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House Bill 4550 (as passed by the House)
Sponsor: Representative Brenda Carter
House Committee: Families, Children and Seniors
Senate Committee: Families, Seniors and Veterans

Date Completed: 9-4-19

CONTENT

The bill 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 all successor guardians, and all adults living in a successor guardian's home, as well as national and State fingerprint-based criminal record checks on successor guardians.

The bill would take effect 90 days after its enactment.

Under the Act, subject to certain requirements a guardian who meets the following criteria can receive guardianship assistance on behalf of the eligible child:

- The guardian is the eligible child's relative or legal custodian.
- The eligible child has resided with the prospective guardian in his or her residence for at least six months before the application for guardian assistance is received by the Department of Health and Human Services (DHHS).

The guardian also must be a licensed foster parent and approved for guardianship assistance by the 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. If the guardian's fingerprints are stored in the automatic fingerprint identification system (AFIS), the DHHS must use them for the criminal history check. The bill would eliminate the provision pertaining to AFIS.

Instead, under the bill, the approval process would have to include criminal record checks and child abuse and child neglect central registry checks on the guardian, all successor guardians, and all adults living in the guardian's or successor guardian's home, as well as national and State fingerprint-based criminal record checks on the guardian or successor guardian.

"Guardian" means a person appointed by the court to act as a legal guardian for a child under 19a or 19c of the juvenile code.

"Successor guardian" means a person appointed by the court to act as a legal guardian when the preceding guardian is no longer able to act as a result of his or her death or incapacitation under Section 19a or 19c of the juvenile code. Successor guardian does not include a person appointed as a guardian if that person's parental rights to the child have been terminated or suspended.

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: John Maxwell

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