

Volume 3, Issue 2, May-August, 1998



MiPSAC



**Newsletter of the Michigan Professional Society
on the Abuse of Children, Inc.,
the Michigan Chapter of APSAC**

FROM THE BOARD OF DIRECTORS

Greetings from your Board!

Welcome to 1998 and the Michigan Chapter of the American Professional Society on the Abuse of Children. If you haven't noticed, I just wanted to remind everyone that we are well into 1998: MiPSAC's second year of full operation as an incorporated non-profit organization in the State of Michigan. Leni Cowling and other dedicated individuals created this group which was chartered by APSAC in 1995 and actually put together an interim Board of Directors, By Laws, Articles of Incorporation and federal tax exempt 501(c)(3) status for this organization which is unique in its mission to improve the lives of children in Michigan.

MiPSAC is now over 100 members strong and has continued a short but strong tradition of newsletters, mailings, board meetings across the state (although we still need to get above the bridge) and educational presentations. This fall, MiPSAC began expanding its presence at other educational meetings across the state such as the Statewide Child Maltreatment Conference in Ypsilanti and the Physicians Conference sponsored by the Medical Advisory Committee to the Michigan Family Independence Agency. We are indebted to those that support MiPSAC's goals and look forward to greater exposure to increasing numbers and types of Michigan professionals. And we look forward to the upcoming APSAC meeting in Chicago.

The Board of Directors is actively seeking to further increase our recognition in the community by developing a brochure, conference presentation poster and internet website. Feel free to stop in at www.members.aol.com/JohnVPal/MiPSAC.com.

To further our educational mission, the Board has strongly supported educating members about the recent changes in Michigan's Child Protection Law with a **Legislative Conference on May 19, 1998.** At this concurrent board meeting, members can learn about the upcoming significant changes from our state senators and legislators. Things are changing rapidly and our professionals need to know how best to respond for the benefit of Michigan children and their families.

We look forward to continued growth and development of our activities and welcome your support and participation in MiPSAC. Members are always welcome to comment in the newsletter, attend board and annual meetings and educational presentations. Members should always feel free to contact the Board and other MiPSAC members regarding child maltreatment in Michigan. If there is an activity that you believe deserves MiPSAC's attention, please contact us and be ready to participate! MiPSAC membership is included in APSAC membership, but participating in Michigan activities is much more important for our community right here.

So let's continue to expand MiPSAC's position among professionals in Michigan, increase membership, and meet our goals of improved education, networking, training, professional response for maltreatment and better lives for all of Michigan's children and families.

Vince Palusci, 1998 MiPSAC President

A Children's Forum:

MiPSAC Legislative Conference

Tuesday May 19, 1998

11AM Board Meeting; 12-1:30 Lunch Conference
Prosecuting Attorneys Association of Michigan
116 W. Ottawa Street, Lansing

(Directions enclosed)

MiPSAC is looking for articles of interest to our membership for the newsletter. Questions or suggestions to consider are always welcome and should prompt good feedback from everyone.

Volunteers are always welcome for MiPSAC Committees:
 Membership committee
 Legislative committee
 Conference/Training committee
 Newsletter /brochure committee

Michigan Professional Society on the Abuse of Children, Inc.
1998 MiPSAC Board of Directors

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The comments expressed in this newsletter reflect the views of the author(s) and do not necessarily represent the views of MiPSAC or the American Professional Association on the Abuse of Children. (APSAC).

MiPSAC Goals:

- To bring together Michigan professionals working in the area of abused children
- To foster networking among Michigan professionals
- To be an information resource for Michigan professionals
- To sponsor quality training for Michigan professionals.

Please send articles for the newsletter to:

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COMING CONFERENCES AND MEETINGS:

May 3-8, 1998. AHA's National Training Center, Englewood, Colorado. Child Welfare Leadership Institute. American Humane Assoc.

May 19: A Children's Forum: MiPSAC Legislative Conference, PAAM, Lansing (see enclosed)

May 27-28: Michigan Child Death Review Training at Shanty Creek in Bellaire. Call Sara Stein, Keeping Kids Alive, 517-347-3145.

June 11-12. Michigan Child Death Review Training, at Marquette General Hospital. Call 517-347-3145.
 Spring 1998 AHA's First National Roundtable on Innovative, Community Based Partnerships. Call Micky Shumaker at American Humane Assoc. for more info: 303-792-9900.

July 9-12, 1998 APSAC national colloquium at the Chicago Hyatt Regency.

Note from Dr. Faller: APSAC will probably do a one week Forensic Interview Clinic that will be built around the APSAC Colloquium in Chicago. Contact APSAC for more information.

July 28-29. Child Death Scene Investigation at Michigan State Police Academy, Lansing. Call 517-347-3145.

Oct. 22-23, 1998. Fourth National Roundtable on Managed Care in Child Welfare, Denver, Colorado. American Humane Assoc.

November 16-21, 1998. 12th National Conference on Child abuse and Neglect. Cincinnati, OH. Sponsored by NCCAN. Call (301)589-8242.

REMINDER!

Please renew your annual membership to APSAC. You need National membership for MiPSAC.

Part of your annual dues to APSAC pays for your MiPSAC membership automatically!

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LEGISLATIVE UPDATE

Recent Federal Legislation By Frank Vandervort

This outline describes many of the recent amendments to the Adoption Assistance and Child Welfare act, P.L. 96-272. The amendatory act is entitled the Adoption and Safe Families act, P.L., 105=89. There are numerous technical and other amendments to the statute which are not described.

I. Reasonable Efforts Requirement

As the 1997 Act relates to child protection, foster care, and permanency planning, one of its main objectives is to clarify the "reasonable efforts" requirement. Therefore, the statute has been amended to read, "in determining reasonable efforts to be made with respect to a child ...the child's health and safety shall be the paramount concern." The statute, however, reaffirms the need for "reasonable efforts" both to preserve and to reunify families. When "reasonable efforts" to maintain the family unit are inconsistent with the permanency plan for the child, then "reasonable efforts" must be made to achieve permanency.

"Reasonable efforts" are NOT required where a court has determined that the parent has "subjected a child to aggravated circumstances", including at least abandonment, torture, chronic abuse, and or sexual

abuse, committed or aided or abetted murder or voluntary manslaughter of another of the parent's children, committed a felony assault resulting in serious injury to a child of the parent, there has been a previous termination of parental rights. Where reasonable efforts have been determined to be unnecessary, there are a number of procedural requirements.

The amended statute permits concurrent planning. Concurrent planning is the simultaneous planning for reunification with the natural family and an alternative permanent. This concurrent planning would begin at the time the child is removed from the parent's care.

Congress addressed their concern that child welfare workers and courts misunderstood the application of federal law to particular children's cases. The act is a funding source which says, in essence, "if your state does these things, we will provide funding for your programs." The amendments clarify this by including a provision that "Nothing in this part shall be construed as precluding State courts from exercising their discretion to protect the health and safety of children in individual cases."

II. States Must Petition For Termination of Parental rights:

Where a child has been in foster care 15 of the proceeding 22 months, the parent has abandoned an infant, murdered or committed manslaughter upon his or her child, perpetrated a felony assault upon his or her child resulting in serious bodily injury, the state must initiate or join (where another party files) a petition to terminate the parental right UNLESS: 1) a relative is caring for the child; 2) the agency documents a compelling reason not to; or 2) the state has not provided reasonable efforts for the safe return of the child (e.g., where the child's attorney files a petition for permanent custody and FIA would argue that efforts must still be made). For purposes of permanency planning time begins running at the earlier of 1) the date of the first "judicial finding" that the child has been abused/neglected or 2) 60 days after the child is removed from parental care.

Notice.

Foster parents, preadoptive parents and relative caretakers must be given notice of and an opportunity to be heard during review hearings. They are NOT made parties.

Criminal Record Checks

Requires prospective foster and adoptive parents to have a criminal records check before final approval. Final approval will be barred if the individual has ever been convicted of any felony involving the following: "a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children (including child pornography), or a crime of violence, including rape, sexual assault, or homicide, but not including other assault and battery." Final approval is also barred if the

record check reveals any felony conviction for physical assault, battery or a drug offense within the previous five years.

A state may opt out of these requirements by providing written notice to HHS of its intent to do so.

Adoption Incentives

The amendments emphasize moving children into permanent/adoptive homes more expeditiously. Thus, the law now requires that social workers document what efforts are made toward achievement of the permanency plan.

The law also provides for financial incentives to the states to promote expeditious adoption of foster children. The Secretary of HHS establishes a base number of adoptions and special needs adoptions for the state (the statute is written in such a way that the base number may change each year). For each adoption in excess of this base in the subsequent year, the state is eligible for a \$4000 incentive payment plus an additional \$2000 for each special needs child adopted. This money must be used to provide adoptive children and families services. The statute authorizes \$20,000,000 for each fiscal year 1999-2003. (The new provisions allow up to \$10,000,000 to be used for technical assistance to assist states and local communities in meeting their adoption goals (one-half of any money appropriated must be used to provide technical assistance to courts). Part of each state's plan must include the elimination of interjurisdictional barriers to adoption.

Reporting Requirements:

The Secretary of HHS is required to establish outcome measures to assess the performance of the states' operating child protection and child welfare programs mandated by the 96-272 as amended and rating each state's performance relative to those outcome measures. HHS must report to Congress yearly on the states' performance. The Secretary must also develop and recommend to Congress an incentive based system for implementing/restructuring this program.

Additional provisions

The recent amendments also:

- Allow additional demonstration projects, particularly those dealing with the issue of substance abuse and kinship care. If the state denies health insurance to a child under an adoption assistance agreement, the state cannot conduct a demonstration project.
- Where a state is under a court order that its foster care system does not comply with federal law or the Constitution, HHS must consider the effect a demonstration project would have on that situation.
- Requires HHS to establish an advisory panel on kinship care.
- Reauthorized funding for family preservation and reunification services. Federal dollars may be used to provide family reunification services for 15 months after the date on which the child "entered foster care". (See definition above)

- Provides for health insurance (including mental health coverage) for children who are eligible for an adoption subsidy.
- By 1-1-99 each state must develop and implement standards to ensure that children in foster care are provided quality service.
- Adds this proviso: "Nothing in this act is intended to disrupt the family unnecessarily or to intrude inappropriately into family life, to prohibit the use of reasonable methods of parental discipline, or to prescribe a particular method of parenting."
- Secretary of HHS must report to congressional committees re: "the extent and scope of the problem of substance abuse in the child welfare population" as well as services provided to this population and the outcome of those services.

(While this amount is authorized, the actual amount available will depend on how much each year's budget process allocates. It is significant that the Adoption Assistance and Child Welfare Act has always been under funded because allocations have never reached the authorized level of funding.



Recent Michigan Legislation By Frank Vandervort

SUMMARY OF BINSFIELD LEGISLATION

BY Frank Vandervort

On May 23, 1995, Governor John Engler signed an Executive Order establishing the Lieutenant Governor's Children's Commission and directed it to undertake a comprehensive review of all laws, policies, and procedures relating to child protection matters in Michigan. The Commission issued its report, *In Our Hands*, in July of 1996. Pursuant to the report's recommendations the legislature passed and the Governor signed a package of legislation known as the Binsfield Legislation. This was only the first of what may prove to be several waves of legislation growing out of the Children's Commission report.

The general purpose of the new legislation is to move children from temporary foster care homes into permanent living situations as expeditiously as possible. There is an attendant focus on reducing the number of times children are moved from one temporary placement to another.

PLEASE NOTE THAT WHAT FOLLOWS IS A SUMMARY OF THE MOST SIGNIFICANT POINTS CONTAINED IN THE RECENTLY ENACTED

LEGISLATION. IT IS NOT AN EXHAUSTIVE CONSIDERATION AND SHOULD BE USED ONLY AS A GENERAL GUIDE. THE ACTUAL STATUTES MAKE NUMEROUS LESSER AND TECHNICAL CHANGES WHICH ARE NOT INCLUDED IN THIS SUMMARY.

Senate Bill 490:

Amends MCLA 712A.13a(1) by defining a "Permanent Foster Family Agreement" as an agreement between the child, the child's family, the foster family, and the agency, allowing a child who is 14-year-old or older to remain in a foster family home until he or she turns 18-years-of-age. (Permanent Foster Family Agreements were previously used as a matter of FIA policy and practice but were not specifically detailed in the Juvenile Code.)

Amends MCLA 712A.13a(2) to require that when a petition is submitted by FIA under MCLA 722.637 9a newly added section of the Child Protection Law which requires FIA to file a petition if a child has been "severely physically" or sexually abused) the court must consider removing the offending parent or other person from the home. [This provision is new. It requires the court to decide whether a child can be maintained safely in the home if the offending parent/adult is ordered from the child's home. The intent is to protect the child from harm by using the least intrusive method. This is a codification of what has been permitted under case law.]

Amends MCLA 712A.13a(4) by empowering the court to order the offending adult from the child's home and not to return to the child's home if: 1) the petition is authorized; and 2) the court finds probably cause that the individual ordered out of the house is responsible for the abuse; and 3) that person's presence in the home presents a substantial risk of harm to the child's "life, physical health, or mental well-being." [This is a new provision which establishes a criteria for the exercise of the authority to remove the offending adult.]

Amends MCLA 712A.13a(5) to require that where the petition alleges abuse the court must not allow the child to remain in the home, or return the child to the home, or place the child in an unlicensed home unless the court finds that the child's life, physical health, and mental well-being will be protected. [This new provision requires the court to find that the child will be protected from harm if left home, returned home, or if placed with a relative. Previously, the court merely had to find that the placement served the child's interests or that the parents had substantially complied with a treatment plan. Often the court authorized a placement at the FIA caseworker's discretion.]

Amends MCLA 712.13a(7) by repealing the former (7) and renumbering.

Amends MCLA 712.13a(8)(b) to state that "participation in the initial service plan is voluntary without a court order." [This provision intends no change in the law (that the court may not order a parent to participate in a treatment plan until after adjudication), however, it could be interpreted to mean that the court may order participation in the treatment plan prior to adjudication.]

Adds a new MCLA 712A.13a(9) to require that when a child is placed in relative care, the FIA must conduct a criminal background check within 7 days and must submit to the court a home study within 30 days. The former 13a(9) is renumbered to 13a(10). [This is a new provision of the law which codifies an FIA practice.]

Amends MCLA 712A.13a(11) by allowing the court to discontinue parenting time if it may be harmful to the child and, if it does so, requiring a psychological evaluation, or counseling, or both for the child to determine whether and under what conditions parenting time should take place. [Generally, a parent and child will have parenting time at least one time per week. If parenting time is harmful to the child, the court has long had the authority to suspend it. The requirement that the court order psychological evaluation or counseling is new.]

The former MCLA 712A.13a(12) is renumbered to 712A.13a(15).

Adds MCL 712A.13a(13) to require that when a child is placed in foster care, the court must order the agency provide the foster parents with copies of all reports related to the child which are filed with the court. in order to get the reports the foster parent must request them in writing. this includes reports filed with the court before the child was placed in the particular foster home. [This new provision gives foster parents access to information that they have not been previously entitled to.]

Adds MCLA 712A.13a(14) to provide that an order placing a child in foster care shall require the parent to provide the agency with the name and address of child's medical providers and order the medical providers to release child's medical records. [Prior to the amendment, parents were inconsistently asked to do this. As a result, the agency did not necessarily know the child's medical history and children were getting inconsistent care.]

Adds a section MCL 712A.13b which requires: generally, when a child is in foster care, the agency may not change the child's placement unless on of the following exceptions is applicable: A) the foster parent agrees with the change; B) where foster parent objects and the change is based on one of these rationales 1) the child is being returned home; 2) the child is being placed with a relative after an initial assessment of

kinship placement; 3) the agency has reasonable cause to believe that the child has been physically or sexually harmed and believes the child is in immediate danger of additional physical or sexual harm; 4) the other provisions of the section have been complied with. Ten days before a proposed change in foster care placement, the agency must notify the state court administrative office notify the foster parents and tell them of their right to appeal to the local foster care review board within 72 hours. The agency must provide the foster parent with the address and phone number of the foster care review board.

When a foster parent appeals to the foster care review board, the board must investigate the proposed change and report to the court and the agency within 3 business days.

If the foster care review board thinks the child's best interests will not be served by the change, the foster care review board shall request a court hearing. The court must hold that hearing not sooner than seven days after the request for a hearing nor later than the date of the proposed change in placement.

After hearing testimony from the interested parties, the court shall continue the child in the foster home unless it finds by clear and convincing evidence that the proposed change in placement is in the child's best interests.

If the agency has reasonable cause to believe that the child has been sexually or physically harmed in the foster home and is at immediate risk of further such harm, the agency may change the child's placement without complying with the provisions of (1) or (2) above. The agency must document its reasons for the removal and maintain that documentation in the child's file. The foster parent has 3 business days after such a removal to request a hearing of the local foster care review board.

[This new statutory provision gives foster parents a great deal more in the way of process than they have ever been entitled to before. Note, also, that a child may be removed from the natural parent's home based only on probable cause. Clear and convincing evidence is the standard for termination of a natural parent's rights.]

Adds MCL 712.18(3)(f) requiring that when the court holds the "initial" hearing "to consider termination of parental rights," parenting time is "automatically suspended unless the parent establishes and the court determines that the exercise of parenting time will not harm the child." This section also requires that parenting time be suspended if the termination hearing is continued beyond its original date unless it finds that parenting time will not harm the child. [Previous, the parent had a right to see the child at least one time per

week, unless the court determined that visitation was harmful to the child, until the court ordered the parental rights terminated.]

Amends MCLA 712A.19(1) to require that if FIA substantiates abuse upon a child who is already a ward of the court, then FIA must file a supplemental petition. [There was no previous requirement that FIA file a petition in this circumstance.]

Amends MCLA 712.19(3) to require a review hearing every 91 days for as long as the child is a ward of the court. This section eliminates the six month permanent ward review and simply continues the 91 day review requirement when the child is a permanent ward. [Under previous law, statutory review hearings were conducted every 91 days for the first year. After one year, the reviews were held every six month. Post termination review hearings were held every six months.]

Amends MCLA 712A.19(4) to require a six month review hearing for a child who, after the initial permanency planning hearing, is in a permanent foster family or who is placed with a relative. Any party can ask for an earlier hearing. [This is actually a continuation from the way the law previously read, but distinguishes these circumstances from the new general requirement that review hearings be every three months.]

Senate Bill 491

Amends the Public Health Code to provide that a parent whose child has been placed in foster care or is at risk of placement shall be given priority for drug treatment. [This new legislation seeks to expedite parental access to necessary treatment services.]

Senate Bill 492

Amends the licensing laws to provide that upon the recommendation of the foster care review board, the FIA, or a foster care agency, the department of consumer and industry services may waive rules if the placement of a particular child in the home would cause noncompliance. The waiver must not jeopardize the health or safety of the children already residing in the home. [This is a new provision intended to allow, when reasonable possible, siblings to be placed together. It is designed to reduce the number of cases where sibling groups are placed in several foster homes.]

Senate Bill 503

Amends MCLA 722.628(6) of the Child protection Law to require that FIA, each county's prosecuting attorney, and law enforcement adopt and implement a standard protocol for investigating cases of child abuse and neglect as well as for interviewing children. [This provision is new. It seeks to establish a statewide standard of practice.]

Adds MCLA 722.628(12) which requires FIA to notify a mandated reporter of the outcome of its investigation regarding his or her report of actual or suspected child abuse. This notification must not include "personally identifying information" of the person named in the report. [This is a codification of what some county FIA offices had done as a practice.]

Senate bill 504

Amends the child protection law by adding section 7b which requires every county to establish a child death review team by January 1, 1999. the team must consist of at least:

- a representative of the county medical examiner
- a representative of a local law enforcement agency
- an FIA representative
- the prosecuting attorney
- a representative of the Department of Community Health.

The review team shall investigate each child death within the county. If the team determines that a child's death was the result of an act or omission on the part of one or more individuals, it must report this to the FIA and the Children's Ombudsman.

The FIA shall make interdisciplinary training available to the team members.

The FIA must also establish a state-wide committee to make recommendations on policy and statutory changes to prevent child deaths. This committee must include two representatives of FIA, two representatives of the Dept. of Community Health, a medical examiner, a representative of law enforcement, a prosecuting attorney, the Children's Ombudsman.

The advisory committee shall publish an annual report on child fatalities to include:

- the total number of child fatalities, their type or cause
- the number of child fatalities of children in foster care
- the number of fatalities of children within 5 years after family preservation or reunification
- (4) trends in child fatalities

This information must be broken down by county. This information is public. A copy of the yearly report must be sent to the Governor and legislature.

Information obtained by the fatality review teams is confidential and is not subject to disclosure under the Freedom of Information Act. [This is a new addition to the Child Protection Law intended to identify causes of children's deaths – both abuse related and those unrelated to child abuse – and to recommend prevention efforts to address these causes].

Senate Bill 515

Amends MCLA 722.627(1)(l) to allow the FIA director to release information if doing so will contribute to the

purposes of the act and the entity to whom the information is released can maintain the confidentiality of identifying information about the person named in the report. [This is a modification of FIA policy which has always barred the release of any information. This provision is intended to allow some public scrutiny of FIA practice as well as to allow the FIA to defend its performance of its functions.]

Adds MCLA 722.628b requiring FIA to refer any case which involves a child's death, serious injury, or sexual abuse to the prosecuting attorney to determine if the county's investigative protocol was followed. [This is a new provision intended to monitor the use of protocols.]

Adds MCLA 722.638c which prohibits interviewing an alleged child victim of abuse in the presence of the alleged perpetrator of the abuse.. [This provision was added to make it clear that child victims should not be interviewed in front of the alleged perpetrator, a technique often used by FIA.]

Adds MCL 722.637 requiring FIA to file a petition with the court when it determines that s child has been 'severely physically injured" or sexually abused. [FIA has never before been required to file petitions. Previously, FIA had discretion to file or not depending upon whether it assessed that court involvement was necessary to protect the child's welfare.]

Adds MCLA 722.638 which requires FIA:

To file a petition with the court if one or more of the following is true:

a Parent, guardian, custodian, or person 18 or older who resides in the home has abused the child in any of these ways:

Abandonment

CSC involving penetration or an attempted CSC involving penetration

Battering, torture, or severe physical abuse

Loss or serious impairment of an organ or limb

Life threatening injury

Murder or attempted murder

the parent's rights in another child have been terminated the parent previously released his or her rights in a child after a termination petition was filed

When FIA files a petition which meets the criteria set forth in (1), the petition must seek the termination of parental rights

If FIA seeks termination at the initial dispositional hearing in circumstances other than those set forth in (1), it must "hold a conference among the appropriate agency personnel to agree upon the course of action."

The child's attorney must be notified of this conference and may attend. If an agreement is not reached at this meeting, the FIA Director must talk with the attorney for both the child and the FIA then must decide what the FIA's position will be.

[This provision represents a major shift in child welfare law. For nearly twenty years the policy has been to preserve families when possible and to seek to reunify when removal was necessary. The FIA has never been required to file a petition before nor has it ever been required to seek termination in any circumstances. This provision has the potential of making many children available for adoption more quickly despite the large backlogs of children already available for adoptions and for whom no adoptive homes have readily available.]

Senate Bill 516

Amends MCLA 712A.17(1) to prohibit adjournments in child protection matters unless there is a factual finding of good cause shown. Hearings are not to be continued by the stipulation of counsel or for the convenience of a party. Further, in addition to "factual good cause" shown, the court cannot adjourn a hearing unless: 1) the party moves in writing for an adjournment 14 days before the hearing; or 2) by the court's own motion, but only if in the child's best interests and for not more than 28 days. [In order to expedite cases and permanency for children, this provision was added to make it more difficult for unnecessary adjournments to delay case processing.]

Adds the following statement to MCLA 712A.17c(7): "The child's attorney shall be present at all hearings concerning the child and shall not substitute counsel unless the court approves." [This provision continues a trend, which the legislature began two years ago, of more precisely articulating the duties of the attorney appointed to represent the child.]

Amends MCLA 712.17c(9). Once appointed, the attorney serves until the child is no longer a state ward unless the attorney is discharged for good cause shown. If the child's attorney is discharged and the child remains a court ward, the court must immediately appoint a new attorney. [This provision is new and is intended to stop the practice of some courts of releasing the child's attorney after termination of parental rights but before the child is released from court wardship.]

Amends MCLA 712.19b(1) to require that the court issue its decision regarding a permanent custody petition within 70 days of the commencement of the initial hearing on the petition. Failure of the court to do so, however, does not dismiss the petition. [This is a new provision which is part of the larger effort to reduce the length of time cases are in the system.]

Adds MCLA 712A.19b(3)(k) as a basis for termination of parental rights where the parent abused the child or a sibling by: 1) abandonment of a young child; or 2) CSC or attempt CSC involving penetration; or 3) battering, torture, or severe physical abuse; or 4) loss or serious impairment of an organ or limb; or 5) life threatening injury; or 6) murder or attempted murder. [This provision

brings the termination provision of the Juvenile Code into line with the jurisdictional provisions..]

Adds MCLA 712A.19b(3)(l) establishing a basis for termination of a parent's rights where that parent's rights in another child have been terminated. [This section is similar to MCLA 712A.19b(3)(l)_ which allows the court to terminate if there has been a prior termination based on "serious and chronic" abuse or neglect without the need for any showing that the child in question has herself or himself suffered any abuse or neglect. This is essentially a codification of the anticipatory abuse/neglect doctrine as a basis for termination of parental rights at the initial dispositional hearing.]

Adds MCLA 712A.19b(3)(m) permitting termination where the parent has voluntarily relinquished parental rights in another child after termination was initiated. [Prior to this amendment, the court could terminate the parental rights of a parent if there had been a prior termination based on "serious and chronic" abuse or neglect without the need for any showing that the child in question has herself or himself suffered any abuse or neglect. This is essentially a codification of the anticipatory abuse/neglect doctrine as a basis for termination of parental rights at the initial dispositional hearing.] of subsequent children.]

Adds MCLA 712A.22 requiring the state court administrator's office publish an annual report assessing how Michigan's courts respond to the legislature's increased focus on permanency. The report must assess compliance with time frames.

Senate Bill 517

Amends the foster care review board statute, see MCLA 722.130 et seq., to comport with the relevant provisions of Senate Bill 490 (regarding appeals of removal of foster children from foster homes). [See text relating to Senate Bill 490 above.]

Senate Bill 543

Amends MCLA 400.204, dealing with the Michigan Children's Institute (MCI), to require the court to forward to the Institute certain documentation within 30 days of the child's commitment. Also allows the MCI Superintendent and the child's attorney to communicate regarding the child and requires that they communicate if there is a disagreement about placement or the plan for the child. [This provision is intended to improve the quality of legal representation children receive, provide a method to promote the resolution of conflict and, thereby, speed adoptions.]

Senate Bill 544

Amends the foster care and adoption services act, MCLA 722.952 et seq., to require the following actions of a foster care agency:

Adds MCLA 722.954a requiring, as part of the initial service plan, that the agency seek out relatives to determine if one or more is appropriate for placement of the child. Within 90 days of removal from the home, the agency must:

Make a placement decision and document the rationale for the decision.

Give written notice of the placement decision to the child's attorney, guardian, guardian ad litem, mother, and father, each parent's attorney, each relative who was interested in caring for the child, the child if old enough to express an opinion, and the prosecutor.

Any one of the above persons has 5 days to request documentation of the reasons for the decision. That person may then ask the child's attorney to review the decision to determine whether it serves the child's interests. The child's attorney has 14 days from the date of the written decision to petition the court for a review hearing. Within 7 days after the child's attorney's petition, the court must hold a hearing on the record to consider the issue. [This provision is intended to institutionalize the preference that children, when removed from their parents, should be placed with relatives where there are appropriate relatives willing to provide placement.]

Adds MCLA 722.954b requiring that the agency strive for a permanent plan for the child within 12 months of the original removal and prohibits delay in this time frame due to change or transfer of the social worker. Also requires the agency to submit the child's name and information for inclusion in the MARE book if an adoptive home has not been located within 90 days after the order of termination.

This section also requires that the worker make monthly visits to the child, assess in-home visitation, and that foster care agencies provide services during non-traditional hours in order to accommodate clients' schedules. [This provision intends to reduce the overall time children spend in foster care by delineating specific steps which FIA and/or contract agencies must follow in an effort to achieve permanency more quickly.]

Adds MCLA 722.954c which requires the agency to get the child's medical information and a release for that information from the parent. Generally, the child's medical provider should remain constant; the agency must develop a "medical passport" for each child in care which must contain: 1) all medical information required by law or policy to be provided to the foster parent; 2) a basic medical history; 3) a record of immunizations; 4) any other information regarding the child's mental and physical health. When the worker on a case changes, the prior worker must sign the medical passport verifying the necessary information has been sought. A copy of the medical passport must be kept on file. Further, if a child has suffered sexual abuse, serious physical abuse, or mental illness, the agency must have the child

evaluated by a certified mental health professional. Finally, the child must receive a medical examination upon foster care placement. [This provision is intended to ensure more consistent medical treatment of children placed in foster care.]

Adds MCLA 722.954d which requires the FIA to publish an annual report card for each contract foster care agency evaluating the agency's record of achieving permanency for children and which makes recommendations for the removal of barriers to permanency. [This is a quality assurance measure intended to increase the permanent placement of children.]

Frank E. Vandervort is presently with the Child Welfare Resource Center at the University of Michigan Law School and has served as the executive Director of The Children's Law Center in Grand Rapids. His contribution is gratefully acknowledged.



NEXT MIPSAC MEETINGS:

May 19, 1998. From 11:00 a.m. to 2:00 p.m. at the Prosecuting Attorney's Association of Michigan office in Lansing in the first floor conference room. The address is 116 West Ottawa Street, Suite 200, Lansing, MI. 48913. Senator Geake and Rep LaForge have indicated they will attend this meeting to discuss Child Welfare Issues in Michigan.

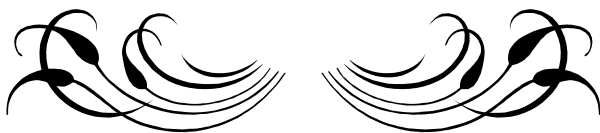
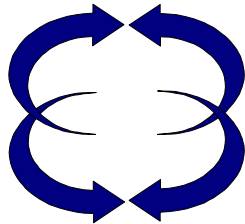
Please call Carol Siemon if you are attending as lunch will be provided and a count must be made. Phone: (517)334-6060 or fax: (517)334-6787.

Newsletter

July 9-12,1998. APSAC Sixth National Colloquium. Chicago, IL. Sponsored by APSAC. Call (312)554-0166 for info. We will be having a board meeting during this conference.

We look forward to sharing with you at these meetings. There is a great deal going on in Child Welfare. Thank you for being a part of it.

MEDICAL CONCERNS



Editorial comment

by Vince Palusci

There are tremendous changes occurring in Child Welfare within our state and across the nation. Professionals are increasingly being asked to respond and react to a variety of external and internal stresses in order to help our children.

How do we react? Do we wait for it all to blow over? Do we try to manage our own

little world, our own little profession? Do we start to change things bit by bit in our local community or in our region or state?

Each professional must make his or her own choice. Each professional must balance their own personal and family needs with their commitment of time, energy and resources for the good of our entire community and its children. Each professional must work to prevent their own "burn out" and continue to provide the services needed in our community, however that is defined.

And each professional owes it to their colleagues to work together and support each other through the "interesting" times that we live in. APSAC and MiPSAC are a start, but the improving the lives of our children and families is the goal.

I look forward to all of us working together to achieve these laudable goals. May each contribute what they can and help whomever they are able.

