

# HOUSE BILL No. 6191

November 8, 1990, Introduced by Reps. Perry Bullard, Jonker, Jondahl, Gire and Stabenow and referred to the Committee on Judiciary.

A bill to amend Act No. 280 of the Public Acts of 1939, entitled as amended

"The social welfare act,"

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:

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

4 SEC. 115G. (1) AS USED IN THIS SECTION:

5 (A) "ADOPTIVE PARENTS" MEANS THE PARENTS WHO ADOPT A CHILD  
6 WITH SPECIAL NEEDS IF THE CHILD HAS BEEN PLACED FOR ADOPTION PUR-  
7 SUANT TO APPLICABLE STATE AND LOCAL LAWS.

8 (B) "AGREEMENT" MEANS AN ADOPTION ASSISTANCE AGREEMENT  
9 BETWEEN THE OFFICE AND THE ADOPTIVE PARENTS.

1 (C) "CHILD WITH SPECIAL NEEDS" MEANS A CHILD FOR WHOM THE  
2 OFFICE HAS DETERMINED ALL OF THE FOLLOWING:

3 (i) THE CHILD CANNOT OR SHOULD NOT BE RETURNED TO THE HOME  
4 OF THE CHILD'S PARENTS.

5 (ii) A SPECIFIC FACTOR OR CONDITION EXISTS WITH RESPECT TO  
6 THE CHILD SO THAT IT IS REASONABLE TO CONCLUDE THAT THE CHILD  
7 CANNOT BE PLACED WITH ADOPTIVE PARENTS WITHOUT AN ADOPTION SUB-  
8 SIDY UNDER SECTION 115F. THE FACTORS OR CONDITIONS TO BE CONSID-  
9 ERED INCLUDE ETHNIC BACKGROUND, AGE, MEMBERSHIP IN A MINORITY OR  
10 SIBLING GROUP, MEDICAL CONDITION, OR PHYSICAL, MENTAL, OR EMO-  
11 TIONAL HANDICAP.

12 (iii) UNLESS IT WOULD BE AGAINST THE BEST INTERESTS OF THE  
13 CHILD BECAUSE OF FACTORS SUCH AS THE EXISTENCE OF SIGNIFICANT  
14 EMOTIONAL TIES WITH PROSPECTIVE ADOPTIVE PARENTS WHILE IN THEIR  
15 CARE AS A FOSTER CHILD, A REASONABLE BUT UNSUCCESSFUL EFFORT WAS  
16 MADE TO PLACE THE CHILD WITH APPROPRIATE ADOPTIVE PARENTS WITHOUT  
17 PROVIDING AN ADOPTION SUBSIDY UNDER SECTION 115F.

18 (D) "NONRECURRING ADOPTION EXPENSES" MEANS REASONABLE AND  
19 NECESSARY ADOPTION FEES, COURT COSTS, ATTORNEY FEES, AND OTHER  
20 EXPENSES THAT ARE DIRECTLY RELATED TO THE LEGAL ADOPTION OF A  
21 CHILD WITH SPECIAL NEEDS. NONRECURRING ADOPTION EXPENSES DOES  
22 NOT INCLUDE COSTS OR EXPENSES INCURRED IN VIOLATION OF STATE OR  
23 FEDERAL LAW OR THAT HAVE BEEN REIMBURSED FROM OTHER SOURCES OR  
24 FUNDS.

25 (E) "OTHER EXPENSES THAT ARE DIRECTLY RELATED TO THE LEGAL  
26 ADOPTION OF A CHILD WITH SPECIAL NEEDS" MEANS ADOPTION COSTS  
27 INCURRED BY OR ON BEHALF OF THE ADOPTIVE PARENTS AND FOR WHICH

1 THE ADOPTIVE PARENTS CARRY THE ULTIMATE LIABILITY FOR PAYMENT,  
2 INCLUDING THE ADOPTION STUDY, HEALTH AND PSYCHOLOGICAL EXAMINA-  
3 TIONS, SUPERVISION OF THE PLACEMENT BEFORE ADOPTION, AND TRANS-  
4 PORTATION AND REASONABLE COSTS OF LODGING AND FOOD FOR THE CHILD  
5 OR ADOPTIVE PARENTS IF NECESSARY TO COMPLETE THE ADOPTION OR  
6 PLACEMENT PROCESS.

7 (2) THE OFFICE SHALL ENTER INTO AN AGREEMENT WITH ADOPTIVE  
8 PARENTS PURSUANT TO THIS SECTION FOR THE PAYMENT OF NONRECURRING  
9 ADOPTION EXPENSES INCURRED BY OR ON BEHALF OF THE ADOPTIVE  
10 PARENTS. THE AGREEMENT MAY BE A SEPARATE DOCUMENT OR PART OF AN  
11 AGREEMENT FOR ADOPTION SUBSIDIES PURSUANT TO SECTION 115F. THE  
12 AGREEMENT SHALL INDICATE THE NATURE AND AMOUNT OF NONRECURRING  
13 ADOPTION EXPENSES TO BE PAID BY THE OFFICE, WHICH SHALL NOT  
14 EXCEED \$2,000.00 FOR EACH ADOPTIVE PLACEMENT MEETING THE REQUIRE-  
15 MENTS OF THIS SECTION. THE OFFICE SHALL MAKE PAYMENT PURSUANT TO  
16 THE AGREEMENT.

17 (3) EXCEPT AS PROVIDED IN SUBSECTION (4), THE AGREEMENT MUST  
18 BE SIGNED AT OR BEFORE ENTRY OF AN ORDER OF ADOPTION PURSUANT TO  
19 CHAPTER X OF ACT NO. 288 OF THE PUBLIC ACTS OF 1939, BEING SEC-  
20 TIONS 710.21 TO 710.70. CLAIMS FOR PAYMENT MUST BE FILED WITH  
21 THE OFFICE WITHIN 2 YEARS AFTER ENTRY OF THE ORDER OF ADOPTION.

22 (4) ADOPTIVE PARENTS SEEKING PAYMENT OF NONRECURRING ADOP-  
23 TION EXPENSES MUST ENTER INTO AN AGREEMENT WITH THE OFFICE AND  
24 FILE A CLAIM FOR PAYMENT BEFORE DECEMBER 15, 1990, IF EITHER OF  
25 THE FOLLOWING APPLIES:

26 (A) THE ORDER OF ADOPTION WAS ENTERED AFTER DECEMBER 31,  
27 1986, BUT BEFORE JUNE 15, 1989.

1        (B) THE ORDER OF ADOPTION WAS ENTERED BEFORE JANUARY 1 ,  
2 1987, BUT NONRECURRING ADOPTION EXPENSES WERE PAID AFTER  
3 JANUARY 1, 1987.