

# Legislative Analysis

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## RESOURCE FAMILIES BILL OF RIGHTS

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### House Bill 4649

Sponsor: Rep. Kevin Cotter

### House Bill 4650

Sponsor: Rep. Ben Glardon

Committee: Families, Children, and Seniors

Complete to 10-1-13

## A SUMMARY OF HOUSE BILLS 4649 AND 4650 AS INTRODUCED 4-20-13

House Bill 4649 would amend the Foster Care and Adoption Services Act by adding a new Section 8a, which would be known and cited as the "Resource Families Bill of Rights Law."

House Bill 4650 would amend the Children's Ombudsman Act to authorize the Children's Ombudsman to begin and conduct investigations into alleged violations of the Resource Families Bill of Rights Law (created by House Bill 4649). The bill is tie-barred to House Bill 4649, meaning it cannot take effect unless House Bill 4649 is also enacted.

### *House Bill 4649 (Resource Families Bill of Rights)*

The bill would require the Department of Human Services to ensure that each foster parent has all the following rights:

- To be treated with dignity, respect, trust, and consideration as a person caring for the child's welfare.
- To receive explanation and clarification regarding expectations and the role of the supervising agency and to receive evaluation and feedback on the role of foster care parent.
- To receive necessary training and support to enable the foster parent to provide quality services to the children in the parent's care; including reasonable relief and respite as allowed by the supervising agency resources, access to the supervising agency staff for assistance in dealing with family loss and separation when a child leaves the foster home, and access to available advocacy services to help support the foster parent in the caregiver role.
- To 24 hour/7 day access to the appropriate supervising agency for emergency information and assistance for children in the foster parent's care.
- To receive timely financial reimbursement for foster children in the foster parent's care.

- To receive information concerning the supervising agency's policies and procedures, changes to those policies and procedures related to the role as foster parent or the children in care, or information contained in the foster parent's record, as allowed by law
- To information on the policies developed by the supervising agency designed to support and aid foster, kinship, and adoptive families relative to foster care and adoptive placement.
- To a fair, timely, and impartial investigation of complaints concerning the foster parent's licensure, to have a person of the foster parent's choosing present during an investigation, and due process during the investigation.
- To request and receive mediation or an administrative review of decisions affecting licensing parameters, or to have both mediation and administrative review.
- To have decisions concerning a licensing corrective action plan specifically tied to the licensing standard violated.
- To have copies of all information relative to the foster family and services contained in the personal foster home or foster parent records.
- To receive information about and have access to local and statewide support groups, including local and statewide foster, kinship, and adoptive parent associations.
- To be notified in advance whenever possible about plans for placing a child with foster parent.
- To receive information before placement of the child, regarding the child's behavior, background, health history, or other issues that may jeopardize the health and safety of the foster family or alter the manner in which care should be provided. In an emergency, the supervising agency would have to provide information as soon as it is available.
- To refuse placement of a child into the home or request--upon reasonable notice--removal of a child without fear of reprisal or adverse effects on future assignments of foster or adoptive placements.
- To receive information through the supervising agency regarding the number of times a child has been moved, the reason for the move, and the names and telephone number of previous foster parents, if the previous foster parent has authorized release of that information.

- To be given advance notice of a child's removal, to prepare the child and foster family members, except in an emergency situation where there is evidence of mistreatment.
- To be notified of meetings and staffing concerning the foster child to enable the foster parent to be an active and respected participant in case planning and decision-making process, to include the following; individual service planning meetings, administrative case reviews, interdisciplinary staffing, and individual education planning meetings.
- To participate in any meeting, to be informed of decision made by the court or supervising agency concerning the child, to provide input concerning the service plan for the child and have that input given full consideration in the same manner as input from other professionals working within the context of the foster care, including therapists, physicians, and teachers.
- To receive a copy of the supervising agency's placement and service plan concerning the child's care in the foster parent's home and to participate in and receive service plan revision and any other information relevant to the care and also include subsequent revisions to the case plan in a timely manner. Foster parents are to be meaningful participants in the development and/or revision of the case plan for the child in the foster parent's home. Service plans would need to be provided within 10 days after a foster parent's written request.
- To be given timely and complete written notice of all court proceedings, including notice of the hearing date, time, and location, the name of the judge or hearing officer, and the court docket number together with the right to full participation in court hearings.
- To submit factual written statements to the court, as well as the right to be heard at court hearings regarding the foster child in his or her care.
- To be considered a foster care option when a child formerly placed with the foster parent is re-entering foster care and the right to be considered when a child previously placed child becomes available for adoption, if a relative placement is not available and if the placement is consistent with the best interest of the child and other children in the foster parent's home.

***House Bill 4650 (Enforcement by Children's Ombudsman)***

The bill would amend the Children's Ombudsman Act to authorize the Children's Ombudsman to begin and conduct investigations into alleged violations of the Resource Families Bill of Rights Law (created by House Bill 4659). The ombudsman could also, in relation to a child who may be a victim of child abuse or neglect, investigate an alleged violation of the Resource Families Bill of Rights Law. This could be done upon the ombudsman's own initiative or upon receipt of a complaint.

The act currently contains language that allows the ombudsman to request a subpoena from a court requiring the production of a record or report necessary to carry out his or her duties and powers. If the person to whom a subpoena is issued fails or refuses to produce the record or report, the ombudsman may petition the court for enforcement of the subpoena. The bill removes this language

**FISCAL IMPACT:**

House Bills 4649 and 4950 could have a minimal fiscal cost to the Department of Human Services and to local units of government related to additional training and printing costs.

These bills would expand the types of complaints the Children's Ombudsman would field and potentially investigate, so these bills would, at a minimum, increase intake and training costs of the Children's Ombudsman. While these bills do not mandate that the Children's Ombudsman investigate violations of the Resource Families Bill of Rights, it is important to note that the Children's Ombudsman would most likely need additional resources to perform these additional investigations. (The Children's Ombudsman Act provides the Ombudsman with the authority to investigate; it does not mandate investigation.)

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■ 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.