

HOUSE BILL No. 6101

September 25, 1990, Introduced by Reps. Jondahl and DeMars and referred to the Committee on Social Services and Youth.

A bill to amend section 115f of Act No. 280 of the Public Acts of 1939, entitled as amended
"The social welfare act,"
as added by Act No. 292 of the Public Acts of 1980, being section 400.115f of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 115f of Act No. 280 of the Public Acts
2 of 1939, as added by Act No. 292 of the Public Acts of 1980,
3 being section 400.115f of the Michigan Compiled Laws, is amended
4 to read as follows:

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

6 (a) "Adoptee" means the child who is to be adopted or who is
7 adopted.

1 (b) "Certification" means a determination of eligibility by
2 the office that an adoptee is eligible for a support or medical
3 subsidy or both.

4 (C) "CHILD PLACING AGENCY" MEANS THAT TERM AS DEFINED IN
5 SECTION 1 OF ACT NO. 116 OF THE PUBLIC ACTS OF 1973, BEING SEC-
6 TION 722.111 OF THE MICHIGAN COMPILED LAWS.

7 (D) "COURT" MEANS THE JUVENILE DIVISION OF THE PROBATE COURT
8 IN THIS STATE.

9 (E) "FOSTER CARE" MEANS PLACEMENT OF A CHILD OUTSIDE THE
10 CHILD'S PARENTAL HOME BY AND UNDER THE SUPERVISION OF A CHILD
11 PLACING AGENCY, THE COURT, THE STATE DEPARTMENT, OR THE DEPART-
12 MENT OF MENTAL HEALTH.

13 (F) ~~-(c)-~~ "Medical subsidy" means payment for medical, sur-
14 gical, hospital, and related expenses necessitated by a specified
15 physical, mental, or emotional condition of a child who has been
16 placed for adoption.

17 (G) ~~-(d)-~~ "Support subsidy" means payment for support of a
18 child who has been placed for adoption.

19 (2) ~~When~~ IF a child who is certified eligible for subsidy
20 is placed for adoption in a home ~~pursuant to~~ UNDER chapter ~~10-~~
21 X of Act No. 288 of the Public Acts of 1939, as amended, being
22 sections 710.21 to 710.70 of the Michigan Compiled Laws, the
23 office may pay to the adopting parent or parents either or both
24 of the following adoption subsidies:

25 (a) A support subsidy for an adoptee certified eligible for
26 a support subsidy. The minimum requirements for certification
27 for a support subsidy are ALL OF THE FOLLOWING:

1 (i) The adoptee was in foster care for not less than 4
2 months before certification.

3 (ii) CERTIFICATION FOR A SUPPORT SUBSIDY WAS MADE BEFORE THE
4 ADOPTEE'S EIGHTEENTH BIRTHDAY.

5 (iii) ~~(ii)~~ A reasonable effort ~~has~~ failed to identify a
6 person qualified and willing to adopt without A subsidy ~~or~~ or a
7 prospective placement is the only placement in the best interest
8 of the child and the family is unwilling to adopt without A
9 subsidy.

10 (iv) ~~(iii)~~ Certification for a support subsidy ~~has been~~
11 WAS made by the office before the petition for adoption WAS
12 FILED.

13 (b) A medical subsidy for specified medical, surgical, hos-
14 pital, and related expenses for an adoptee certified eligible for
15 a medical subsidy. The minimum requirements for certification
16 for a medical subsidy are ~~that the~~ ALL OF THE FOLLOWING:

17 (i) THE expenses to be covered by the medical subsidy are
18 necessitated by a physical, mental, or emotional condition of the
19 adoptee ~~which~~ THAT existed or the cause of which existed before
20 the adoption petition was filed or certification was established,
21 whichever occurred first.

22 (ii) THE ADOPTEE WAS IN FOSTER CARE BEFORE THE PETITION FOR
23 ADOPTION WAS FILED.

24 (iii) CERTIFICATION FOR A MEDICAL SUBSIDY WAS MADE BEFORE
25 THE ADOPTEE'S EIGHTEENTH BIRTHDAY.

26 (iv) EXCEPT AS PROVIDED IN SUBDIVISION (v), IF AN ADOPTING
27 PARENT OR PARENTS ARE NOT RECEIVING A SUPPORT SUBSIDY, THE

1 REQUEST FOR CERTIFICATION FOR A MEDICAL SUBSIDY WAS MADE BEFORE
2 THE ADOPTION CONFIRMATION DATE.

3 (v) IF AN ADOPTIVE PARENT OR PARENTS ARE NOT RECEIVING A
4 SUPPORT SUBSIDY AND THE ADOPTION CONFIRMATION DATE WAS BEFORE
5 OCTOBER 1, 1989, THE ADOPTEE WAS IN FOSTER CARE FOR NOT LESS THAN
6 1 YEAR BEFORE THE PETITION FOR ADOPTION WAS FILED.

7 (3) The office shall make the payment of an adoption subsidy
8 without respect to the income of the adopting parent or parents
9 if ALL OF the following conditions apply:

10 (a) The adoptee is certified by the office as being eligible
11 for a subsidy.

12 (b) The adopting parent or parents request a subsidy of the
13 office. The request for a support subsidy shall be made not
14 later than the ~~date of confirmation of the~~ adoption
15 CONFIRMATION DATE. The request for a medical subsidy may be made
16 any time after the petition for adoption is filed SUBJECT TO SUB-
17 SECTION (2)(B).

18 (c) The support subsidy does not exceed the family foster
19 care rate which was paid for the same adoptee. Support subsidy
20 payments shall be subject to increases made in the foster care
21 rate paid by the office.

22 (d) The office and the adopting parent or parents enter into
23 a contract setting forth ALL OF THE FOLLOWING: the subsidy to be
24 paid; the amount to be paid, if known with certainty; the iden-
25 tity of the physical, mental, or emotional condition that is cov-
26 ered by a medical subsidy; and conditions for continued payment

1 of the subsidy as established by statute. The adopting parent or
2 parents shall receive a copy of the contract.

3 (e) All other available public money is used before payment
4 of a medical subsidy is made.

5 (f) The adopting parent or parents file a verified report
6 with the office at least once each year as to the location of the
7 adoptee and other matters relating to the continuing eligibility
8 of the adoptee for a subsidy. The report shall not contain
9 information concerning the financial condition of the adopting
10 parent or parents.

11 (4) PAYMENT FOR A MEDICAL SUBSIDY REQUESTED AFTER THE
12 ADOPTEE IS PLACED IN ADOPTION SHALL BE EFFECTIVE RETROACTIVE TO
13 THE DATE THE REQUEST IS RECEIVED BY THE OFFICE IF THE NECESSARY
14 DOCUMENTATION FOR CERTIFICATION IS RECEIVED WITHIN 90 DAYS AFTER
15 THE REQUEST IS MADE. THIS SUBSECTION APPLIES TO MEDICAL SUBSIDY
16 REQUESTS RECEIVED BY THE OFFICE AFTER SEPTEMBER 30, 1989.

17 (5) ~~(4)~~ An adoption subsidy shall continue until 1 of the
18 following occurs:

19 (a) The adoptee becomes 18 years of age.

20 (b) The adoptee is emancipated.

21 (c) The adoptee dies.

22 (d) The adoption is terminated.

23 (e) A determination of ineligibility is made by the office.

24 (6) ~~(5)~~ If sufficient funds are appropriated, the office
25 may continue a subsidy for an adoptee under 21 years of age if
26 the office determines that the adoptee is a student regularly
27 attending a high school, college, university, or a course of

1 vocational training in pursuance of a course of study leading to
2 a high school diploma, college degree, or gainful employment.

3 (7) ~~-(6)-~~ The office may modify or discontinue an adoption
4 subsidy on the basis of changed conditions as indicated in a
5 report filed under subsection (3)(f) or other information
6 received by the office.

7 (8) ~~-(7)-~~ An adoptee, the adoptee's guardian, or the adopt-
8 ing parent or parents have the right to appeal a determination of
9 the office made under this section. The appeal shall be con-
10 ducted pursuant to THE ADMINISTRATIVE PROCEDURES ACT OF 1969, Act
11 No. 306 of the Public Acts of 1969, as amended, being sections
12 24.201 to ~~-24.315-~~ 24.328 of the Michigan Compiled Laws. An
13 adoptee, the adoptee's guardian, or the adopting parent or par-
14 ents have the right to appeal a final determination of the office
15 pursuant to sections 101 to 106 of Act No. 306 of the Public Acts
16 of 1969, as amended, being sections 24.301 to 24.306 of the
17 Michigan Compiled Laws, except that the appeal shall be heard:

18 (a) ~~-In the case of an-~~ IF THE adoptee ~~-residing-~~ RESIDES in
19 this state, by the probate court for the county in which the
20 petition for adoption was filed or in which the adoptee is
21 found.

22 (b) ~~-In the case of an-~~ IF THE adoptee DOES not ~~-residing-~~
23 RESIDE in this state, by the probate court for the county in
24 which the petition for adoption was filed.

25 (9) ~~-(8)-~~ The office shall notify the adoptee and the adopt-
26 ing parent or parents of their right of appeal under subsection
27 ~~-(7)-~~ (8).

1 (10) ~~-(9)-~~ An adoption subsidy shall continue even if the
2 adopting parent or parents leave the state.

3 (11) ~~-(10)-~~ An adoption subsidy shall not affect the legal
4 status of the adoptee ~~-nor-~~ OR the legal rights and responsibili-
5 ties of the adoptive parent or parents.

6 (12) ~~-(11)-~~ An adopting parent or parents receiving a sub-
7 sidy under former section 13a or 48 of chapter ~~-10-~~ X of Act
8 No. 288 of the Public Acts of 1939 shall continue to receive a
9 subsidy for which they qualified under those sections and shall
10 have an opportunity to request a modification of the subsidy to
11 conform with subsection (2)(b) or ~~-(5)- of this section-~~ (6), or
12 both. ~~-A modification in the subsidy shall not take effect until~~
13 ~~the date the request is approved by the office. An adopting~~
14 ~~parent or parents who are not receiving a subsidy under subsec-~~
15 ~~tion (2)(b) on the effective date of this section may request the~~
16 ~~subsidy, and the office shall pay the subsidy effective on the~~
17 ~~date the request is approved by the office. A payment authorized~~
18 ~~by this subsection shall not be retroactive.-~~

19 (13) ~~-(12)-~~ The department, in conjunction with the office,
20 shall promulgate rules regarding this section.

21 Section 2. This amendatory act shall take effect October 1,
22 1989.