

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 544

A bill to amend 1994 PA 203, entitled  
"Foster care and adoption services act,"  
by amending section 2 (MCL 722.952) and by adding sections 4a,  
4b, 4c, and 4d.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 2. As used in this act:
- 2       (a) "Adoptee" means a child who is to be adopted or who is  
3 adopted.
- 4       (b) "Adoption attorney" means that term as defined in sec-  
5 tion 22 of the adoption code, ~~being section 710.22 of the~~  
6 ~~Michigan Compiled Laws~~ MCL 710.22.
- 7       (c) "Adoption code" means the Michigan adoption code, chap-  
8 ter X of ~~Act No. 288 of the Public Acts of 1939, being sections~~  
9 ~~710.21 to 710.70 of the Michigan Compiled Laws~~ 1939 PA 288, MCL  
10 710.21 TO 710.70.

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1 (d) "Adoption facilitator" means a child placing agency or  
2 an adoption attorney.

3 (e) "Adoptive parent" means the parent or parents who adopt  
4 a child ~~pursuant to~~ IN ACCORDANCE WITH the adoption code.

5 (f) "Agency placement" means that term as defined in section  
6 22 of the adoption code, MCL 710.22.

7 (g) "Child placing agency" means that term as defined in  
8 section 1 of ~~Act No. 116 of the Public Acts of 1973, being sec-~~  
9 ~~tion 722.111 of the Michigan Compiled Laws~~ 1973 PA 116, MCL  
10 722.111.

11 (h) "Department" means the ~~department of social services~~  
12 FAMILY INDEPENDENCE AGENCY.

13 (i) "Direct placement" means that term as defined in  
14 section 22 of the adoption code, MCL 710.22.

15 (j) "Foster care" means A CHILD'S placement ~~of a child~~  
16 outside the child's parental home by and under the supervision of  
17 a child placing agency, the court, the department, or the depart-  
18 ment of ~~mental~~ COMMUNITY health.

19 (k) "Preplacement assessment" means an assessment of a pro-  
20 spective adoptive parent as described in section 23f of the adop-  
21 tion code, ~~being section 710.23f of the Michigan Compiled Laws~~  
22 MCL 710.23F.

23 (l) "SUPERVISING AGENCY" MEANS THE DEPARTMENT IF A CHILD IS  
24 PLACED IN THE DEPARTMENT'S CARE FOR FOSTER CARE, OR A CHILD PLAC-  
25 ING AGENCY IN WHOSE CARE A CHILD IS PLACED FOR FOSTER CARE.

26 SEC. 4A. (1) IF A CHILD HAS BEEN PLACED IN A SUPERVISING  
27 AGENCY'S CARE UNDER CHAPTER XIIIA OF 1939 PA 288, MCL 712A.1 TO

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1 712A.32, THE SUPERVISING AGENCY SHALL COMPLY WITH THIS SECTION  
2 AND SECTIONS 4B AND 4C.

3 (2) UPON REMOVAL, AS PART OF A CHILD'S INITIAL CASE SERVICE  
4 PLAN AS REQUIRED BY RULES PROMULGATED UNDER 1973 PA 116, MCL  
5 722.111 TO 722.128, AND BY SECTION 18F OF CHAPTER XIIA OF 1939 PA  
6 288, MCL 712A.18F, THE SUPERVISING AGENCY SHALL, WITHIN 30 DAYS,  
7 IDENTIFY, LOCATE, AND CONSULT WITH RELATIVES TO DETERMINE PLACE-  
8 MENT WITH A FIT AND APPROPRIATE RELATIVE WHO WOULD MEET THE  
9 CHILD'S DEVELOPMENTAL, EMOTIONAL, AND PHYSICAL NEEDS AS AN ALTER-  
10 NATIVE TO FOSTER CARE. NOT MORE THAN 90 DAYS AFTER THE CHILD'S  
11 REMOVAL FROM HIS OR HER HOME, THE SUPERVISING AGENCY SHALL DO ALL  
12 OF THE FOLLOWING:

13 (A) MAKE A PLACEMENT DECISION AND DOCUMENT IN WRITING THE  
14 REASON FOR THE DECISION.

15 (B) PROVIDE WRITTEN NOTICE OF THE DECISION AND THE REASONS  
16 FOR THE PLACEMENT DECISION TO THE CHILD'S ATTORNEY, GUARDIAN,  
17 GUARDIAN AD LITEM, MOTHER, AND FATHER; THE ATTORNEYS FOR THE  
18 CHILD'S MOTHER AND FATHER; EACH RELATIVE WHO EXPRESSES AN INTER-  
19 EST IN CARING FOR THE CHILD; THE CHILD IF THE CHILD IS OLD ENOUGH  
20 TO BE ABLE TO EXPRESS AN OPINION REGARDING PLACEMENT; AND THE  
21 PROSECUTOR.

22 (3) A PERSON WHO RECEIVES A WRITTEN DECISION DESCRIBED IN  
23 SUBSECTION (2) MAY REQUEST IN WRITING, WITHIN 5 DAYS, DOCUMEN-  
24 TATION OF THE REASONS FOR THE DECISION, AND IF THE PERSON DOES  
25 NOT AGREE WITH THE PLACEMENT DECISION, HE OR SHE MAY REQUEST THAT  
26 THE CHILD'S ATTORNEY REVIEW THE DECISION TO DETERMINE IF THE  
27 DECISION IS IN THE CHILD'S BEST INTEREST. IF THE CHILD'S

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1 ATTORNEY DETERMINES THE DECISION IS NOT IN THE CHILD'S BEST  
2 INTEREST, WITHIN 14 DAYS AFTER THE DATE OF THE WRITTEN DECISION  
3 THE ATTORNEY SHALL PETITION THE COURT THAT PLACED THE CHILD OUT  
4 OF THE CHILD'S HOME FOR A REVIEW HEARING. THE COURT SHALL COM-  
5 MENCE THE REVIEW HEARING NOT MORE THAN 7 DAYS AFTER THE DATE OF  
6 THE ATTORNEY'S PETITION AND SHALL HOLD THE HEARING ON THE  
7 RECORD.

8 SEC. 4B. (1) A SUPERVISING AGENCY SHALL STRIVE TO ACHIEVE A  
9 PERMANENT PLACEMENT FOR EACH CHILD IN ITS CARE, INCLUDING EITHER  
10 A SAFE RETURN TO THE CHILD'S HOME OR IMPLEMENTATION OF A PER-  
11 MANENCY PLAN, NO MORE THAN 12 MONTHS AFTER THE CHILD IS REMOVED  
12 FROM HIS OR HER HOME. THIS 12-MONTH GOAL SHALL NOT BE EXTENDED  
13 OR DELAYED FOR REASONS SUCH AS A CHANGE OR TRANSFER OF STAFF OR  
14 WORKER AT THE SUPERVISING AGENCY.

15 (2) IF [AN ADOPTIVE FAMILY FOR A CHILD HAS NOT BEEN IDENTIFIED]  
16 WITHIN  
17 90 DAYS AFTER ENTRY OF AN ORDER OF TERMINATION OF PARENTAL  
18 RIGHTS, THE SUPERVISING AGENCY SHALL SUBMIT THE NECESSARY INFOR-  
19 MATION FOR INCLUSION OF THE CHILD IN THE DIRECTORY OF CHILDREN  
20 DESCRIBED IN SECTION 8.

21 (3) THE SUPERVISING AGENCY SHALL REQUIRE THAT ITS WORKER  
22 MAKE MONTHLY VISITS TO THE HOME OR FACILITY IN WHICH EACH CHILD  
23 IS PLACED. THE SUPERVISING AGENCY SHALL ALSO REQUIRE ITS WORKER  
24 TO MONITOR AND ASSESS IN-HOME VISITATION BETWEEN THE CHILD AND  
25 HIS OR HER PARENTS. TO ENSURE THE OCCURRENCE OF IN-HOME VISITS  
26 REQUIRED UNDER THIS SUBSECTION, THE SUPERVISING AGENCY SHALL  
INSTITUTE A FLEXIBLE SCHEDULE TO PROVIDE A NUMBER OF HOURS

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1 OUTSIDE OF THE TRADITIONAL WORKDAY TO ACCOMMODATE THE SCHEDULES  
2 OF THE INDIVIDUALS INVOLVED.

3 SEC. 4C. (1) THE SUPERVISING AGENCY SHALL OBTAIN FROM THE  
4 PARENT, GUARDIAN, OR CUSTODIAN OF EACH CHILD WHO IS PLACED IN ITS  
5 CARE THE NAME AND ADDRESS OF THE CHILD'S MEDICAL PROVIDER AND A  
6 SIGNED DOCUMENT FOR THE RELEASE OF THE CHILD'S MEDICAL RECORDS.

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11 ] THE SUPERVISING AGENCY SHALL REQUIRE THAT A CHILD'S  
12 MEDICAL PROVIDER REMAIN CONSTANT WHILE THE CHILD IS IN FOSTER  
13 CARE, UNLESS THE CHILD'S CURRENT PRIMARY MEDICAL PROVIDER IS A  
14 MANAGED CARE HEALTH PLAN OR UNLESS DOING SO WOULD CREATE AN  
15 UNREASONABLE BURDEN FOR THE RELATIVE, FOSTER PARENT, OR OTHER  
16 CUSTODIAN.

17 (2) THE SUPERVISING AGENCY SHALL DEVELOP A MEDICAL PASSPORT  
18 FOR EACH CHILD WHO COMES UNDER ITS CARE. THE MEDICAL PASSPORT  
19 SHALL CONTAIN ALL OF THE FOLLOWING:

20 (A) ALL MEDICAL INFORMATION REQUIRED BY POLICY OR LAW TO BE  
21 PROVIDED TO FOSTER PARENTS.

22 (B) BASIC MEDICAL HISTORY.

23 (C) A RECORD OF ALL IMMUNIZATIONS.

24 (D) ANY OTHER INFORMATION CONCERNING THE CHILD'S PHYSICAL  
25 AND MENTAL HEALTH.

26 (3) EACH FOSTER CARE WORKER WHO TRANSFERS A CHILD'S MEDICAL  
27 PASSPORT TO ANOTHER FOSTER CARE WORKER SHALL SIGN AND DATE THE

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1 PASSPORT, VERIFYING THAT HE OR SHE HAS SOUGHT AND OBTAINED THE  
2 NECESSARY INFORMATION REQUIRED UNDER SUBSECTION (2) AND ANY ADDI-  
3 TIONAL INFORMATION REQUIRED UNDER DEPARTMENT POLICY. THE SUPER-  
4 VISING AGENCY SHALL PROVIDE A COPY OF EACH MEDICAL PASSPORT AND  
5 UPDATES AS REQUIRED BY THE DEPARTMENT FOR MAINTENANCE IN A CEN-  
6 TRAL LOCATION.

7 (4) IF A CHILD UNDER THE CARE OF A SUPERVISING AGENCY HAS  
8 SUFFERED SEXUAL ABUSE, SERIOUS PHYSICAL ABUSE [,] OR MENTAL ILLNESS,  
9 THE SUPERVISING AGENCY SHALL HAVE AN EXPERIENCED AND LICENSED  
10 MENTAL HEALTH PROFESSIONAL AS DEFINED UNDER MCL 330.1100B(14)(A)  
11 OR (B) OR A SOCIAL WORKER CERTIFIED UNDER SECTION 1606 OF THE  
12 OCCUPATIONAL CODE, 1980 PA 299, MCL 339.1606, WHO IS TRAINED IN  
13 CHILDREN'S PSYCHOLOGICAL ASSESSMENTS PERFORM AN ASSESSMENT OR  
14 PSYCHOLOGICAL EVALUATION OF THE CHILD. THE COSTS OF THE ASSESS-  
15 MENT OR EVALUATION SHALL BE BORNE BY THE SUPERVISING AGENCY.  
16 THIS SUBSECTION APPLIES ONLY TO A CHILD WHO IS MADE A STATE WARD  
17 ON OR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED  
18 THIS SECTION.

19 (5) A CHILD'S SUPERVISING AGENCY SHALL ENSURE THAT THE CHILD  
20 RECEIVES A MEDICAL EXAMINATION WHEN THE CHILD IS FIRST PLACED IN  
21 FOSTER CARE. ONE OBJECTIVE OF THIS EXAMINATION IS TO PROVIDE A  
22 RECORD OF THE CHILD'S MEDICAL AND PHYSICAL STATUS UPON ENTRY INTO  
23 FOSTER CARE.

24 SEC. 4D. THE DEPARTMENT SHALL PUBLISH AN ANNUAL REPORT CARD  
25 FOR EACH SUPERVISING AGENCY THAT EVALUATES THE ACHIEVEMENTS OF  
26 THAT AGENCY IN OBTAINING PERMANENCY FOR CHILDREN AND MAKING  
27 RECOMMENDATIONS FOR THE REMOVAL OF BARRIERS TO PERMANENCY.

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1        Enacting section 1. This amendatory act does not take  
2 effect unless Senate Bill No. 516 of the 89th Legislature is  
3 enacted into law.