

Act No. 172
Public Acts of 1997
Approved by the Governor
December 29, 1997
Filed with the Secretary of State
December 29, 1997
EFFECTIVE DATE: March 31, 1998

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1997

Introduced by Senators Schuette, Peters, Shugars, DeBeaussaert, Steil and Bullard

ENROLLED SENATE BILL No. 544

AN ACT to amend 1994 PA 203, entitled "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," by amending section 2 (MCL 722.952) and by adding sections 4a, 4b, 4c, and 4d.

The People of the State of Michigan enact:

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, MCL 710.22.
- (c) "Adoption code" means the Michigan adoption code, chapter X of 1939 PA 288, MCL 710.21 to 710.70.
- (d) "Adoption facilitator" means a child placing agency or an adoption attorney.
- (e) "Adoptive parent" means the parent or parents who adopt a child in accordance with the adoption code.
- (f) "Agency placement" means that term as defined in section 22 of the adoption code, MCL 710.22.
- (g) "Child placing agency" means that term as defined in section 1 of 1973 PA 116, MCL 722.111.
- (h) "Department" means the family independence agency.
- (i) "Direct placement" means that term as defined in section 22 of the adoption code, MCL 710.22.
- (j) "Foster care" means a child's placement outside the child's parental home by and under the supervision of a child placing agency, the court, the department, or the department of community health.
- (k) "Preplacement assessment" means an assessment of a prospective adoptive parent as described in section 23f of the adoption code, MCL 710.23f.
- (l) "Supervising agency" means the department if a child is placed in the department's care for foster care, or a child placing agency in whose care a child is placed for foster care.

Sec. 4a. (1) If a child has been placed in a supervising agency's care under chapter XIA of 1939 PA 288, MCL 712A.1 to 712A.32, the supervising agency shall comply with this section and sections 4b and 4c.

(2) Upon removal, as part of a child's initial case service plan as required by rules promulgated under 1973 PA 116, MCL 722.111 to 722.128, and by section 18f of chapter XIA of 1939 PA 288, MCL 712A.18f, the supervising agency shall, within 30 days, identify, locate, and consult with relatives to determine placement with a fit and appropriate relative who would meet the child's developmental, emotional, and physical needs as an alternative to foster care. Not more than 90 days after the child's removal from his or her home, the supervising agency shall do all of the following:

(a) Make a placement decision and document in writing the reason for the decision.

(b) Provide written notice of the decision and the reasons for the placement decision to the child's attorney, guardian, guardian ad litem, mother, and father; the attorneys for the child's mother and father; each relative who expresses an interest in caring for the child; the child if the child is old enough to be able to express an opinion regarding placement; and the prosecutor.

(3) A person who receives a written decision described in subsection (2) may request in writing, within 5 days, documentation of the reasons for the decision, and if the person does not agree with the placement decision, he or she may request that the child's attorney review the decision to determine if the decision is in the child's best interest. If the child's attorney determines the decision is not in the child's best interest, within 14 days after the date of the written decision the attorney shall petition the court that placed the child out of the child's home for a review hearing. The court shall commence the review hearing not more than 7 days after the date of the attorney's petition and shall hold the hearing on the record.

Sec. 4b. (1) A supervising agency shall strive to achieve a permanent placement for each child in its care, including either a safe return to the child's home or implementation of a permanency plan, no more than 12 months after the child is removed from his or her home. This 12-month goal shall not be extended or delayed for reasons such as a change or transfer of staff or worker at the supervising agency.

(2) If an adoptive family for a child has not been identified within 90 days after entry of an order of termination of parental rights, the supervising agency shall submit the necessary information for inclusion of the child in the directory of children described in section 8.

(3) The supervising agency shall require that its worker make monthly visits to the home or facility in which each child is placed. The supervising agency shall also require its worker to monitor and assess in-home visitation between the child and his or her parents. To ensure the occurrence of in-home visits required under this subsection, the supervising agency shall institute a flexible schedule to provide a number of hours outside of the traditional workday to accommodate the schedules of the individuals involved.

Sec. 4c. (1) The supervising agency shall obtain from the parent, guardian, or custodian of each child who is placed in its care the name and address of the child's medical provider and a signed document for the release of the child's medical records. The supervising agency shall require that a child's medical provider remain constant while the child is in foster care, unless the child's current primary medical provider is a managed care health plan or unless doing so would create an unreasonable burden for the relative, foster parent, or other custodian.

(2) The supervising agency shall develop a medical passport for each child who comes under its care. The medical passport shall contain all of the following:

(a) All medical information required by policy or law to be provided to foster parents.

(b) Basic medical history.

(c) A record of all immunizations.

(d) Any other information concerning the child's physical and mental health.

(3) Each foster care worker who transfers a child's medical passport to another foster care worker shall sign and date the passport, verifying that he or she has sought and obtained the necessary information required under subsection (2) and any additional information required under department policy. The supervising agency shall provide a copy of each medical passport and updates as required by the department for maintenance in a central location.

(4) If a child under the care of a supervising agency has suffered sexual abuse, serious physical abuse, or mental illness, the supervising agency shall have an experienced and licensed mental health professional as defined under MCL 330.1100b(14)(a) or (b) or a social worker certified under section 1606 of the occupational code, 1980 PA 299, MCL 339.1606, who is trained in children's psychological assessments perform an assessment or psychological evaluation of the child. The costs of the assessment or evaluation shall be borne by the supervising agency. This subsection applies only to a child who is made a state ward on or after the effective date of the amendatory act that added this section.

(5) A child's supervising agency shall ensure that the child receives a medical examination when the child is first placed in foster care. One objective of this examination is to provide a record of the child's medical and physical status upon entry into foster care.

Sec. 4d. The department shall publish an annual report card for each supervising agency that evaluates the achievements of that agency in obtaining permanency for children and making recommendations for the removal of barriers to permanency.

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

Carol Morey Viventi

Secretary of the Senate.

Mary B. Guello

Clerk of the House of Representatives.

Approved _____

Governor.