

SENATE BILL NO. 544

May 28, 1997, Introduced by Senator SCHUETTE and referred to the Committee on Families, Mental Health and Human Services.

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 and 4b.

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.

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 placement of a child outside the
16 child's parental home by and under the supervision of a child
17 placing agency, the court, the department, or the department of
18 ~~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 OR AGENCY IN
24 WHOSE CARE A CHILD IS PLACED FOR FOSTER CARE BY THE PROBATE COURT
25 UNDER CHAPTER XIIIA OF 1939 PA 288, MCL 712A.1 TO 712A.32.

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

1 TO 712A.32, THE SUPERVISING AGENCY SHALL COMPLY WITH THIS
2 SECTION.

3 (2) NOT MORE THAN 2 DAYS AFTER A CHILD'S REMOVAL FROM HIS OR
4 HER HOME, THE SUPERVISING AGENCY OR ITS PROTECTIVE SERVICES
5 WORKER, OR BOTH, SHALL REFER THE CASE TO A KINSHIP CARE
6 SPECIALIST. THE KINSHIP CARE SPECIALIST SHALL IMMEDIATELY IDEN-
7 TIFY, LOCATE, ASSESS, AND PLAN WITH RELATIVES OF THE CHILD TO
8 DETERMINE WHETHER PLACEMENT WITH AN EXTENDED FAMILY MEMBER IS A
9 FEASIBLE ALTERNATIVE TO FOSTER CARE. NOT MORE THAN 30 DAYS AFTER
10 THE CHILD'S REMOVAL FROM HIS OR HER HOME, THE SUPERVISING AGENCY
11 SHALL DO ALL OF THE FOLLOWING:

12 (A) MAKE A DECISION REGARDING KINSHIP CARE PLACEMENT.

13 (B) PROVIDE WRITTEN NOTICE OF THE DECISION AND THE REASONS
14 FOR THE PLACEMENT DECISION TO THE CHILD'S ATTORNEY, GUARDIAN,
15 GUARDIAN AD LITEM, MOTHER, FATHER, ATTORNEYS FOR THE CHILD'S
16 MOTHER AND FATHER, ALL RELATIVES OR EXTENDED FAMILY MEMBERS WHO
17 HAVE EXPRESSED AN INTEREST IN CARING FOR THE CHILD, THE CHILD IF
18 THE CHILD IS OLD ENOUGH TO BE ABLE TO EXPRESS AN OPINION REGARD-
19 ING PLACEMENT, THE PROSECUTOR, AND ALL AGENCY WORKERS INVOLVED
20 WITH THE CHILD'S WELFARE.

21 (C) SCHEDULE A REVIEW HEARING IN COURT TO COMMENCE NOT MORE
22 THAN 14 DAYS AFTER THE DATE OF THE REPORT, OR NOT MORE THAN 45
23 DAYS AFTER THE CHILD'S REMOVAL FROM HIS OR HER HOME, WHICHEVER
24 FIRST OCCURS.

25 (D) PROVIDE TO ALL PERSONS DESCRIBED IN SUBSECTION (2)(B)
26 WRITTEN NOTICE OF THE SCHEDULED HEARING AND THE OPPORTUNITY FOR

1 THOSE PERSONS TO APPEAR AT THE HEARING AND PRESENT INFORMATION OR
2 EVIDENCE TO THE COURT REGARDING THE PLACEMENT DECISION.

3 (3) THE SUPERVISING AGENCY SHALL STRIVE TO ACHIEVE A PER-
4 MANENT PLACEMENT FOR THE CHILD, INCLUDING EITHER A SAFE RETURN TO
5 THE CHILD'S HOME OR AN ADOPTIVE PLACEMENT, NO MORE THAN 12 MONTHS
6 AFTER THE CHILD IS REMOVED FROM HIS OR HER HOME. THIS 12-MONTH
7 GOAL SHALL NOT BE EXTENDED OR DELAYED FOR REASONS SUCH AS A
8 CHANGE OR TRANSFER OF STAFF OR WORKER AT THE SUPERVISING AGENCY.

9 (4) IF AN ADOPTIVE FAMILY FOR A CHILD HAS NOT BEEN IDENTI-
10 FIED WITHIN 30 DAYS AFTER ENTRY OF AN ORDER OF TERMINATION OF
11 PARENTAL RIGHTS, THE SUPERVISING AGENCY SHALL SUBMIT THE NECES-
12 SARY INFORMATION FOR INCLUSION OF THE CHILD IN THE DIRECTORY OF
13 CHILDREN DESCRIBED IN SECTION 8.

14 (5) THE SUPERVISING AGENCY SHALL REQUIRE THAT ITS WORKER
15 MAKE MONTHLY VISITS TO THE HOME OR FACILITY IN WHICH THE CHILD IS
16 PLACED. THE SUPERVISING AGENCY SHALL ALSO REQUIRE ITS WORKER TO
17 MONITOR AND ASSESS IN-HOME VISITATION BETWEEN THE CHILD AND HIS
18 OR HER PARENTS. TO ENSURE THE OCCURRENCE OF IN-HOME VISITS
19 REQUIRED UNDER THIS SUBSECTION, THE SUPERVISING AGENCY SHALL
20 REQUIRE ITS WORKERS TO WORK A NUMBER OF HOURS OUTSIDE OF THE TRA-
21 DITIONAL WORKDAY TO ACCOMMODATE THE SCHEDULES OF THE INDIVIDUALS
22 INVOLVED.

23 (6) THE SUPERVISING AGENCY SHALL OBTAIN FROM THE PARENT,
24 GUARDIAN, OR CUSTODIAN OF EACH CHILD WHO IS PLACED IN FOSTER CARE
25 THE NAME AND ADDRESS OF THE CHILD'S MEDICAL PROVIDER AND A SIGNED
26 DOCUMENT FOR THE RELEASE OF THE CHILD'S MEDICAL RECORDS. IF THE
27 PARENT, GUARDIAN, OR CUSTODIAN OF THE CHILD REFUSES TO PROVIDE

1 THE INFORMATION, THE SUPERVISING AGENCY SHALL PETITION THE
2 PROBATE COURT UNDER SECTION 13A OF CHAPTER XIIIA OF 1939 PA 288,
3 MCL 712A.13A, FOR AN ORDER FOR THE PRODUCTION OF THE MEDICAL
4 RECORDS. UNLESS DOING SO WOULD CREATE AN UNREASONABLE BURDEN FOR
5 THE RELATIVE, FOSTER PARENT, OR OTHER CUSTODIAN, THE SUPERVISING
6 AGENCY SHALL REQUIRE THAT A CHILD'S MEDICAL PROVIDER REMAIN CON-
7 STANT DURING THE PERIOD IN WHICH THE CHILD IS IN FOSTER CARE.

8 (7) THE SUPERVISING AGENCY SHALL DEVELOP A MEDICAL PASSPORT
9 FOR EACH CHILD WHO COMES UNDER ITS CARE. THE MEDICAL PASSPORT
10 SHALL CONTAIN ALL OF THE FOLLOWING:

11 (A) ALL INFORMATION REQUIRED BY POLICY OR LAW TO BE PROVIDED
12 TO FOSTER PARENTS.

13 (B) BASIC MEDICAL HISTORY.

14 (C) A RECORD OF ALL IMMUNIZATIONS.

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

17 (8) EACH FOSTER CARE WORKER WHO TRANSFERS A CHILD'S MEDICAL
18 PASSPORT TO ANOTHER FOSTER CARE WORKER SHALL SIGN AND DATE THE
19 PASSPORT, VERIFYING THAT HE OR SHE HAS SOUGHT AND OBTAINED THE
20 NECESSARY INFORMATION REQUIRED UNDER SUBSECTION (7) AND ANY ADDI-
21 TIONAL INFORMATION REQUIRED UNDER DEPARTMENT POLICY. THE SUPER-
22 VISING AGENCY SHALL PROVIDE A COPY OF EACH MEDICAL PASSPORT TO
23 THE DEPARTMENT FOR MAINTENANCE IN A CENTRAL LOCATION AND SHALL
24 SEND UPDATES TO THE DEPARTMENT EACH TIME INFORMATION IS ADDED TO
25 THE PASSPORT.

26 (9) IF A CHILD UNDER THE CARE OF A SUPERVISING AGENCY IS
27 DIAGNOSED AS HAVING SUFFERED PHYSICAL OR SEXUAL ABUSE OR

1 EMOTIONAL HARM, THE SUPERVISING AGENCY SHALL HAVE AN EXPERIENCED
2 AND LICENSED PRACTITIONER PERFORM A PSYCHOLOGICAL ASSESSMENT OF
3 THE CHILD AND, IF APPROPRIATE FOR THE CHILD, REFER THE CHILD FOR
4 TREATMENT.

5 SEC. 4B. THE DEPARTMENT SHALL PUBLISH AN ANNUAL REPORT CARD
6 FOR EACH SUPERVISING AGENCY, COURT, AND COUNTY FAMILY INDEPEN-
7 DENCE AGENCY, EVALUATING THE ACHIEVEMENTS OF THAT AGENCY, COURT,
8 OR COUNTY AGENCY IN OBTAINING PERMANENCY FOR CHILDREN AND MAKING
9 RECOMMENDATIONS FOR THE REMOVAL OF BARRIERS TO PERMANENCY.

10 Enacting section 1. This amendatory act does not take
11 effect unless Senate Bill No. 516

12 of the 89th Legislature is

13 enacted into law.