

**SUBSTITUTE FOR  
HOUSE BILL NO. 4991**

A bill to amend 1973 PA 116, entitled

"An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,"

(MCL 722.111 to 722.128) by adding section 14e.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **SEC. 14E. (1) EXCEPT AS PROVIDED IN SUBSECTION (3), TO THE**  
2           **FULLEST EXTENT PERMITTED BY STATE AND FEDERAL LAW, INCLUDING, BUT**  
3           **NOT LIMITED TO, THE FOSTER CARE AND ADOPTION SERVICES ACT, 1994 PA**  
4           **203, MCL 722.951 TO 722.960, AND THE MULTIETHNIC PLACEMENT ACT OF**  
5           **1994, 42 USC 1996B, A CHILD PLACING AGENCY SHALL NOT BE REQUIRED TO**  
6           **PROVIDE FOSTER CARE OR ADOPTION SERVICES IF THOSE SERVICES CONFLICT**

1 WITH, OR PROVIDE FOSTER CARE OR ADOPTION SERVICES UNDER  
2 CIRCUMSTANCES THAT CONFLICT WITH, THE CHILD PLACING AGENCY'S  
3 SINCERELY HELD RELIGIOUS BELIEFS CONTAINED IN A WRITTEN POLICY,  
4 STATEMENT OF FAITH, OR OTHER DOCUMENT ADHERED TO BY THE CHILD  
5 PLACING AGENCY.

6 (2) EXCEPT AS PROVIDED IN SUBSECTIONS (3) AND (5), TO THE  
7 FULLEST EXTENT PERMITTED BY STATE AND FEDERAL LAW, INCLUDING, BUT  
8 NOT LIMITED TO, THE FOSTER CARE AND ADOPTION SERVICES ACT, 1994 PA  
9 203, MCL 722.951 TO 722.960, AND THE MULTIETHNIC PLACEMENT ACT OF  
10 1994, 42 USC 1996B, THE STATE OR LOCAL UNIT OF GOVERNMENT SHALL NOT  
11 DISCRIMINATE OR TAKE AN ADVERSE ACTION AGAINST A CHILD PLACING  
12 AGENCY ON THE BASIS THAT THE CHILD PLACING AGENCY HAS DECLINED OR  
13 WILL DECLINE TO PROVIDE FOSTER CARE OR ADOPTION SERVICES THAT  
14 CONFLICT WITH, OR PROVIDE FOSTER CARE OR ADOPTION SERVICES UNDER  
15 CIRCUMSTANCES THAT CONFLICT WITH, THE CHILD PLACING AGENCY'S  
16 SINCERELY HELD RELIGIOUS BELIEFS CONTAINED IN A WRITTEN POLICY,  
17 STATEMENT OF FAITH, OR OTHER DOCUMENT ADHERED TO BY THE CHILD  
18 PLACING AGENCY.

19 (3) A CHILD PLACING AGENCY UNDER CONTRACT WITH THE DEPARTMENT  
20 MAY, UNDER SUBSECTIONS (1) AND (2), DECLINE TO PROVIDE FOSTER CARE  
21 OR ADOPTION SERVICES REFERRED FROM THE DEPARTMENT ONLY IN 1 OF THE  
22 FOLLOWING CIRCUMSTANCES:

23 (A) THE CHILD PLACING AGENCY DECLINES TO PARTICIPATE IN THE  
24 PLACEMENT BEFORE THE COMPLETION OF A HOME STUDY FOR A FOSTER CARE  
25 PLACEMENT OR THE COMPLETION OF A CHILD ADOPTIVE ASSESSMENT FOR AN  
26 ADOPTIVE PLACEMENT, WHICHEVER OCCURS FIRST.

27 (B) THE CHILD PLACING AGENCY DECLINES TO PROVIDE FOSTER CARE

1 OR ADOPTION SERVICES AFTER THE COMPLETION OF EITHER A HOME STUDY  
2 FOR A FOSTER CARE PLACEMENT OR A CHILD ADOPTIVE ASSESSMENT FOR AN  
3 ADOPTIVE PLACEMENT IF DECLINING TO PROVIDE THE FOSTER CARE OR  
4 ADOPTION SERVICES WILL NOT DELAY A PLACEMENT OR PERMANENT PLACEMENT  
5 OF THE CHILD AND WILL NOT HARM THE CHILD.

6 (4) IF A CHILD PLACING AGENCY DECLINES TO PROVIDE FOSTER CARE  
7 OR ADOPTION SERVICES UNDER SUBSECTION (1), THE CHILD PLACING AGENCY  
8 SHALL DO 1 OF THE FOLLOWING:

9 (A) USE ITS BEST EFFORTS TO PROMPTLY REFER THE CASE TO ANOTHER  
10 CHILD PLACING AGENCY THAT IS WILLING AND ABLE TO PROVIDE THE  
11 DECLINED FOSTER CARE OR ADOPTION SERVICES.

12 (B) PROMPTLY REFER THE CASE TO THE DEPARTMENT.

13 (C) IF THE DEPARTMENT REFERRED THE CASE TO THE CHILD PLACING  
14 AGENCY, PROMPTLY PROVIDE NOTICE TO THE DEPARTMENT THAT ANOTHER  
15 REFERRAL IS NECESSARY.

16 (5) THE STATE MAY TAKE AN ADVERSE ACTION AGAINST A CHILD  
17 PLACING AGENCY THAT FAILS TO COMPLY WITH SUBSECTION (4).

18 (6) A CHILD PLACING AGENCY MAY ASSERT A DEFENSE IN AN  
19 ADMINISTRATIVE OR JUDICIAL PROCEEDING BASED ON THIS SECTION.

20 (7) IF A CHILD PLACING AGENCY DECLINES TO PROVIDE FOSTER CARE  
21 OR ADOPTION SERVICES UNDER SUBSECTION (1), THE CHILD PLACING  
22 AGENCY'S DECISION DOES NOT LIMIT THE ABILITY OF THE DEPARTMENT OR  
23 ANOTHER CHILD PLACING AGENCY TO PROVIDE THOSE FOSTER CARE OR  
24 ADOPTION SERVICES.

25 (8) FOR THE PURPOSE OF THIS SECTION:

26 (A) "ADVERSE ACTION" INCLUDES, BUT IS NOT LIMITED TO, DENYING  
27 A CHILD PLACING AGENCY'S APPLICATION FOR FUNDING, REFUSING TO RENEW

1 THE CHILD PLACING AGENCY'S FUNDING, CANCELING THE CHILD PLACING  
2 AGENCY'S FUNDING, DECLINING TO ENTER INTO A CONTRACT WITH THE CHILD  
3 PLACING AGENCY, REFUSING TO RENEW A CONTRACT WITH THE CHILD PLACING  
4 AGENCY, CANCELING A CONTRACT WITH THE CHILD PLACING AGENCY,  
5 DECLINING TO ISSUE A LICENSE TO THE CHILD PLACING AGENCY, REFUSING  
6 TO RENEW THE CHILD PLACING AGENCY'S LICENSE, CANCELING THE CHILD  
7 PLACING AGENCY'S LICENSE, AND ANY ACTION THAT MATERIALLY ALTERS THE  
8 TERMS OR CONDITIONS OF THE CHILD PLACING AGENCY'S FUNDING,  
9 CONTRACT, OR LICENSE.

10 (B) "FOSTER CARE OR ADOPTION SERVICES" INCLUDES COMPLETING A  
11 HOME STUDY FOR A FOSTER CARE PLACEMENT FOR AN INDIVIDUAL OR  
12 INDIVIDUALS WHO DESIRE TO BE FOSTER PARENTS, COMPLETING A CHILD  
13 ADOPTIVE ASSESSMENT FOR AN ADOPTIVE PLACEMENT FOR AN INDIVIDUAL OR  
14 INDIVIDUALS WHO DESIRE TO ADOPT A CHILD, OR OTHERWISE PARTICIPATING  
15 IN A PLACEMENT OF A CHILD FOR FOSTER CARE OR ADOPTION.

16 Enacting section 1. It is the intent of the legislature to  
17 protect child placing agencies' free exercise of religion protected  
18 by the United States constitution and the state constitution of  
19 1963. This amendatory act is not intended to limit or deny any  
20 person's right to adopt a child or participate in foster care.

21 Enacting section 2. This amendatory act does not take effect  
22 unless all of the following bills of the 97th Legislature are  
23 enacted into law:

24 (a) House Bill No. 4927.

25 (b) House Bill No. 4928.