

**Public Policy Position
SB 498**

The Children's Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 466 members. The Children's Law Section is not the State Bar of Michigan and the position expressed herein is that of the Children's Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Children's Law Section has a public policy decision-making body with 19 members. On January 18, 2024, the Section adopted its position after a discussion and vote at a scheduled meeting. 9 members voted in favor of the Section's position, 0 members voted against this position, 0 members abstained, 10 members did not vote.

Support the bill contingent on the removal of section (1)(c)(iv) while also urging the Legislature to remove ICWA/MIFPA cases from the Foster Care Review Board process altogether.

Explanation:

At the suggestion of the American Indian Law Section, the Children's Law Section Council considered whether ICWA/MIFPA cases should remain in the Foster Care Review Board process. FCRB hearings are generally very quick and simply do not provide adequate opportunity for expert analysis or input from several individuals regarding the decisions they review. For ICWA/MIFPA cases, this can create problems when tribal experts are required before a court can make a decision regarding removal or placement. Given the number of different tribes and cultures, it is the position of both CLS and AILS that the FCRB members cannot be properly educated on all of the necessary information given the brief time they give to each case. Therefore, ICWA/MIFPA cases should not be subject to FCRB review.

To the extent that that ICWA/MIFPA cases do remain in the FCRB process, the amendments and additions in SB 498 are positive, and CLS supports them contingent on the removal of section (1)(c)(iv). The Section had concerns about this provision potentially leading to unnecessary moves for a child when they are moved following denial of MCI consent to adopt as that denial is still subject to court review and could potentially result in a move back to the initial placement. If that exception is removed from the bill, CLS supports the bill.

Contact Person: Josh Pease

Email: jpease@sado.org