

**SUBSTITUTE FOR
HOUSE BILL NO. 4976**

A bill to amend 1994 PA 203, entitled
"Foster care and adoption services act,"
by amending section 3 (MCL 722.953), as amended by 2014 PA 524, and
by adding section 8b.

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 (H) TO ENSURE THAT THE DEPARTMENT DEVELOPS AND MAINTAINS A
10 SPECIFIC POLICY OF THE PROVISIONS DESCRIBED IN SECTIONS 8B, 8C, AND
11 8D TO PROVIDE TO CHILDREN PLACED IN FOSTER CARE. THE SPECIFIC
12 POLICY DESCRIBED IN SECTIONS 8B, 8C, AND 8D SHALL BE KNOWN AS THE
13 CHILDREN'S ASSURANCE OF QUALITY FOSTER CARE POLICY.

14 SEC. 8B. (1) THE DEPARTMENT SHALL ENSURE THAT THE CHILDREN'S
15 ASSURANCE OF QUALITY FOSTER CARE POLICY IS DEVELOPED, IMPLEMENTED
16 BY THE SUPERVISING AGENCY, AND MADE AVAILABLE TO THE PUBLIC.

17 (2) THE DEPARTMENT SHALL PROMOTE THE PARTICIPATION OF CURRENT
18 AND FORMER FOSTER CHILDREN IN DEVELOPING THE CHILDREN'S ASSURANCE
19 OF QUALITY FOSTER CARE POLICY.

20 (3) THE CHILDREN'S ASSURANCE OF QUALITY FOSTER CARE POLICY
21 SHALL ENSURE THAT CHILDREN PLACED IN FOSTER CARE ARE PROVIDED WITH
22 THE FOLLOWING:

23 (A) FAIR, EQUAL, AND RESPECTFUL TREATMENT, INCLUDING TREATMENT
24 THAT DOES NOT VIOLATE THE PROVISIONS OF THE ELLIOTT-LARSEN CIVIL
25 RIGHTS ACT, 1976 PA 453, MCL 37.2101 TO 37.2804.

26 (B) PLACEMENT WITH RELATIVES AND SIBLINGS, WHEN APPROPRIATE,
27 AS PROVIDED IN SECTION 4A(5).

1 (C) INVENTORY AND SECURITY OF THE FOSTER CHILD'S PERSONAL
2 BELONGINGS.

3 (D) TRANSITION PLANNING, INCLUDING HOUSING, WORKFORCE
4 PREPARATION, FINANCIAL EDUCATION, ACCESS TO PERSONAL DOCUMENTS,
5 INFORMATION REGARDING SECONDARY EDUCATION AND POSTSECONDARY
6 EDUCATION, AND INDEPENDENT LIVING PREPARATION, AS AGE-APPROPRIATE.

7 (E) ONGOING CONTACT AND VISITS WITH PARENTS, RELATIVES, AND
8 FRIENDS, IF PERMITTED BY THE COURT.

9 (F) ACCESS TO ADVOCACY SERVICES FOR FOSTER CHILDREN WITH
10 DISABILITIES.

11 (G) TIMELY ENROLLMENT IN SCHOOL WITH CONSISTENT PLACEMENT IN
12 THE SAME SCHOOL, WHEN POSSIBLE.

13 (H) PARTICIPATION IN EXTRACURRICULAR ACTIVITIES CONSISTENT
14 WITH THE FOSTER CHILD'S AGE AND DEVELOPMENTAL LEVEL, AS ALLOWED BY
15 THE SUPERVISING AGENCY'S RESOURCES.

16 (I) PLACEMENT IN THE LEAST RESTRICTIVE SETTING, APPROPRIATE TO
17 THE FOSTER CHILD'S NEEDS, FREE FROM ABUSE OR EXCESSIVE PHYSICAL
18 RESTRAINT, DISCRIMINATION, HARASSMENT, CORPORAL PUNISHMENT, MENTAL
19 ANGUISH, OR ANY OTHER FORM OF PHYSICAL FORCE OR MENTAL DEPRIVATION.
20 IF DISCIPLINE IS REQUIRED, AND PHYSICAL RESTRAINT HAS BEEN USED BY
21 A CHILD CARING INSTITUTION, THE CHILD CARING INSTITUTION SHALL
22 PROVIDE A DETAILED REPORT OF THE INCIDENT TO THE DEPARTMENT. AS
23 USED IN THIS SUBDIVISION, "CHILD CARING INSTITUTION" MEANS THAT
24 TERM AS DEFINED IN SECTION 1 OF 1973 PA 116, MCL 722.111.

25 (J) ACCESS TO AND RECEIPT OF INFORMATION AND SERVICES,
26 INCLUDING NECESSARY MEDICAL, EMOTIONAL, PSYCHOLOGICAL, PSYCHIATRIC,
27 AND EDUCATIONAL EVALUATIONS AND TREATMENT, AS SOON AS PRACTICABLE

1 AFTER IDENTIFYING THE NEED FOR SERVICES BY THE SCREENING AND
2 ASSESSMENT PROCESS.

3 (K) ACCESS TO AND PARTICIPATION IN RELIGIOUS ACTIVITIES,
4 CULTURAL ACTIVITIES, OR BOTH.

5 (I) ADEQUATE FOOD, NECESSITIES, AND SHELTER, INCLUDING SPECIAL
6 DIETARY NEEDS, SCHOOL SUPPLIES, CLOTHING, AND HYGIENE PRODUCTS.

7 (M) INFORMATION REGARDING PROPOSED PLACEMENT, AS AGE-
8 APPROPRIATE.

9 (N) A PERMANENCY PLAN, AS REQUIRED BY STATE AND FEDERAL LAW,
10 THAT IS DESIGNED TO FACILITATE THE PERMANENT PLACEMENT OR RETURN
11 HOME OF A FOSTER CHILD IN A TIMELY MANNER.

12 (4) THE DEPARTMENT SHALL MAINTAIN A WRITTEN POLICY DESCRIBING
13 THE GRIEVANCE PROCEDURE FOR FOSTER CHILDREN TO ADDRESS ANY
14 PERCEIVED NONCOMPLIANCE WITH THE ITEMS LISTED IN THE CHILDREN'S
15 ASSURANCE OF QUALITY FOSTER CARE POLICY. THE GRIEVANCE PROCEDURE
16 SHALL INCLUDE INFORMATION ON HOW AND WHERE TO FILE A GRIEVANCE,
17 INCLUDING CONTACT INFORMATION FOR THE DEPARTMENT'S OFFICE OF FAMILY
18 ADVOCATE, ON A FORM APPROVED BY THE DEPARTMENT.

19 (5) A FOSTER CHILD MAY FILE A GRIEVANCE WITH THE SUPERVISING
20 AGENCY REGARDING THE PERCEIVED NONCOMPLIANCE WITH ANY OF THE ITEMS
21 LISTED IN THE CHILDREN'S ASSURANCE OF QUALITY FOSTER CARE POLICY AS
22 OUTLINED IN THE SUPERVISING AGENCY'S GRIEVANCE POLICY DESCRIBED IN
23 SUBSECTION (4). WITHIN 30 DAYS AFTER RECEIVING THE GRIEVANCE, THE
24 SUPERVISING AGENCY SHALL RESPOND WITH A WRITTEN STATEMENT OF HOW
25 THE FOSTER CHILD'S GRIEVANCE WILL BE ADDRESSED. IF THE SUPERVISING
26 AGENCY DOES NOT PROVIDE A WRITTEN RESPONSE WITHIN 30 DAYS AFTER THE
27 GRIEVANCE IS FILED WITH THE SUPERVISING AGENCY OR IF THE FOSTER

1 CHILD DOES NOT AGREE WITH THE FINDINGS IN THE WRITTEN RESPONSE, THE
2 FOSTER CHILD MAY CONTACT THE DEPARTMENT'S OFFICE OF FAMILY
3 ADVOCATE.

4 (6) IF THE GRIEVANCE IS NOT RESOLVED WITH THE ASSISTANCE OF
5 THE DEPARTMENT'S OFFICE OF FAMILY ADVOCATE, THE FOSTER CHILD MAY
6 REQUEST THAT HIS OR HER LAWYER-GUARDIAN AD LITEM PETITION THE COURT
7 FOR THE APPROPRIATE RELIEF.

8 (7) THE SOLE REMEDY THAT MAY BE PROVIDED UNDER THIS SECTION IS
9 LIMITED TO INJUNCTIVE RELIEF.

10 (8) THE DEPARTMENT SHALL IMPLEMENT THE CHILDREN'S ASSURANCE OF
11 QUALITY FOSTER CARE POLICY NO LATER THAN 90 DAYS AFTER THE
12 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

13 Enacting section 1. This amendatory act does not take effect
14 unless all of the following bills of the 98th Legislature are
15 enacted into law:

16 (a) House Bill No. 4977.

17 (b) House Bill No. 4978.