

# HOUSE BILL No. 4989

June 24, 1991, Introduced by Reps. Joe Young, Jr., Hollister, Hunter, Joe Young, Sr., Yokich, DeMars, Stallworth and Clack and referred to the Committee on Appropriations.

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) "Medical subsidy" means payment for medical, surgical,  
5 hospital, and related expenses necessitated by a specified physi-  
6 cal, mental, or emotional condition of a child who has been  
7 placed for adoption.

8 (d) "Support subsidy" means payment for support of a child  
9 who has been placed for adoption.

10 (2) When a child who is certified eligible for subsidy is  
11 placed for adoption in a home pursuant to THE MICHIGAN ADOPTION  
12 CODE, chapter 10 of Act No. 288 of the Public Acts of 1939, as  
13 amended, being sections 710.21 to 710.70 of the Michigan Compiled  
14 Laws, the office may pay to the adopting parent or parents either  
15 or both of the following adoption subsidies:

16 (a) A support subsidy for an adoptee certified eligible for  
17 a support subsidy. The minimum requirements for certification  
18 for a support subsidy are:

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

21 (ii) A reasonable effort has failed to identify a person  
22 qualified and willing to adopt without subsidy; or a prospective  
23 placement is the only placement in the best interest of the child  
24 and the family is unwilling to adopt without subsidy.

25 (iii) Certification for a support subsidy has been made by  
26 the office before the petition for adoption.

1 (b) A medical subsidy for specified medical, surgical,  
2 hospital, and related expenses for an adoptee certified eligible  
3 for a medical subsidy. The minimum requirements for certifica-  
4 tion for a medical subsidy are that the expenses to be covered by  
5 the medical subsidy are necessitated by a physical, mental, or  
6 emotional condition of the adoptee which existed or the cause of  
7 which existed before the adoption petition was filed or certifi-  
8 cation was established, whichever occurred first.

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

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

14 (b) The adopting parent or parents request a subsidy of the  
15 office. The request for a support subsidy shall be made not  
16 later than the date of confirmation of the adoption. The request  
17 for a medical subsidy may be made any time after the petition for  
18 adoption is filed.

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

23 (d) The office and the adopting parent or parents enter into  
24 a contract setting forth: the subsidy to be paid; the amount to  
25 be paid, if known with certainty; the identity of the physical,  
26 mental, or emotional condition that is covered by a medical  
27 subsidy; and conditions for continued payment of the subsidy as

1 established by statute. The adopting parent or parents shall  
2 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) An adoption subsidy shall continue until 1 of the fol-  
12 lowing occurs:

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

14 (b) The adoptee is emancipated.

15 (c) The adoptee dies.

16 (d) The adoption is terminated.

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

18 (5) If sufficient funds are appropriated, the office may  
19 continue a subsidy for an adoptee under 21 years of age if the  
20 office determines that the adoptee is a student regularly attend-  
21 ing a high school, college, university, or a course of vocational  
22 training in pursuance of a course of study leading to a high  
23 school diploma, college degree, or gainful employment.

24 (6) ~~The~~ SUBJECT TO SUBSECTION (13), THE office may modify  
25 or discontinue an adoption subsidy on the basis of changed condi-  
26 tions as indicated in a report filed under subsection (3)(f) or  
27 other information received by the office.

1 (7) An adoptee, the adoptee's guardian, or the adopting  
2 parent or parents have the right to appeal a determination of the  
3 office made under this section. The appeal shall be conducted  
4 pursuant to THE ADMINISTRATIVE PROCEDURES ACT OF 1969, Act  
5 No. 306 of the Public Acts of 1969, as amended, being sections  
6 24.201 to ~~24.315~~ 24.328 of the Michigan Compiled Laws. An  
7 adoptee, the adoptee's guardian, or the adopting parent or par-  
8 ents have the right to appeal a final determination of the office  
9 pursuant to sections 101 to 106 of Act No. 306 of the Public  
10 Acts of 1969, as amended, being sections 24.301 to 24.306 of the  
11 Michigan Compiled Laws, except that the appeal shall be heard:

12 (a) In the case of an adoptee residing in this state, by the  
13 probate court for the county in which the petition for adoption  
14 was filed or in which the adoptee is found.

15 (b) In the case of an adoptee not residing in this state, by  
16 the probate court for the county in which the petition for adop-  
17 tion was filed.

18 (8) The office shall notify the adoptee and the adopting  
19 parent or parents of their right of appeal under subsection (7).

20 (9) An adoption subsidy shall continue even if the adopting  
21 parent or parents leave the state.

22 (10) An adoption subsidy ~~shall~~ DOES not affect the legal  
23 status of the adoptee nor the legal rights and responsibilities  
24 of the adoptive parent or parents.

25 (11) An adopting parent or parents receiving a subsidy under  
26 former section 13a or 48 of chapter 10 of Act No. 288 of the  
27 Public Acts of 1939 shall continue to receive a subsidy for which

1 they qualified under those sections and shall have an opportunity  
2 to request a modification of the subsidy to conform with subsec-  
3 tion (2)(b) or (5) of this section or both. A modification in  
4 the subsidy shall not take effect until the date the request is  
5 approved by the office. An adopting parent or parents who are  
6 not receiving a subsidy under subsection (2)(b) on the effective  
7 date of this section may request the subsidy, and the office  
8 shall pay the subsidy effective on the date the request is  
9 approved by the office. A payment authorized by this subsection  
10 shall not be retroactive.

11 (12) The department, in conjunction with the office, shall  
12 promulgate rules regarding this section.

13 (13) THE DEPARTMENT SHALL NOT REDUCE THE AMOUNT OF AN ADOP-  
14 TION SUBSIDY AS SET FORTH IN AN AGREEMENT PURSUANT TO SUBSECTION  
15 (3)(D), EXCEPT THAT A MEDICAL SUBSIDY MAY BE REDUCED TO THE  
16 EXTENT OF MEDICAL, SURGICAL, HOSPITAL, OR RELATED EXPENSES THAT  
17 ARE NO LONGER NECESSARY FOR TREATMENT OR CARE OF A PHYSICAL,  
18 MENTAL, OR EMOTIONAL CONDITION OF THE ADOPTEE UNDER SUBSECTION  
19 (2)(B).