

**SUBSTITUTE FOR
SENATE BILL NO. 1166**

A bill to amend 1994 PA 203, entitled
"Foster care and adoption services act,"
by amending section 4a (MCL 722.954a), as amended by 2016 PA 190.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4a. (1) If a child has been placed in a supervising
2 agency's care under chapter XIIIA of the probate code of 1939, 1939
3 PA 288, MCL 712A.1 to 712A.32, the supervising agency ~~shall~~**must**
4 comply with this section and sections 4b and 4c.

5 (2) Upon removal, as part of a child's initial case service
6 plan as required by rules promulgated under 1973 PA 116, MCL
7 722.111 to 722.128, and by section 18f of chapter XIIIA of the
8 probate code of 1939, 1939 PA 288, MCL 712A.18f, the supervising
9 agency ~~shall~~**must**, within 30 days, identify, locate, notify, and



1 consult with relatives to determine placement with a fit and
2 appropriate relative who would meet the child's developmental,
3 emotional, and physical needs. **Preference shall be given to an**
4 **adult related to the child within the fifth degree by blood,**
5 **marriage, or adoption provided the relative meets all relevant**
6 **state child protection standards. The department may make an**
7 **exception to this preference only if good cause is shown. As used**
8 **in this section, "good cause" means any of the following:**

9 (a) A request by 1 or both of the child's parents to deviate
10 from this preference.

11 (b) The child's request, if the child is of sufficient age and
12 capacity to understand the decision that is being made.

13 (c) The presence of a sibling attachment that can be
14 maintained through a particular placement.

15 (d) The child's physical, mental, or emotional needs, such as
16 specialized treatment services that may be unavailable in the
17 community where families who meet the placement preferences live.

18 (e) The distance between the child's home and the proposed
19 family placement would frustrate the reunification goal or
20 otherwise impede permanency.

21 (3) The notification of relatives required in subsection (2)
22 ~~shall~~**must** do all of the following:

23 (a) Specify that the child has been removed from the custody
24 of the child's parent.

25 (b) Explain the options the relative has to participate in the
26 **child's** care and placement, ~~of the child,~~ including any option that
27 may be lost by failing to respond to the notification.

28 (c) Describe the requirements and benefits, including the
29 amount of monetary benefits, of becoming a licensed foster family



1 home.

2 (d) Describe how the relative may subsequently enter into an
3 agreement with the department for guardianship assistance.

4 (4) Not more than 90 days after the child's removal from his
5 or her home, the supervising agency ~~shall~~**must** do all of the
6 following:

7 (a) Make a placement decision and document in writing the
8 reason for the decision.

9 (b) Provide written notice of the decision and the reasons for
10 the placement decision to the child's attorney, guardian, guardian
11 ad litem, mother, and father; the attorneys for the child's mother
12 and father; each relative who expresses an interest in caring for
13 the child; the child if the child is old enough to be able to
14 express an opinion regarding placement; and the prosecutor.

15 (5) Before determining placement of a child in its care, a
16 supervising agency ~~shall~~**must** give special consideration and
17 preference to a child's relative or relatives who are willing to
18 care for the child, are fit to do so, and would meet the child's
19 developmental, emotional, and physical needs. The supervising
20 agency's placement decision ~~shall~~**must** be made in the **child's** best
21 interests. ~~of the child.~~

22 (6) Reasonable efforts ~~shall~~**must** be made to do the following:

23 (a) Place siblings removed from their home in the same foster
24 care, kinship guardianship, or adoptive placement, unless the
25 supervising agency documents that a joint placement would be
26 contrary to the safety or well-being of any of the siblings.

27 (b) In the case of siblings removed from their home who are
28 not jointly placed, provide for at least monthly visitation or
29 other ongoing contact between the siblings, unless the supervising



1 agency documents that at least monthly visitation or other ongoing
2 contact would be contrary to the safety or well-being of any of the
3 siblings.

4 (7) If siblings cannot be placed together or not all the
5 siblings are being placed in foster care, the supervising agency
6 ~~shall~~**must** make reasonable efforts to facilitate at least monthly
7 visitation or other ongoing contact with siblings unless a court
8 has determined that at least monthly visitation or other ongoing
9 contact with siblings would not be beneficial under section 13a(16)
10 of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL
11 712A.13a.

12 (8) If the supervising agency discontinues visitation or other
13 ongoing contact with siblings because the supervising agency
14 determines that visitation or other ongoing contact is contrary to
15 the safety or well-being of any of the siblings, the supervising
16 agency ~~shall~~**must** report its determination to the court for
17 consideration at the next review hearing.

18 (9) A person who receives a written decision described in
19 subsection (4) may request in writing, within 5 days, documentation
20 of the reasons for the decision, and if the person does not agree
21 with the placement decision, he or she may request that the child's
22 attorney review the decision to determine if the decision is in the
23 child's best interest. If the child's attorney determines the
24 decision is not in the child's best interest, within 14 days after
25 the date of the written decision the attorney ~~shall~~**must** petition
26 the court that placed the child out of the child's home for a
27 review hearing. The court ~~shall~~**must** commence the review hearing
28 not more than 7 days after the date of the attorney's petition and
29 ~~shall~~**must** hold the hearing on the record.



1 (10) This section does not supersede the placement preferences
2 in the Michigan Indian family preservation act.

3 (11) As used in this section, "Michigan Indian family
4 preservation act" means chapter XIIB of the probate code of 1939,
5 1939 PA 288, MCL 712B.1 to 712B.41.

6 Enacting section 1. This amendatory act does not take effect
7 unless House Bill No. 5974 of the 101st Legislature is enacted into
8 law.