

## **FOSTER CARE REVIEW BOARDS**

### **Act 422 of 1984**

AN ACT to create a state foster care review board program in the state court administrative office; to create local foster care review boards; to prescribe the powers and duties of certain public officers and certain public and private agencies; and to provide penalties.

**History:** 1984, Act 422, Imd. Eff. Dec. 28, 1984;—Am. 1986, Act 159, Imd. Eff. July 7, 1986;—Am. 1989, Act 74, Imd. Eff. June 16, 1989.

*The People of the State of Michigan enact:*

#### **722.131 Definitions.**

Sec. 1. As used in this act:

(a) "Child care organization" means a child caring institution or a child placing agency as defined in section 1 of Act No. 116 of the Public Acts of 1973, being section 722.111 of the Michigan Compiled Laws.

(b) "Foster care" means care provided to a child on a 24-hour basis either by a child care organization or by a person or organization appointed by the juvenile division of the probate court, either temporarily or permanently, to provide court supervised child care, pursuant to any of the following:

(i) An order of the juvenile division of the probate court if the court acquired jurisdiction over the child pursuant to section 2(b)(1) or (2) of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.2 of the Michigan Compiled Laws.

(ii) A voluntary action of a parent or guardian that results in an expenditure of funds appropriated to the department of social services.

(iii) A voluntary release executed pursuant to section 28 of chapter X of Act No. 288 of the Public Acts of 1939, being section 710.28 of the Michigan Compiled Laws.

(d) "Foster care event" means any of the following:

(i) The child's return to the parent from whom the child was removed.

(ii) The child's placement with a parent other than the parent from whom the child was removed.

(iii) The child's placement with a relative.

(iv) The voluntary release of parental rights to the child.

(v) The filing on behalf of the child of a petition to terminate parental rights to the child.

(e) "Interested party" means any of the following:

(i) A biological parent whose parental rights have not been terminated.

(ii) A foster parent.

(iii) An employee or representative of the child care organization providing the foster care to the child.

(iv) A person with whom a local board consults during a review of a child in foster care.

(v) Any person designated by the state court administrator.

(f) "Local board" means a local foster care review board created under section 4.

(g) "State board program" means the state foster care review board program created in section 2.

**History:** 1984, Act 422, Imd. Eff. Dec. 28, 1984;—Am. 1986, Act 159, Imd. Eff. July 7, 1986;—Am. 1989, Act 74, Imd. Eff. June 16, 1989.

#### **722.132 State foster care review board program; creation; administration; access to and liaison with probate court; direct supervision of foster care services not authorized.**

Sec. 2. (1) The state foster care review board program is created within the state court administrative office, to consist of staff necessary to perform the functions of the state board program as prescribed by this act. The state court administrative office shall administer the state foster care review program.

(2) The state court administrative office shall assist the state board program in developing and maintaining access to and liaison with the probate court in each county of this state that has a local board.

(3) This act shall not be construed to authorize either the state court administrative office or the local boards to provide direct supervision of foster care services.

**History:** 1984, Act 422, Imd. Eff. Dec. 28, 1984;—Am. 1986, Act 159, Imd. Eff. July 7, 1986;—Am. 1989, Act 74, Imd. Eff. June 16, 1989.

#### **722.133 Duties of state court administrative office.**

Sec. 3. The state court administrative office shall do all of the following:

(a) Determine the number of children who are in foster care in this state.

(b) Establish uniform policies and procedures for foster care review pursuant to this act, including criteria

for the selection of foster care cases to be reviewed.

(c) In accordance with section 4, determine the appropriate number of local boards necessary to meet the needs of children in foster care, and establish the jurisdiction of each local board.

(d) Establish criteria and procedures for membership of a local board.

(e) Solicit and receive applications for local board membership and make membership decisions.

(f) Provide written notification to a local board of specific cases of children in foster care appropriate for review, and schedule those cases for review within the time intervals established under section 7.

(g) Inform the child care organization, department of social services, or probate court that provided notification pursuant to section 6(a) of the local board to which the child is assigned.

(h) Make a reasonable effort to provide written notification to each interested party of the date, time, and procedures for a review by a local board of a child in foster care.

(i) Establish a system to monitor the status of each child who is in foster care and who has been assigned to a local board.

(j) Analyze information gathered by local boards throughout this state.

(k) Employ and provide state board program staff and provide local board volunteers.

(l) Provide periodic training sessions for the members of each local board. The training sessions shall include instruction on the need to maintain confidentiality as required under section 8.

(m) Establish an advisory committee consisting of representatives from child care organizations, local boards, and others as the state court administrator considers necessary to review the foster care system and to make recommendations concerning the foster care system to the appropriate groups and agencies. Not less than a majority of the advisory committee shall consist of representatives of the local boards.

(n) Issue an annual report pursuant to section 9.

(o) Perform those duties necessary to implement and review the state board program.

**History:** 1984, Act 422, Imd. Eff. Dec. 28, 1984;—Am. 1986, Act 159, Imd. Eff. July 7, 1986;—Am. 1989, Act 74, Imd. Eff. June 16, 1989.

#### **722.134 Local foster care review board; creation; additional boards.**

Sec. 4. (1) There is created a local foster care review board in each county or in multiple counties as provided in subsection (2). Subject to subsection (3), additional boards may be created in each county or in multiple counties at the discretion of the state court administrative office.

(2) At the direction of the state court administrative office, a single county local board or a board comprised of 1 or more counties is created.

(3) A county shall not have more than 15 local foster care review boards.

**History:** 1984, Act 422, Imd. Eff. Dec. 28, 1984;—Am. 1986, Act 159, Imd. Eff. July 7, 1986;—Am. 1989, Act 74, Imd. Eff. June 16, 1989;—Am. 1997, Act 170, Eff. Mar. 31, 1998.

#### **722.135 Local foster care review board; membership; terms; persons ineligible for appointment to local board; election of chairperson and vice-chairperson; meetings; training sessions; reimbursement of expenses; removal of member.**

Sec. 5. (1) A local board shall be composed of 5 members who reside within the jurisdiction of the local board, and who represent to the maximum extent possible the socio-economic, racial, and ethnic groups residing within that jurisdiction. A local board may have 1 or more alternate members who serve when an appointed board member is unavailable.

(2) A local board member shall serve a renewable 3-year term. Of the initial members, 3 members shall serve for 3 years, and 2 members shall serve for 2 years.

(3) A person employed by a child care organization, the family independence agency, or the court shall not be appointed to a local board.

(4) A local board shall elect 1 of its members to serve as chairperson and 1 to serve as vice-chairperson. Each shall serve for a term of 1 year.

(5) A local board shall meet at a place and time specified by the state court administrative office and approved by the chairperson of the local board.

(6) Each member of a local board shall attend an orientation training session and subsequent training sessions as required by the state court administrative office.

(7) The members of a local board shall serve without compensation. Reimbursement of expenses of members of the local board shall be in accordance with standard travel reimbursement rates established annually by the department of management and budget.

(8) A local board member may be removed for cause by the state court administrator.

**History:** 1984, Act 422, Imd. Eff. Dec. 28, 1984;—Am. 1986, Act 159, Imd. Eff. July 7, 1986;—Am. 1989, Act 74, Imd. Eff. June 16, 1989;—Am. 1997, Act 170, Eff. Mar. 31, 1998.

#### **722.136 Duties of child care organization, department of social services, or probate court.**

Sec. 6. A child care organization, the department of social services, or the probate court responsible for supervising a child in foster care shall do all of the following:

(a) Provide written notification monthly to the state court administrator of an admission into, discharge from, or transfer of a child in foster care.

(b) Upon request submit an initial placement plan; a list of names, addresses, and telephone numbers of interested parties; and progress reports to the appropriate local board at least once each 6 months, and cooperate with and furnish other information requested by the state court administrator. If foster care is purchased from a child placing agency or child caring institution, that organization shall cooperate in the preparation of an initial placement plan and progress reports.

**History:** 1984, Act 422, Imd. Eff. Dec. 28, 1984;—Am. 1986, Act 159, Imd. Eff. July 7, 1986;—Am. 1989, Act 74, Imd. Eff. June 16, 1989.

#### **722.137 Powers and duties of local board.**

Sec. 7. (1) A local board shall do all of the following:

(a) Review each initial placement plan submitted under section 6 for a child in foster care. The review shall be to determine whether the placement plan for the child contains at least all of the following information:

(i) The purpose for which the child has been placed in foster care and the reason that the child cannot be returned to his or her home immediately.

(ii) The length of time in which the purpose of foster care will be accomplished.

(iii) An assessment of the involvement of the legal parent and steps taken by the child care organization to involve the legal parent in the planning and implementation of the plan.

(iv) A description of the services which have been and are to be provided in order for the purpose of foster care to be accomplished.

(v) The number of foster care placements the child has experienced while in foster care, and the length of time of each foster care placement.

(vi) The person within the child care organization who is directly responsible for assuring that the plan is implemented.

(vii) The type of permanent placement recommended for the child.

(b) Review progress reports submitted under section 6(b) every 6 months following the initial review to determine whether the purpose for which the child has been placed in foster care, as described in the initial placement plan, is being achieved, and whether the plan continues to be appropriate, based on a review of all of the following:

(i) An assessment of the extent to which the child care organization is accomplishing the purpose of foster care as described in the placement plan.

(ii) Identification of the person within the child care organization who is directly responsible for assuring that the placement plan is implemented.

(iii) The length of time the child has been in foster care.

(iv) The number of foster care placements the child has experienced while in foster care and the length of time of each foster care placement.

(v) An assessment of the involvement of the legal parent and steps taken by the child care organization to involve the legal parent in planning and implementation of the plan.

(c) Whenever practicable, conduct reviews and submit reports, as required under subdivision (e), before the judicial review or rehearing mandated in section 19 of chapter XIIIA of 1939 PA 288, MCL 712A.19.

(d) Review, at any time considered necessary by the local board, or at the request of the court or an interested party, the case and information submitted by a child care organization under section 6.

(e) Submit to the child care organization that submitted the initial placement plan and progress report and, if applicable, to the court, within 30 days after a review under subdivision (a) or (b), a written statement of findings and recommendations regarding the care, maintenance, and supervision of a child in foster care and the plan for permanent placement of the child. A copy of the statement may be sent to all interested parties. The local board may give information or file a petition for court action or rehearing under section 11 or 21 of chapter XIIIA of 1939 PA 288, MCL 712A.11 and 712A.21.

(f) Hear an appeal of a proposed change in foster care placement as provided in section 13b of chapter XIIIA of 1939 PA 288, MCL 712A.13b, and report to the court as required by that section.

(g) As part of the ongoing review process, select permanent wards for review from all of the following categories:

(i) Wards who are registered with the Michigan adoption resource exchange and who have been on hold status for not less than 12 months.

(ii) Wards who have not been registered with the Michigan adoption resource exchange, have been permanent wards for not less than 6 months, and do not have a documented permanency plan in place.

(iii) Wards who are less than 12 years of age and have been listed in the Michigan adoption resource exchange photo listing book for more than 6 months and for whom no family has been identified.

(h) Perform those duties necessary to implement this act.

(2) A local board may limit the review to a written report or request a personal appearance of an interested party, as considered necessary by the local board.

(3) If interested parties are provided with a copy of the findings and recommendations of the local board, the local board shall allow the interested parties to submit written comments. Upon approval of a local board, an interested party may make a personal appearance before the local board in connection with the foster care case.

(4) A local board may make recommendations to the state court administrative office regarding issues in foster care policy and procedure and the functions of child care organizations and the court.

(5) A local board shall compile and maintain statistics and make findings regarding its reviews of permanent wards under subsection (1)(g), including, but not limited to, identification of any barriers to permanency.

(6) The Michigan adoption resource exchange shall cooperate with the foster care review board program and submit copies of their file material and registration documentation as requested by the foster care review board program.

**History:** 1984, Act 422, Imd. Eff. Dec. 28, 1984;—Am. 1986, Act 159, Imd. Eff. July 7, 1986;—Am. 1989, Act 74, Imd. Eff. June 16, 1989;—Am. 1997, Act 170, Eff. July 1, 1998.

#### **722.137a Placement of siblings; variance from licensing rules or statutes.**

Sec. 7a. If the case of a child who has at least 1 sibling is otherwise before a local board, the local board may evaluate the child's placement in a foster family home or foster family group home that would allow the child and 1 or more siblings to remain or be placed together, but would also require obtaining a variance from 1 or more licensing rules or statutes under section 8b of 1973 PA 116, MCL 722.118b. If the local board determines that such a placement would be in the child's best interests and that the variance from the particular licensing rules or statutes would not jeopardize the health or safety of a child residing in the foster family home or foster family group home, the local board shall recommend the variance to the department of consumer and industry services as provided in section 8b of 1973 PA 116, MCL 722.118b.

**History:** Add. 1997, Act 170, Eff. Mar. 31, 1998.

#### **722.138 Confidentiality.**

Sec. 8. (1) Records regarding specific children and their parents and relatives shall be confidential. Disclosure of this confidential information shall be properly safeguarded by the local board, the staff of the state board, and the state court administrator.

(2) A person who discloses confidential information contained in records, reports, and plans prepared pursuant to this act is guilty of a misdemeanor.

(3) Unauthorized disclosure of information contained in records and reports made pursuant to this act by a member of a local board shall be grounds for removal from the board.

**History:** 1984, Act 422, Imd. Eff. Dec. 28, 1984;—Am. 1989, Act 74, Imd. Eff. June 16, 1989.

#### **722.139 Annual report.**

Sec. 9. (1) The state court administrator shall publish an annual report of the state board program created by this act and shall make the annual report available to the public. Additionally, the state court administrator shall submit the annual report to the legislature and the governor.

(2) The annual report required by subsection (1) shall include, but is not limited to, all of the following:

(a) An evaluative summary, supplemented by applicable quantitative data, of the activities and functioning of each local board during the preceding year.

(b) An evaluative summary, supplemented by applicable quantitative data, of the activities and functioning of the aggregate of all local boards in the state during the preceding year.

(c) An identification of problems that impede the timely placement of children in a permanent placement and recommendations for improving the timely placement of children in a permanent placement.

(d) The statistics and findings compiled under section 7(5).

**History:** 1984, Act 422, Imd. Eff. Dec. 28, 1984;—Am. 1986, Act 159, Imd. Eff. July 7, 1986;—Am. 1989, Act 74, Imd. Eff. June 16, 1989;—Am. 1997, Act 170, Eff. Mar. 31, 1998.

16, 1989;—Am. 1997, Act 170, Eff. Mar. 31, 1998.

**722.139a Reevaluation of state board program; recommendations.**

Sec. 9a. The state court administrator may reevaluate the state board program and make recommendations to the legislature that the state board program be terminated or placed under the jurisdiction of the legislative or executive branch.

**History:** Add. 1989, Act 74, Imd. Eff. June 16, 1989.

**722.140 Repealed. 1989, Act 74, Imd. Eff. June 16, 1989.**

**Compiler's note:** The repealed section provided for the repeal of this act effective October 1, 1989.

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