

# HOUSE BILL No. 6052

September 15, 1992, Introduced by Rep. Gubow and referred to the Committee on Social Services and Youth,

A bill to amend Act No. 116 of the Public Acts of 1973, entitled

"An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to provide penalties; and to repeal certain acts and parts of acts,"

as amended, being sections 722.111 to 722.128 of the Michigan Compiled Laws, by adding section 14b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Act No. 116 of the Public Acts of 1973, as  
2 amended, being sections 722.111 to 722.128 of the Michigan  
3 Compiled Laws, is amended by adding section 14b to read as  
4 follows:

5       SEC. 14B. (1) AN INDIVIDUAL SHALL NOT PREPARE A  
6 PREPLACEMENT ASSESSMENT FOR A PROSPECTIVE ADOPTIVE PARENT UNLESS  
7 THE INDIVIDUAL IS EMPLOYED BY A CHILD PLACING AGENCY OR CERTIFIED

1 BY THE DEPARTMENT AS A CERTIFIED ADOPTION SPECIALIST PURSUANT TO  
2 THIS SECTION.

3 (2) A PREPLACEMENT ASSESSMENT PREPARED BY A CERTIFIED ADOP-  
4 TION SPECIALIST FOR PURPOSES OF ADOPTION SHALL MEET THE REQUIRE-  
5 MENTS OF SECTION 23F OF THE ADOPTION CODE, CHAPTER X OF ACT NO.  
6 288 OF THE PUBLIC ACTS OF 1939, BEING SECTION 710.23F OF THE  
7 MICHIGAN COMPILED LAWS.

8 (3) AN INDIVIDUAL WHO WISHES TO BE CERTIFIED AS AN ADOPTION  
9 SPECIALIST SHALL APPLY TO THE DEPARTMENT ON A FORM DESIGNATED BY  
10 THE DEPARTMENT. THE APPLICATION SHALL BE ACCOMPANIED BY A CERTI-  
11 FICATION FEE OF \$150.00. A CERTIFICATE ISSUED UNDER THIS SECTION  
12 SHALL EXPIRE 3 YEARS AFTER THE DATE ON WHICH IT IS ISSUED. AN  
13 INDIVIDUAL WHO WISHES TO RENEW CERTIFICATION UNDER THIS SECTION  
14 SHALL APPLY TO THE DEPARTMENT ON A FORM DESIGNATED BY THE DEPART-  
15 MENT AND PAY A RENEWAL FEE OF \$100.00. A RENEWAL OF CERTIFICA-  
16 TION SHALL EXPIRE 3 YEARS AFTER THE DATE ON WHICH IT IS ISSUED.

17 (4) THE DEPARTMENT SHALL ISSUE A CERTIFICATE SIGNIFYING THAT  
18 AN INDIVIDUAL IS A CERTIFIED ADOPTION SPECIALIST IF THE INDIVID-  
19 UAL APPLIES IN WRITING ON A FORM DESIGNATED BY THE DEPARTMENT,  
20 PAYS THE CERTIFICATION FEE REQUIRED BY SUBSECTION (3), AND PRO-  
21 VIDES EVIDENCE SATISFACTORY TO THE DEPARTMENT THAT THE  
22 INDIVIDUAL:

23 (A) IS REGISTERED AS A CERTIFIED SOCIAL WORKER OR LICENSED  
24 AS A PSYCHOLOGIST, MARRIAGE AND FAMILY COUNSELOR, OR PROFESSIONAL  
25 COUNSELOR.

26 (B) HAS 2 YEARS OR MORE OF EXPERIENCE IN PERFORMING ADOPTION  
27 HOME STUDIES OR PREPLACEMENT ASSESSMENTS AS AN EMPLOYEE OF A

1 CHILD PLACING AGENCY OR UNDER THE SUPERVISION OF A CERTIFIED  
2 ADOPTION SPECIALIST.

3 (C) HAS NO CRIMINAL CONVICTIONS.

4 (D) IS RECOMMENDED FOR CERTIFICATION BY THE SUPERVISING  
5 CHILD PLACING AGENCY OR ADOPTION SPECIALIST.

6 (5) DURING EACH 3-YEAR PERIOD OF CERTIFICATION, INCLUDING  
7 EACH 3-YEAR RENEWAL PERIOD, A CERTIFIED ADOPTION SPECIALIST SHALL  
8 TAKE 8 CREDITS OF CONTINUING EDUCATION RELATED TO ADOPTION PRAC-  
9 TICE FROM AN ACCREDITED SCHOOL OF SOCIAL WORK OR SHALL PARTICI-  
10 PATE IN AN EQUIVALENT NUMBER OF HOURS OF OTHER TRAINING APPROVED  
11 BY THE DEPARTMENT. IN APPROVING CONTINUING EDUCATION, THE  
12 DEPARTMENT SHALL CONSULT WITH THE APPROPRIATE LICENSING BOARD OR  
13 BOARD OF EXAMINERS.

14 (6) THE DEPARTMENT SHALL RENEW THE CERTIFICATE OF A CERTI-  
15 FIED ADOPTION SPECIALIST IF THE INDIVIDUAL APPLIES IN WRITING ON  
16 A FORM DESIGNATED BY THE DEPARTMENT, PAYS THE RENEWAL FEE  
17 REQUIRED BY SUBSECTION (3), AND PROVIDES EVIDENCE SATISFACTORY TO  
18 THE DEPARTMENT THAT THE INDIVIDUAL:

19 (A) HAS MET THE REQUIREMENTS OF SUBSECTION (5).

20 (B) HAS NO CRIMINAL CONVICTIONS.

21 (C) IS NOT THE SUBJECT OF A COMPLAINT UNDER SUBSECTION (7).

22 (D) IS NOT BEING INVESTIGATED OR SANCTIONED UNDER SECTION  
23 16221 OR 16226 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE  
24 PUBLIC ACTS OF 1978, BEING SECTIONS 333.16221 AND 333.16226 OF  
25 THE MICHIGAN COMPILED LAWS, OR SANCTIONED UNDER SECTION 602 OF  
26 THE OCCUPATIONAL CODE, ACT NO. 299 OF THE PUBLIC ACTS OF 1980,  
27 BEING SECTION 339.602 OF THE MICHIGAN COMPILED LAWS.

1       (7) UPON RECEIPT OF A COMPLAINT THAT A CERTIFIED ADOPTION  
2 SPECIALIST IS VIOLATING THIS SECTION OR SECTION 23F OF ACT NO.  
3 288 OF THE PUBLIC ACTS OF 1939, OR THAT THE INDIVIDUAL HAS COM-  
4 MITTED AN ACT DESCRIBED IN SECTION 16221 OF ACT NO. 368 OF THE  
5 PUBLIC ACTS OF 1978 OR SECTION 604 OF ACT NO. 299 OF THE PUBLIC  
6 ACTS OF 1980 IN CONNECTION WITH THE PREPARATION OF A PREPLACEMENT  
7 ASSESSMENT, THE DEPARTMENT SHALL IMMEDIATELY REVIEW THE  
8 INDIVIDUAL'S PRACTICE AND A MINIMUM OF 5 PREPLACEMENT ASSESSMENTS  
9 PREPARED BY THE INDIVIDUAL DURING THE PAST YEAR.

10       (8) THE DEPARTMENT SHALL DENY CERTIFICATION, REFUSE TO RENEW  
11 CERTIFICATION, OR REVOKE THE CERTIFICATION OF AN INDIVIDUAL WHO  
12 FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION OR OF SEC-  
13 TION 23F OF THE ADOPTION CODE. THE DEPARTMENT SHALL PROVIDE, AND  
14 AN INDIVIDUAL HAS A RIGHT TO, THE NOTICE AND HEARING DESCRIBED IN  
15 SECTION 11 (2). AN INDIVIDUAL WHO PREPARES A PREPLACEMENT  
16 ASSESSMENT WITHOUT BEING CERTIFIED UNDER THIS SECTION IS SUBJECT  
17 TO THE PENALTY DESCRIBED IN SECTION 15(1).

18       (9) IF THE DEPARTMENT DETERMINES THAT AN INDIVIDUAL HAS PRE-  
19 PARED A PREPLACEMENT ASSESSMENT WITHOUT BEING CERTIFIED UNDER  
20 THIS SECTION OR THAT AN INDIVIDUAL HAS COMMITTED AN ACT DESCRIBED  
21 IN SECTION 16221 OF ACT NO. 368 OF THE PUBLIC ACTS OF 1978 OR  
22 SECTION 604 OF ACT NO. 299 OF THE PUBLIC ACTS OF 1980 IN CONNEC-  
23 TION WITH THE PREPARATION OF A PREPLACEMENT ASSESSMENT, THE  
24 DEPARTMENT SHALL INFORM THE INDIVIDUAL'S LICENSING BOARD OR BOARD  
25 OF EXAMINERS SO THAT APPROPRIATE ACTION MAY BE TAKEN BY THAT  
26 LICENSING BOARD OR BOARD OF EXAMINERS.

1       (10) THE DEPARTMENT MAY PROMULGATE RULES PURSUANT TO THE  
2 ADMINISTRATIVE PROCEDURES ACT OF 1969, BEING SECTIONS 24.201 TO  
3 24.328 OF THE MICHIGAN COMPILED LAWS, TO IMPLEMENT THIS SECTION.

4       Section 2. This amendatory act shall not take effect unless  
5 House Bill No. 5758 of the 86th Legislature is enacted into law.