

Legislative Analysis



SAFE FAMILIES FOR CHILDREN ACT

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 489 (S-2) as reported from House committee
Sponsor: Sen. Margaret E. O'Brien

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

Senate Bill 490 (S-1) as reported from House committee
Sponsor: Sen. Arlan Meekhof

Senate Bill 797 (S-1) as reported
Sponsor: Sen. Vincent Gregory

Senate Bill 798 (S-1) as reported
Sponsor: Sen. Peter MacGregor

House Committee: Families, Children, and Seniors
Senate Committee: Oversight

(Enacted as Public Acts 431 through 434 of 2018)

Complete to 12-11-18

BRIEF SUMMARY:

Taken together, the bills would establish a Safe Families for Children Program. The program would, among other things, allow for the temporary delegation of a parent's or guardian's powers regarding the care, custody, or property of a minor child and provide for the vetting of persons or families who could care for a child temporarily.

The bills are all tie-barred to one another, which means that none could take effect unless all were enacted. Each bill would take effect 90 days after enactment.

DETAILED SUMMARY:

Senate Bill 798 would create a new act, the "Safe Families for Children Act." The act would allow a parent or guardian of a minor child to temporarily delegate to another person the parent's or guardian's powers regarding care, custody, or property of the child by a properly executed power of attorney. The temporary delegation of power could be for up to 180 days or, for a parent or guardian who is serving in the United States Armed Forces and is deployed to a foreign nation, until the thirty-first day after the end of deployment.

A parent or guardian could not delegate his or her power to consent to the marriage or adoption of the minor child, to consent to an abortion for the minor child, or to terminate parental rights to the minor child. The parent or guardian could revoke the power of attorney at any time.

The act would allow a tax-exempt charitable organization, including a church or faith-based organization, to recruit people or families to whom a temporary power of attorney could be executed. Such an organization would have to use the services of a *family service agency* to assist it with criminal history checks and home safety assessments. The Department of Health and Human Services (DHHS) or a law enforcement agency could refer cases or families to such an organization.

A *family service agency* would mean an agency that provides assistance to charitable organizations as described above. A family service agency would have to be licensed as a child placing agency. The bill would require a family service agency to do all of the following:

- Request the Michigan Department of State Police (MSP) to conduct a criminal history check and criminal records check on each person over 18 years of age residing in a home where a minor child could be temporarily hosted.
- Conduct, every two years, a home safety assessment and inspection for each home where a minor child could be temporarily hosted, including an inspection of the physical dwelling and an assessment of the person's or family's financial and general ability to provide care for the child. A family service agency would also need to conduct periodic inspection of a home to monitor the well-being of the minor child and any change impacting the most recent home safety assessment.
- Provide training for people in a home that will host a minor child. The training would be based on a national model for preparing, developing, training, and supporting resource families for the temporary care of minor children.
- Maintain records for each criminal history records check, home safety assessment, and training for a period of at least seven years after a minor child attains 18 years of age.

Senate Bill 489 would amend Public Act 116 of 1973 to revise the definitions of “foster family home” and “foster family group home.”

The term “foster family home” would be defined to mean a private home in which up to four minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan Adoption Code, *or who are not hosted in the private home as provided in the Safe Families for Children Act*, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks unattended by a parent, legal guardian, or legal custodian. *(The bill would add the italicized language.)*

The term “foster family group home” would mean a private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood or marriage or who are not placed in the household under the Michigan Adoption Code, *or who are not hosted in the private home as provided in the Safe Families for Children Act*, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks unattended by a parent, legal guardian or legal custodian. *(The bill would add the italicized language.)*

MCL 722.111

Senate Bill 490 would amend the Foster Care and Adoption Services Act to exclude from the definition of “foster care” the delegation of a parent's or guardian's powers regarding care, custody, or property of a child or ward under a properly executed power of attorney under the proposed Safe Families for Children Act.

MCL 722.952

Senate Bill 797 would amend Public Act 116 of 1973 to specify that a service provided under the Safe Families for Children Act by an organization licensed under Public Act 116 would not be subject to Public Act 116's licensing requirements.

Proposed MCL 722.118d

FISCAL IMPACT:

Senate Bill 798 would not have a significant fiscal impact on any unit of state or local government. The bill would require the MSP to retain fingerprints and conduct background checks at the request of family service agencies. Each fingerprint-based criminal history background check costs approximately \$42 (\$30 state-level for the MSP check, and \$12 federal-level for the Federal Bureau of Investigation check). These costs would likely be passed on by the MSP to the family service agency requesting the background check.

Senate Bill 490 could potentially provide savings to the state of Michigan and local county governments. Under the bill's provisions, the definition of "foster care" would not include cases in which a parent or guardian delegated their powers regarding the care and custody of a child under the Safe Families for Children Act.

When a child is placed into the state foster care system, expenses such as room and board and needed services are paid through a 50/50 cost-sharing model between the state and counties, for most cases. For any cases in which a parent or guardian voluntarily places a child into temporary custody under the Safe Families for Children Act instead of that child entering into the foster care system, there would be a savings to the state and local county governments. The amount of any future savings to the state or counties would be based upon the number of cases that were temporarily placed into volunteer host families instead of entering into the foster care system.

Senate Bills 489 and 797 would not have a significant fiscal impact on the state or local units of government.

POSITIONS:

A representative of Bethany Christian Services testified in support of the bills. (11-29-18)

The following entities indicated support for the bills (11-29-18):

- Health Care Association of Michigan.
- Michigan County Medical Care Facilities Council.
- Michigan Federation for Children and Families,

The Department of Health and Human Services is neutral on the bills. (11-29-18)

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