

Act No. 22
Public Acts of 1998
Approved by the Governor
March 12, 1998
Filed with the Secretary of State
March 12, 1998
EFFECTIVE DATE: March 12, 1998

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Senator A. Smith

ENROLLED SENATE BILL No. 355

AN ACT to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," by amending section 115f (MCL 400.115f), as amended by 1994 PA 238.

The People of the State of Michigan enact:

Sec. 115f. As used in this section and sections 115g to 115m:

- (a) "Adoptee" means the child who is to be adopted or who is adopted.
- (b) "Adoption code" means the Michigan adoption code, chapter X of 1939 PA 288, MCL 710.21 to 710.70.
- (c) "Adoption subsidy" means a support subsidy or a medical subsidy or both.
- (d) "Adoptive parent" means the parent or parents who adopt a child pursuant to the adoption code.
- (e) "Agreement" means an adoption assistance agreement between the department and the adoptive parent.
- (f) "Certification" means a determination of eligibility by the department that an adoptee is eligible for a support subsidy or a medical subsidy or both.
- (g) "Child placing agency" means that term as defined in section 1 of 1973 PA 116, MCL 722.111.
- (h) "Child with special needs" means an individual under the age of 18 years for whom the state has determined all of the following:
 - (i) The child cannot or should not be returned to the home of the child's parents.
 - (ii) A specific factor or condition exists with respect to the child so that it is reasonable to conclude that the child cannot be placed with an adoptive parent without an adoption subsidy under this act. The factors or conditions to be considered include ethnic background, age, membership in a minority or sibling group, medical condition, physical, mental, or emotional disability, or length of time the child has been waiting for an adoptive home.

(iii) A reasonable but unsuccessful effort was made to place the adoptee with appropriate adoptive parents without providing an adoption subsidy under this act or a prospective placement is the only placement in the best interest of the child.

(i) "Court" means the juvenile division of the probate court in this state.

(j) "Department" means the family independence agency.

(k) "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 community health.

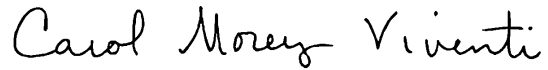
(l) "Medical subsidy" means payment for medical, surgical, hospital, and related expenses necessitated by a specified physical, mental, or emotional condition of a child who has been placed for adoption.

(m) "Nonrecurring adoption expenses" means reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are directly related to the legal adoption of a child with special needs. Nonrecurring adoption expenses do not include costs or expenses incurred in violation of state or federal law or that have been reimbursed from other sources or funds.

(n) "Other expenses that are directly related to the legal adoption of a child with special needs" means adoption costs incurred by or on behalf of the adoptive parent and for which the adoptive parent carries the ultimate liability for payment, including the adoption study, health and psychological examinations, supervision of the placement before adoption, and transportation and reasonable costs of lodging and food for the child or adoptive parent if necessary to complete the adoption or placement process.

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

This act is ordered to take immediate effect.



Secretary of the Senate.



Clerk of the House of Representatives.

Approved _____

Governor.