

Act No. 203  
Public Acts of 1994  
Approved by the Governor  
June 20, 1994  
Filed with the Secretary of State  
June 21, 1994

**STATE OF MICHIGAN  
87TH LEGISLATURE  
REGULAR SESSION OF 1994**

**Introduced by Senators Welborn Dingell Geake Cisky Dillingham Gougeon McManus Wartner  
DeGrow Pridua Honigman Gast Hoffman Arthurhultz and Hart**

# **ENROLLED SENATE BILL No. 722**

AN ACT to establish certain standards for foster care and adoption services for children and their families and to prescribe powers and duties of certain state agencies and departments and adoption facilitators

*The People of the State of Michigan enact*

Sec 1 This act shall be known and may be cited as the foster care and adoption services act

Sec 2 As used in this act

- (a) Adoptee means a child who is to be adopted or who is adopted
- (b) Adoption attorney means that term as defined in section 22 of the adoption code being section 710 22 of the Michigan Compiled Laws
- (c) Adoption code means the Michigan adoption code chapter X of Act No 288 of the Public Acts of 1939 being sections 710 21 to 710 70 of the Michigan Compiled Laws
- (d) Adoption facilitator means a child placing agency or an adoption attorney
- (e) Adoptive parent means the parent or parents who adopt a child pursuant to the adoption code
- (f) Agency placement means that term as defined in section 22 of the adoption code
- (g) Child placing agency means that term as defined in section 1 of Act No 116 of the Public Acts of 1973 being section 722 111 of the Michigan Compiled Laws
- (h) Department means the department of social services
- (i) Direct placement means that term as defined in section 22 of the adoption code
- (j) Foster care means placement of a child outside the child's parental home by and under the supervision of a child placing agency the court the department or the department of mental health
- (k) Preplacement assessment means an assessment of a prospective adoptive parent as described in section 23f of the adoption code being section 710 23f of the Michigan Compiled Laws

Sec 3 The purposes of this act are all of the following

- (a) To assist foster parent to provide a stable loving family environment for children who are placed outside of their homes on a temporary basis
- (b) To help eliminate barriers to the adoption of children and to promote the provision of a stable and loving family environment to children who are without permanent families
- (c) To promote the well being and safety of all children who receive foster care or are adopted under the laws of this state
- (d) To protect and assist prospective adoptive families as they negotiate the adoption process
- (e) To regulate child placing agencies who certify foster parents and serve adoptees and adoptive families in this state
- (f) To regulate adoption attorneys who facilitate direct placement adoptions

Sec 4 (1) Before certifying an individual for licensure as a foster parent a child placing agency shall conduct an orientation designed to ensure the individual's understanding of the purposes of foster care including the temporary nature of foster care and the ultimate goal of returning the child to his or her permanent family or preparing the child for adoption

(2) Before placing a child with foster parents a child placing agency shall provide the foster parents with written information including all of the following

- (a) Any history of abuse or neglect of the child
  - (b) All known emotional and psychological problems of the child
  - (c) All behavior problems of the child that might present any risk to the foster family
  - (d) Any other information necessary to enable the foster family to provide a stable safe and healthy environment for the foster child and for other members of the foster family
- (3) The child placing agency shall explain to the foster parents that the information provided under subsection (2) about the child and the child's family is confidential

Sec 5 Before providing services in a direct placement adoption as provided under the adoption code an attorney shall register with the children's ombudsman by filing with the children's ombudsman a verified statement that the attorney is in compliance with all the requirements for an adoption attorney prescribed by section 22 of the adoption code being section 710 22 of the Michigan Compiled Laws An attorney who wishes to continue providing adoption services shall reregister with the children's ombudsman as provided in this section at least once every 5 years An adoption attorney may request to be removed from the registry at any time

Sec 6 (1) An adoption facilitator shall do all of the following

(a) Provide clients with needed services related to adoption including postadoption services or make referrals to available resources in the community The adoption facilitator shall emphasize the importance and availability of counseling for all parties to an adoption and explain that the prospective adoptive parent is required to pay for counseling for the birth parent or guardian unless the birth parent or guardian waives the counseling

(b) Provide each individual who inquires about services with the pamphlet describing the adoption process prepared by the department under section 115m of the social welfare act Act No 280 of the Public Acts of 1939 being section 400 115m of the Michigan Compiled Laws When providing services to an adoption client the adoption facilitator shall review the pamphlet with the client and make sure the client understands the various alternatives that are available in the adoption process and how to get access to all of the following

- (i) The directory of children produced by the department pursuant to section 8
  - (ii) The information contained in the registry of adoptive homes maintained by the department pursuant to section 8
  - (iii) The public information forms on adoption facilitators maintained by the department pursuant to section 14d of Act No 116 of the Public Acts of 1973 being section 722 124d of the Michigan Compiled Laws
- (c) Prepare and provide to each individual who inquires about services a written document that includes all of the following information
- (i) Types of adoptions the adoption facilitator handles
  - (ii) A description of the services that the adoption facilitator provides
  - (iii) A description of services that are available by referral
  - (iv) Eligibility requirements the adoption facilitator has for adoptive families if any

(v) If the adoption facilitator is a child placing agency the procedure used or range of options the agency offers for selecting a prospective adoptive parent for a child including the role of the child's parent or guardian in the selection process

(vi) The extent to which the adoption facilitator permits or encourages the exchange of identifying information or contact between biological and adoptive parents

(vii) A description of postfinalization services that the adoption facilitator provides if any

(viii) A schedule of all fees that the adoption facilitator charges for adoption services

(ix) A statement that each party to an adoption has a right to independent representation by an attorney and that 1 attorney may not represent both the biological parents or guardian and the prospective adoptive parents

(d) Insure that each prospective adoptive parent completes an orientation program consistent with requirements for orientation programs developed under administrative rules by the department

(2) The information required under subsection (1) shall be provided without cost to the biological parent or guardian or prospective adoptive parent

Sec 7 (1) Except as provided in subsection (2) an adoption facilitator shall not refuse to provide services to a potential adoptive parent based solely on age race religious affiliation disability or income level A child placing agency shall not make placement decisions based solely on age race religious affiliation disability or income level

(2) Subsection (1) as related to religious affiliation does not apply to a private child placing agency operated supervised or controlled by a religious institution or organization that limits services or gives preference to an applicant of the same religion

(3) In an adoption in which a parent or guardian selects or participates in the selection of the adoptive parent an adoption facilitator shall allow the parent or guardian the option of selecting from the adoption facilitator's entire pool of potential adoptive parents who have been determined suitable to be adoptive parents of adoptees

Sec 8 (1) The department shall promulgate rules pursuant to the administrative procedures act of 1969 Act No 306 of the Public Acts of 1969 being sections 24 201 to 24 328 of the Michigan Compiled Laws to ensure the comprehensive high quality training of foster care and adoption workers It shall consult and may contract with colleges and universities child placing agencies and professional organizations for the design and implementation of the training The training shall stress cultural sensitivity interagency cooperation and respect for individuals and families

(2) The department shall produce or contract with another person to produce a directory of children under the jurisdiction of the department who are available for adoption The department shall make copies available throughout the state to ensure that interested individuals have reasonable access to the directory

(3) The department shall establish and maintain a registry of adoptive homes to be used as a central clearinghouse for information about prospective adoptive parents The department shall accept information from a prospective adoptive parent who has received a preplacement assessment with a finding that the individual is suitable to be the parent of an adoptee The information shall be filed in a form and manner that will permit it to be readily accessible to biological parents or child placing agencies seeking adoptive homes for children The department shall charge a prospective adoptive parent an initial fee of \$100 00 for maintaining the information in the registry and a renewal fee of \$50 00 for each year the prospective adoptive parent remains in the registry The department shall provide information in the registry without charge to biological parents or child placing agencies who request it

Sec 9 This act shall take effect January 1 1995

Sec 10 This act shall not take effect unless all of the following bills of the 87th Legislature are enacted into law

(a) Senate Bill No 299

(b) Senate Bill No 721

(c) Senate Bill No 723

(d) Senate Bill No 724

(e) Senate Bill No 725

(f) House Bill No 4201

(g) House Bill No 4428

(h) House Bill No 4614

(i) House Bill No 4638

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor