



HOUSE BILL No. 4036

February 2, 1993, Introduced by Rep. Joe Young, Jr. and referred to the Committee on Human Services and Children.

A bill to amend section 115f of Act No. 280 of the Public Acts of 1939, entitled as amended
"The social welfare act,"
as amended by Act No. 40 of the Public Acts of 1992, 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 amended by Act No. 40 of the Public Acts of 1992,
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) "Medical subsidy" means payment for medical, surgical,
14 hospital, and related expenses necessitated by a specified physi-
15 cal, mental, or emotional condition of a child who has been
16 placed for adoption.

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

19 (2) If a child who is certified eligible for subsidy is
20 placed for adoption in a home under chapter X of Act No. 288 of
21 the Public Acts of 1939, as amended, being sections 710.21 to
22 710.70 of the Michigan Compiled Laws, or under the adoption laws
23 of any other state, the office may pay to the adopting parent or
24 parents either or both 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) A reasonable effort failed to identify a person quali-
6 fied and willing to adopt without a subsidy or a prospective
7 placement is the only placement in the best interest of the child
8 and the family is unwilling to adopt without a subsidy.

9 (iv) Certification for a support subsidy was made by the
10 office before the petition for adoption was filed.

11 (b) A medical subsidy for specified medical, surgical, hos-
12 pital, and related expenses for an adoptee certified eligible for
13 a medical subsidy. The minimum requirements for certification
14 for a medical subsidy are all of the following:

15 (i) The expenses to be covered by the medical subsidy are
16 necessitated by a physical, mental, or emotional condition of the
17 adoptee that existed or the cause of which existed before the
18 adoption petition was filed or certification was requested,
19 whichever occurred first.

20 (ii) The adoptee was in foster care at the time the petition
21 for adoption was filed. This subparagraph does not apply to
22 adoptions confirmed before the effective date of the amendatory
23 act that added this subparagraph.

24 (iii) Certification for a medical subsidy was made before
25 the adoptee's eighteenth birthday.

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

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

6 (b) The adopting parent or parents request a subsidy of the
7 office. The request for a support subsidy shall be made not
8 later than the adoption confirmation date. The request for a
9 medical subsidy may be made any time after the petition for adop-
10 tion is filed.

11 (c) The support subsidy does not exceed the family foster
12 care rate that was paid for the same adoptee. Support subsidy
13 payments shall be subject to increases made in the foster care
14 rate paid by the office. The support subsidy for an adoptee
15 shall not be less than the intensive foster care rate that was
16 paid for the same adoptee unless financial constraints require a
17 reduction in all medical and support subsidies.

18 (d) The office and the adopting parent or parents enter into
19 a contract setting forth all of the following: the subsidy to be
20 paid; the amount to be paid, if known with certainty; the iden-
21 tity of the physical, mental, or emotional condition that is cov-
22 ered by a medical subsidy; and conditions for continued payment
23 of the subsidy as established by statute. The adopting parent or
24 parents shall receive a copy of the contract.

25 (e) The adopting parent or parents file a verified report
26 with the office at least once each year as to the location of the
27 adoptee and other matters relating to the continuing eligibility

1 of the adoptee for a subsidy. The report shall not contain
2 information concerning the financial condition of the adopting
3 parent or parents.

4 (4) All other available public money and third party payment
5 shall be used before payment of a medical subsidy is made. For
6 purposes of this subsection, third party payment is available if
7 the adopting parent has an option, at or after the time of certi-
8 fication, to obtain from his or her employer health coverage for
9 the child, with or without cost to the adopting parent. The
10 office may waive this subsection in cases of undue hardship.

11 (5) Payment of a medical subsidy for treatment of a mental
12 or emotional condition is limited to outpatient treatment unless
13 1 or more of the following apply:

14 (a) Certification for the medical subsidy was made before
15 the adoption confirmation date.

16 (b) The child was placed in foster care by the court pursu-
17 ant to section 18(d) or (e) of chapter XIIA of Act No. 288 of the
18 Public Acts of 1939, being section 712A.18 of the Michigan
19 Compiled Laws, before the petition for adoption was filed.

20 (c) The child was certified for a support subsidy.

21 (6) A medical subsidy requested after the adoptee is placed
22 in adoption shall be effective the date the request is received
23 by the office if the necessary documentation for certification is
24 received within 90 days after the request is made.

25 (7) UPON THE DEATH OF THE ADOPTING PARENT OR PARENTS, THE
26 OFFICE SHALL MAKE THE ADOPTION SUBSIDY PAYMENTS TO THE GUARDIAN
27 OF THE ADOPTEE IF A GUARDIAN IS APPOINTED UNDER SECTION 422 OR

1 424 OF THE REVISED PROBATE CODE, ACT NO. 642 OF THE PUBLIC ACTS
2 OF 1978, BEING SECTIONS 700.422 AND 700.424 OF THE MICHIGAN
3 COMPILED LAWS. THE AMOUNT OF THE SUPPORT SUBSIDY SHALL BE REDUCED
4 BY THE AMOUNT OF ANY FEDERAL BENEFITS THE ADOPTEE RECEIVES AS A
5 RESULT OF THE DEATH OF THE ADOPTING PARENT OR PARENTS.

6 (8) ~~-(7)-~~ An adoption subsidy shall continue until 1 of the
7 following occurs:

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

9 (b) The adoptee is emancipated.

10 (c) The adoptee dies.

11 (d) The adoption is terminated.

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

13 (9) ~~-(8)-~~ If sufficient funds are appropriated, the office
14 may continue a subsidy for an adoptee under 21 years of age if
15 the office determines that the adoptee is a student regularly
16 attending a high school, college, university, or a course of
17 vocational training in pursuance of a course of study leading to
18 a high school diploma, college degree, or gainful employment.

19 (10) ~~-(9)-~~ The office may modify or discontinue an adoption
20 subsidy on the basis of changed conditions as indicated in a
21 report filed under subsection (3)(e) or other information
22 received by the office.

23 (11) ~~-(10)-~~ An adoptee, the adoptee's guardian, or the
24 adopting parent or parents have the right to appeal a determina-
25 tion of the office made under this section. The appeal shall be
26 conducted pursuant to the administrative procedures act of 1969,
27 Act No. 306 of the Public Acts of 1969, as amended, being

1 sections 24.201 to 24.328 of the Michigan Compiled Laws. An
 2 adoptee, the adoptee's guardian, or the adopting parent or par-
 3 ents have the right to appeal a final determination of the office
 4 pursuant to sections 101 to 106 of Act No. 306 of the Public Acts
 5 of 1969, as amended, being sections 24.301 to 24.306 of the
 6 Michigan Compiled Laws, except that the appeal shall be heard:

7 (a) If the adoptee resides in this state, by the probate
 8 court for the county in which the petition for adoption was filed
 9 or in which the adoptee is found.

10 (b) If the adoptee does not reside in this state, by the
 11 probate court for the county in which the petition for adoption
 12 was filed.

13 (12) ~~+(11)~~ The office shall notify the adoptee and the
 14 adopting parent or parents OR THE GUARDIAN of their right of
 15 appeal under subsection ~~+(10)~~ (11).

16 (13) ~~+(12)~~ An adoption subsidy shall continue even if the
 17 adopting parent or parents ~~leave~~ OR THE GUARDIAN LEAVES the
 18 state.

19 (14) ~~+(13)~~ An adoption subsidy shall not affect the legal
 20 status of the adoptee or the legal rights and responsibilities of
 21 the ~~adoptive~~ ADOPTING parent or parents OR THE GUARDIAN.

22 (15) ~~+(14)~~ An adopting parent or parents receiving a sub-
 23 sidy under former section 13a or 48 of chapter X of Act No. 288
 24 of the Public Acts of 1939 shall continue to receive a subsidy
 25 for which they qualified under those sections and shall have an
 26 opportunity to request a modification of the subsidy to conform
 27 with subsection (2)(b) or ~~+(8)~~ (9), or both.

1 (16) ~~(15)~~ The department, in conjunction with the office,
2 shall promulgate rules regarding this section.