

**SUBSTITUTE FOR
HOUSE BILL NO. 4649**

A bill to amend 1994 PA 203, entitled
"Foster care and adoption services act,"
by amending section 3 (MCL 722.953) and by adding section 8a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. The purposes of this act are all of the following:

2 (a) To assist foster parents to provide a stable, loving
3 family environment for children who are placed outside of their
4 homes on a temporary basis.

5 (b) To help eliminate barriers to the adoption of children and
6 to promote the provision of a stable and loving family environment
7 to children who are without permanent families.

8 (c) To promote the well-being and safety of all children who
9 receive foster care or are adopted under the laws of this state.

1 (d) To protect and assist prospective adoptive families as
2 they negotiate the adoption process.

3 (e) To regulate child placing agencies who certify foster
4 parents and serve adoptees and adoptive families in this state.

5 (f) To regulate adoption attorneys who facilitate direct
6 placement adoptions.

7 (G) TO ENSURE FOSTER PARENTS AND PROSPECTIVE ADOPTIVE PARENTS
8 RECEIVE ALL APPLICABLE RESOURCES AS DESCRIBED IN SECTION 8A.

9 SEC. 8A. (1) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS
10 THE "FOSTER PARENT'S BILL OF RIGHTS LAW".

11 (2) TO ENSURE THAT EACH FOSTER PARENT IS TREATED WITH DIGNITY,
12 RESPECT, TRUST, AND CONSIDERATION, THE DEPARTMENT SHALL ENSURE THAT
13 EACH FOSTER PARENT HAS ACCESS TO OR RECEIVES THE FOLLOWING:

14 (A) EXPLANATION AND CLARIFICATION REGARDING THE SUPERVISING
15 AGENCY'S ROLE AND EXPECTATIONS, INFORMATION CONCERNING THE
16 SUPERVISING AGENCY'S POLICIES AND PROCEDURES, AND CHANGES TO THOSE
17 POLICIES OR PROCEDURES RELATIVE TO THE ROLE AS A FOSTER PARENT OR
18 THE CHILDREN IN THE FOSTER PARENT'S CARE WITHIN 30 DAYS AFTER THOSE
19 CHANGES ARE MADE.

20 (B) TREATMENT BY THE SUPERVISING AGENCY THAT DOES NOT VIOLATE
21 THE PROVISIONS OF THE ELLIOTT-LARSEN CIVIL RIGHTS ACT, 1976 PA 453,
22 MCL 37.2101 TO 37.2804.

23 (C) EVALUATION AND FEEDBACK REGARDING THE FOSTER PARENT'S
24 PROVISION OF CARE ROLE. AS USED IN THIS SUBDIVISION, "FEEDBACK"
25 MEANS PROVIDING A COPY OF THE WRITTEN ANNUAL ASSESSMENT OF RULE
26 COMPLIANCE AND THE WRITTEN SPECIAL EVALUATION REPORT UPON
27 COMPLETION OF THE REPORT TO THE FOSTER PARENT.

1 (D) NECESSARY TRAINING TO ENABLE THE FOSTER PARENT TO PROVIDE
2 QUALITY SERVICES TO CHILDREN WHO ARE OR WILL BE IN HIS OR HER CARE
3 THAT INCLUDES INFORMATION ON THE POLICIES DEVELOPED BY THE
4 SUPERVISING AGENCY DESIGNED TO SUPPORT AND AID FOSTER, KINSHIP, AND
5 ADOPTIVE FAMILIES RELATIVE TO FOSTER CARE AND PROSPECTIVE ADOPTIVE
6 PLACEMENT.

7 (E) NECESSARY SUPPORT FOR THE FOSTER PARENT THAT INCLUDES ALL
8 OF THE FOLLOWING:

9 (i) REASONABLE RELIEF AND RESPITE AS ALLOWED BY THE SUPERVISING
10 AGENCY'S RESOURCES. AS USED IN THIS SUBPARAGRAPH, "RESPITE" MEANS
11 SUBSTITUTE CARE THAT IS PROVIDED TO A FOSTER CHILD WHEN THE FOSTER
12 PARENT IS NOT PRESENT OR NOT AVAILABLE AS DEFINED IN THE
13 SUPERVISING AGENCY'S SUBSTITUTE CARE POLICY OR AS FACILITATED BY
14 THE SUPERVISING AGENCY.

15 (ii) ACCESS TO THE SUPERVISING AGENCY STAFF FOR ASSISTANCE
16 DEALING WITH FAMILY LOSS AND SEPARATION WHEN A CHILD LEAVES THE
17 FOSTER PARENT'S HOME.

18 (iii) ACCESS TO INFORMATION ABOUT LOCAL AND STATEWIDE SUPPORT
19 GROUPS THAT INCLUDES LOCAL AND STATEWIDE FOSTER, KINSHIP, AND
20 ADOPTIVE PARENT ASSOCIATIONS.

21 (F) ACCESS TO THE APPROPRIATE SUPERVISING AGENCY 24 HOURS A
22 DAY, 7 DAYS A WEEK, FOR EMERGENCY INFORMATION AND ASSISTANCE FOR
23 CHILDREN IN THE FOSTER PARENT'S CARE.

24 (G) TIMELY FINANCIAL REIMBURSEMENT FOR FOSTER CHILDREN IN THE
25 FOSTER PARENT'S CARE. AS USED IN THIS SUBDIVISION, "TIMELY
26 FINANCIAL REIMBURSEMENT" MEANS PAYMENT ISSUED WITHIN 14 DAYS AFTER
27 SUBMISSION OF ACCURATE AND COMPLETE DOCUMENTATION.

1 (H) TIMELY INVESTIGATION OF COMPLAINTS CONCERNING THE FOSTER
2 PARENT'S LICENSURE, THE RIGHT TO HAVE A PERSON OF THE FOSTER
3 PARENT'S CHOOSING PRESENT DURING AN INVESTIGATION, AND THE RIGHT TO
4 FILE A GRIEVANCE WHEN THE FOSTER PARENT DISAGREES WITH A FINDING IN
5 A LICENSING INVESTIGATION. AS USED IN THIS SUBDIVISION, "TIMELY
6 INVESTIGATION" MEANS AN INVESTIGATION IS COMPLETED WITHIN 45
7 CALENDAR DAYS AFTER RECEIPT OF THE INFORMATION. IF ADDITIONAL TIME
8 IS REQUIRED, THE SUPERVISING AGENCY SHALL INFORM THE FOSTER PARENT,
9 IN WRITING, OF THE BASIS FOR THE EXTENSION. ANY EXTENSIONS UNDER
10 THIS SUBDIVISION SHALL NOT EXCEED A CUMULATIVE TOTAL OF 90 DAYS.

11 (I) A HEARING REGARDING LICENSING AS PROVIDED IN SECTION 11(2)
12 OF 1973 PA 116, MCL 722.121.

13 (J) DECISIONS CONCERNING A LICENSING CORRECTIVE ACTION PLAN
14 THAT ARE SPECIFICALLY TIED TO THE ADMINISTRATIVE RULE REGARDING THE
15 LICENSING VIOLATION.

16 (K) COPIES OF ALL INFORMATION RELATIVE TO THE FOSTER FAMILY
17 AND SERVICES CONTAINED IN THE PERSONAL FOSTER HOME OR FOSTER PARENT
18 RECORDS AS ALLOWED BY LAW.

19 (L) INFORMATION BEFORE PLACEMENT OF THE CHILD REGARDING THE
20 CHILD'S BEHAVIOR, BACKGROUND, HEALTH HISTORY, OR OTHER ISSUES
21 RELATIVE TO THE CHILD THAT MAY JEOPARDIZE THE HEALTH AND SAFETY OF
22 THE FOSTER FAMILY OR ALTER THE MANNER IN WHICH FOSTER CARE SHOULD
23 BE PROVIDED. IN AN EMERGENCY SITUATION, THE SUPERVISING AGENCY
24 SHALL PROVIDE INFORMATION AS SOON AS THE INFORMATION IS AVAILABLE.

25 (M) THE OPTION TO REFUSE PLACEMENT OF A CHILD INTO THE FOSTER
26 HOME OR TO REQUEST, UPON REASONABLE NOTICE, THE REMOVAL OF A CHILD
27 FROM THE FOSTER HOME, WITHOUT ADVERSE EFFECT ON ASSIGNMENTS OF

1 FUTURE FOSTER CHILDREN OR PROSPECTIVE ADOPTIVE PLACEMENTS.

2 (N) INFORMATION THROUGH THE SUPERVISING AGENCY REGARDING THE
3 NUMBER OF TIMES A CHILD HAS BEEN MOVED, THE REASON FOR THE MOVE,
4 AND NAMES AND TELEPHONE NUMBERS OF PREVIOUS FOSTER PARENTS, IF THE
5 PREVIOUS FOSTER PARENT HAS AUTHORIZED RELEASE OF THAT INFORMATION.

6 (O) ADVANCE NOTICE OF A CHILD'S REMOVAL IN ORDER TO PREPARE
7 THE CHILD AND FOSTER FAMILY MEMBERS. THE ADVANCE NOTICE REQUIRED IN
8 THIS SUBDIVISION DOES NOT APPLY IN A CASE OF AN EMERGENCY SITUATION
9 WHEN THERE IS EVIDENCE OF MISTREATMENT AS PROVIDED IN SECTION
10 13B(7) OF CHAPTER XIIIA OF THE PROBATE CODE OF 1939, 1939 PA 288,
11 MCL 712A.13B.

12 (P) NOTIFICATION AND THE OPTION TO PARTICIPATE IN WRITING OR
13 IN PERSON, DEPENDING ON THE CASE, IN MEETINGS CONCERNING THE CHILD,
14 TO BE INFORMED OF DECISIONS MADE BY THE COURT OR THE SUPERVISING
15 AGENCY CONCERNING THE CHILD, AND TO PROVIDE INPUT THAT IS GIVEN
16 CONSIDERATION IN THE SAME MANNER AS INFORMATION FROM OTHER
17 PROFESSIONALS WORKING WITH THE CHILD WITHIN THE CONTEXT OF FOSTER
18 CARE, INCLUDING THERAPISTS, PHYSICIANS, AND TEACHERS.

19 (Q) THE OPTION TO RECEIVE A COPY OF THE SUPERVISING AGENCY'S
20 PLACEMENT AND SERVICE PLAN CONCERNING THE CHILD'S CARE IN THE
21 FOSTER PARENT'S HOME AND TO PARTICIPATE IN AND RECEIVE SERVICE PLAN
22 REVISIONS AS WELL AS ANY OTHER INFORMATION RELEVANT TO THE CHILD'S
23 CARE, INCLUDING SUBSEQUENT REVISIONS TO THE CASE PLAN IN A TIMELY
24 MANNER. FOSTER PARENTS ARE TO BE MEANINGFUL PARTICIPANTS IN THE
25 DEVELOPMENT OR REVISION, OR BOTH, OF THE CASE PLAN FOR THE CHILD IN
26 THAT FOSTER PARENT'S HOME. SERVICE PLANS MUST BE PROVIDED WITHIN 10
27 DAYS AFTER A FOSTER PARENT'S WRITTEN REQUEST.

1 (R) TIMELY AND COMPLETE WRITTEN NOTICE FROM THE SUPERVISING
2 AGENCY OF ALL COURT PROCEEDINGS, INCLUDING NOTICE OF THE HEARING
3 DATE, TIME, AND LOCATION, THE NAME OF THE JUDGE OR HEARING OFFICER
4 ASSIGNED TO THE CASE, AND THE COURT DOCKET NUMBER AS WELL AS THE
5 OPTION TO PARTICIPATE IN COURT HEARINGS WHEN THAT INFORMATION IS
6 KNOWN BY THE SUPERVISING AGENCY AND THE OPTION TO SUBMIT FACTUAL
7 WRITTEN STATEMENTS TO THE COURT AS PROVIDED BY LAW, AND NOTICE OF
8 THE OPTION TO BE HEARD AT COURT HEARINGS REGARDING THE CHILD IN THE
9 FOSTER PARENT'S CARE AS ALLOWED BY LAW. AS USED IN THIS
10 SUBDIVISION, "TIMELY NOTICE" MEANS NOTIFICATION OF A HEARING WITHIN
11 7 DAYS AFTER THE SUPERVISING AGENCY RECEIVES NOTICE FROM THE COURT.

12 (S) THE OPTION TO BE CONSIDERED AS A FOSTER PARENT WHEN A
13 CHILD FORMERLY PLACED WITH THE FOSTER PARENT IS REENTERING FOSTER
14 CARE AND THE OPTION TO BE CONSIDERED WHEN A CHILD PREVIOUSLY PLACED
15 IN THE FOSTER PARENT'S HOME BECOMES AVAILABLE FOR ADOPTION, IF
16 RELATIVE PLACEMENT IS NOT AVAILABLE AND THE PLACEMENT IS CONSISTENT
17 WITH THE BEST INTEREST OF THE CHILD AND OTHER CHILDREN IN THE
18 FOSTER PARENT'S HOME.

19 (3) THE DEPARTMENT SHALL ENSURE THAT ALL ITEMS DESCRIBED IN
20 SUBSECTION (2) ARE ADDRESSED IN ANY COMBINATION OF DEPARTMENT
21 POLICY, ADMINISTRATIVE RULES PROMULGATED UNDER THE ADMINISTRATIVE
22 PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328, OR STATE
23 OR FEDERAL LAW.

24 (4) THE DEPARTMENT OR A CHILD PLACING AGENCY SHALL MAINTAIN A
25 WRITTEN POLICY DESCRIBING THE GRIEVANCE PROCEDURE FOR FOSTER
26 PARENTS AND PROSPECTIVE ADOPTIVE PARENTS TO ADDRESS ANY
27 NONCOMPLIANCE WITH THE ITEMS LISTED IN SUBSECTION (2). THE

1 PROCEDURE SHALL INCLUDE INFORMATION ON HOW AND WHERE TO FILE A
2 GRIEVANCE.

3 (5) IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN SECTION 5
4 OF THE CHILDREN'S OMBUDSMAN ACT, 1994 PA 205, MCL 722.925, A FOSTER
5 PARENT MAY FILE A COMPLAINT WITH THE OFFICE OF THE CHILDREN'S
6 OMBUDSMAN TO INVESTIGATE THE DEPARTMENT'S OR A CHILD PLACING
7 AGENCY'S ALLEGED VIOLATION OF LAW, RULE, OR POLICY.

8 (6) A FOSTER PARENT MAY FILE A GRIEVANCE WITH THE DEPARTMENT
9 OR THE CHILD PLACING AGENCY TO ADDRESS NONCOMPLIANCE WITH THE ITEMS
10 LISTED IN SUBSECTION (2). THE DEPARTMENT OR A CHILD PLACING AGENCY
11 HAS 30 DAYS TO RESPOND TO A GRIEVANCE FILED REGARDING NONCOMPLIANCE
12 WITH AN ITEM DESCRIBED IN SUBSECTION (2). IF THE DEPARTMENT OR
13 CHILD PLACING AGENCY ACKNOWLEDGES NONCOMPLIANCE WITH AN ITEM
14 DESCRIBED IN SUBSECTION (2) WITHIN THE 30-DAY PERIOD, THE
15 DEPARTMENT OR CHILD PLACING AGENCY SHALL DEVELOP A CORRECTIVE
16 ACTION PLAN WITHIN 30 DAYS OF THE ACKNOWLEDGEMENT AND PROVIDE A
17 COPY OF THE CORRECTIVE ACTION PLAN TO THE FOSTER PARENT.

18 (7) IF ANY OF THE FOLLOWING OCCUR, THE FOSTER PARENT MAY
19 REQUEST A HEARING UNDER CHAPTER 4 OF THE ADMINISTRATIVE PROCEDURES
20 ACT OF 1969, 1969 PA 306, MCL 24.271 TO 24.287:

21 (A) THE DEPARTMENT OR CHILD PLACING AGENCY FAILS TO RESPOND TO
22 A GRIEVANCE WITHIN THE 30 DAYS PRESCRIBED UNDER SUBSECTION (6).

23 (B) THE DEPARTMENT OR CHILD PLACING AGENCY OBJECTS TO THE
24 GRIEVANCE IN WHOLE OR IN PART.

25 (C) THE DEPARTMENT OR CHILD PLACING AGENCY DOES NOT COMPLY
26 WITH ITS CORRECTIVE ACTION PLAN DESCRIBED IN SUBSECTION (6) WITHIN
27 30 DAYS.

1 (8) IF A GRIEVANCE IS NOT RESOLVED UNDER THE GRIEVANCE
2 PROCESS, THE FOSTER PARENT MAY APPEAL TO THE CIRCUIT COURT AS
3 PROVIDED IN CHAPTER 6 OF THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
4 1969 PA 306, MCL 24.301 TO 24.306.

5 (9) THE CHILDREN'S OMBUDSMAN'S INVESTIGATIONS OF THE
6 VIOLATIONS UNDER THIS SECTION ARE SUBJECT TO AN APPROPRIATION OF
7 FUNDS FOR THOSE INVESTIGATIONS.

8 Enacting section 1. This amendatory act takes effect October
9 1, 2014.