Police (MSP) and the Federal Bureau of Investigation (FBI) for a criminal history check.

Under the act and subject to certain requirements, a guardian who meets the specified requirements may receive guardianship assistance on behalf of an eligible child. The guardian must also be a licensed foster parent and approved for guardianship assistance by the Department of Health and Human Services. The approval process must include criminal record checks and child abuse and neglect central registry checks on the guardian and all adults living in his or her home, as well as fingerprint-based criminal record checks on the guardian.

The bill adds successor guardians to these background check provisions. [When a court appoints a guardian for a child, it can also appoint a successor guardian, who will take over guardianship should the primary guardian die or become incapacitated.] The bill also specifies that fingerprint-based criminal history checks must involve submission of the guardian's or successor guardian's fingerprints to MSP and the FBI.

The bill took effect January 22, 2020.

MCL 722.874

BRIEF DISCUSSION:

According to testimony before the House Committee on Families, Children and Seniors, guardians are subject to a criminal record check as part of the process of assuming guardianship, and currently the Guardianship Assistance Act allows previously obtained fingerprints to be used for the criminal record check required under that act. However, the FBI requires a separate specific authorization under state law. Accordingly, the bill would remove the provision regarding fingerprints already on file and require "submission of the

guardian's or successor guardian's fingerprints to the department of state police and the Federal Bureau of Investigation for a criminal history check" to be conducted under the act.

FISCAL IMPACT:

House Bill 4550 would have minimal fiscal impact on the state and no fiscal impact on local units of government.

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