

Act No. 356  
Public Acts of 1990  
Approved by the Governor  
December 22, 1990  
Filed with the Secretary of State  
December 26, 1990

**STATE OF MICHIGAN  
85TH LEGISLATURE  
REGULAR SESSION OF 1990**

Introduced by Reps. Perry Bullard, Jonker, Jondahl, Gire and Stabenow  
Rep. Bryant named co-sponsor

# **ENROLLED HOUSE BILL No. 6191**

AN ACT to amend Act No. 280 of the Public Acts of 1939, entitled as amended "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," as amended, being sections 400.1 to 400.121 of the Michigan Compiled Laws, by adding section 115g.

*The People of the State of Michigan enact:*

Section 1. Act No. 280 of the Public Acts of 1939, as amended, being sections 400.1 to 400.121 of the Michigan Compiled Laws, is amended by adding section 115g to read as follows:

Sec. 115g. (1) As used in this section:

(a) "Adoptive parents" means the parents who adopt a child with special needs if the child has been placed for adoption pursuant to applicable state and local laws.

(b) "Agreement" means an adoption assistance agreement between the office and the adoptive parents.

(c) "Child with special needs" means a child for whom the office has determined all of the following:

(i) The child cannot or should not be returned to the home of the child's parents.

(ii) A specific factor or condition exists with respect to the child so that it is reasonable to conclude that the child cannot be placed with adoptive parents without an adoption subsidy under section 115f. The factors or conditions to be considered include ethnic background, age, membership in a minority or sibling group, medical condition, or physical, mental, or emotional handicap.

(iii) Unless it would be against the best interests of the child because of factors such as the existence of significant emotional ties with prospective adoptive parents while in their care as a foster child, a reasonable but unsuccessful effort was made to place the child with appropriate adoptive parents without providing an adoption subsidy under section 115f.

(d) "Nonrecurring adoption expenses" means reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are directly related to the legal adoption of a child with special needs. Nonrecurring adoption expenses does not include costs or expenses incurred in violation of state or federal law or that have been reimbursed from other sources or funds.

(e) "Other expenses that are directly related to the legal adoption of a child with special needs" means adoption costs incurred by or on behalf of the adoptive parents and for which the adoptive parents carry the ultimate liability for payment, including the adoption study, health and psychological examinations, supervision of the placement before adoption, and transportation and reasonable costs of lodging and food for the child or adoptive parents if necessary to complete the adoption or placement process.

(2) The office shall enter into an agreement with adoptive parents pursuant to this section for the payment of nonrecurring adoption expenses incurred by or on behalf of the adoptive parents. The agreement may be a separate document or part of an agreement for adoption subsidies pursuant to section 115f. The agreement shall indicate the nature and amount of nonrecurring adoption expenses to be paid by the office, which shall not exceed \$2,000.00 for each adoptive placement meeting the requirements of this section. The office shall make payment pursuant to the agreement.

(3) Except as provided in subsection (4) or (5), the agreement must be signed at or before entry of an order of adoption pursuant to chapter X of Act No. 288 of the Public Acts of 1939, being sections 710.21 to 710.70. Claims for payment must be filed with the office within 2 years after entry of the order of adoption.

(4) Adoptive parents seeking payment of nonrecurring adoption expenses must enter into an agreement with the office and file a claim for payment not later than 6 months after the effective date of this section, if either of the following applies:

(a) The order of adoption was entered after January 1, 1986, but before January 1, 1987, and nonrecurring adoption expenses were paid on or after January 1, 1987.

(b) The order of adoption was entered on or after January 1, 1987, but before June 15, 1989.

(5) If the order of adoption was entered on or after June 15, 1989, but not later than 6 months after the effective date of this section, adoptive parents seeking payment of nonrecurring adoption expenses must enter into an agreement with the office and file a claim for payment within 2 years after entry of the order of adoption.

(6) The office shall take all actions necessary and appropriate to notify potential claimants under this section, including compliance with federal regulations.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.

