

BACKGROUND CHECKS FOR SUCCESSOR GUARDIANS

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House Bill 4550 as reported from committee
Sponsor: Rep. Brenda Carter
1st Committee: Families, Children and Seniors
2nd Committee: Ways and Means
Complete to 6-4-19

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

SUMMARY:

House Bill 4550 would amend the Guardianship Assistance Act to require the approval process for guardianship assistance to include criminal record checks and child abuse and child neglect central registry checks on successor guardians and all adults living in the successor guardian's home, and fingerprint-based criminal record checks on successor guardians, in addition to those currently required for a guardian.

Under the act and subject to certain requirements, a guardian who meets the specified requirements may receive guardianship assistance on behalf of an eligible child. The guardian must also be a licensed foster parent and approved for guardianship assistance by the Department of Health and Human Services (DHHS). The approval process must include criminal record checks and child abuse and neglect central registry checks on the guardian and all adults living in his or her home, as well as fingerprint-based criminal record checks on the guardian.

The bill would add successor guardians to these background check provisions. [When a court appoints a guardian for a child, it can also appoint a successor guardian, who will take over guardianship should the primary guardian die or become incapacitated.]

The bill would take effect 90 days after enactment.

MCL 722.874

BRIEF DISCUSSION:

According to testimony before the House Committee on Families, Children and Seniors, guardians are subject to a criminal record check as part of the process of assuming guardianship, and currently the Guardianship Assistance Act allows previously obtained fingerprints to be used for the criminal record check required under that act. However, the Federal Bureau of Investigation requires a separate specific authorization under state law. Accordingly, the bill would remove the provision regarding fingerprints already on file and authorize (require) "national and state fingerprint-based criminal record checks on the guardian or successor guardians" to be conducted under the act.

FISCAL IMPACT:

House Bill 4550 would have minimal fiscal impact on the state and no fiscal impact on local units of government.

POSITIONS:

Representatives of the Department of Health and Human Services testified in support of the bill. (5-8-19)

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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.