



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 137 (as reported without amendment)
Senate Bill 138 (Substitute S-1 as reported)
Sponsor: Senator John N. Damoose (S.B. 137)
 Senator Jeff Irwin (S.B. 138)
Committee: Housing and Human Services

CONTENT

Senate Bill 137 would amend the Guardianship Assistance Act to do the following:

- Delete a provision requiring a guardianship agreement to specify the amount of assistance to be provided under a guardianship agreement.
- Require the Department of Health and Human Services (DHHS) to determine eligibility without regard to the income of the prospective guardian.
- Modify requirements for a permanency placement plan.
- Include tribal child welfare agency or child placing agency to a permanency placement plan.
- Allow the provisions of legal guardianship to extend to another state's law or code or tribal law or code when the child is a ward of Michigan.

Senate Bill 138 (S-1) would amend the Guardianship Assistance Act to do the following:

- Specify that a child would be eligible to receive guardianship assistance if the child had been removed from his or her home because of a judicial determination by a State court or tribal court in Michigan.
- Modify eligibility requirements for a child to receive guardianship assistance.
- Specify a child could be placed in the same relative guardianship arrangement in accordance with another state's law or code or tribal law or code.
- Modify certain terms and definitions.

MCL 722.875 (S.B. 137)
 722.874 (S.B. 138)

BRIEF RATIONALE

The Guardianship Assistance Program (GAP) provides financial assistance to court-appointed guardians for children who may otherwise remain in foster care. Apparently, it has been determined that only guardianship orders granted under the juvenile code are eligible for the GAP, and that guardianship orders from out-of-State courts or tribal courts do not qualify, leaving a population of children unable to access this program. It has been suggested that this language should include tribal court decisions and out-of-State court decisions.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. To the extent that there was an increase in guardian assistance payments that stemmed from these bills, there could be an increase in the cost of the GAP; however, it would not be immediate. The bills would include tribal cases in the GAP explicitly, which would ensure that tribal children were eligible for GAP payments. Current policy does not exclude tribal cases from the GAP; however, if there are tribal cases that are not currently receiving payments, there could be an increased cost if tribal caseload increased. The increase would be determined by the number of cases and the eligibility for Federal Title IV-E funding, which is paid 50% by the State, or if they are fully State-funded cases, 100%. The base daily rate for children under 13 is \$20.69 per day, while the over-13 rate is \$24.71, with a possible additional determination of care premium.

Date Completed: 3-16-23

Fiscal Analyst: Humphrey Akujobi

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.