



# HOUSE BILL No. 5491

March 8, 2000, Introduced by Rep. Hart and referred to the Committee on Family and Civil Law.

A bill to amend 1939 PA 280, entitled  
"The social welfare act,"  
by amending sections 11b and 115j (MCL 400.11b and 400.115j),  
section 11b as amended by 1990 PA 122 and section 115j as added  
by 1994 PA 238.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 11b. (1) Within 24 hours after receiving a report made  
2 or information obtained pursuant to section 11a, the county  
3 ~~department of social services~~ FAMILY INDEPENDENCE AGENCY shall  
4 commence an investigation to determine whether the person sus-  
5 pected of being or believed to be abused, neglected, or exploited  
6 is an adult in need of protective services. A reasonable belief  
7 on the part of the county department that the person is an adult  
8 in need of protective services is a sufficient basis for  
9 investigation. If an investigation pertains to an adult residing

1 in an adult foster care facility licensed by the Michigan  
2 ~~department of social services~~ FAMILY INDEPENDENCE AGENCY, the  
3 county department shall provide the adult foster care licensee  
4 with the substance of the abuse or neglect allegations as soon as  
5 practicable after the beginning of the investigation. The  
6 licensee shall have the opportunity to respond to the allega-  
7 tions, and the response shall be included in the record.

8       (2) Upon a request by the county department, local law  
9 enforcement officers shall cooperate with the county department  
10 in an investigation of suspected abuse, neglect, or  
11 exploitation. However, the investigation required by this sec-  
12 tion shall not be in place of an investigation by the appropriate  
13 police agency regarding suspected criminal conduct arising from  
14 the suspected abuse, neglect, or exploitation.

15       (3) The investigation shall include a determination of the  
16 nature, extent, and cause of the abuse, neglect, or exploitation;  
17 examination of evidence; identification, if possible, of the  
18 person responsible for the abuse, neglect, or exploitation; the  
19 names and conditions of other adults in the place of residence;  
20 an evaluation of the persons responsible for the care of the  
21 adult, if appropriate; the environment of the residence; the  
22 relationship of the adult to the person responsible for the  
23 adult's care; an evaluation as to whether or not the adult would  
24 consent to receiving protective services; and ~~any~~ other perti-  
25 nent data.

26       (4) The investigation shall include an interview with the  
27 adult. The county department shall conduct the interview by

1 means of a personal visit with the adult in the adult's dwelling  
2 or in the office of the county department, by telephone conversa-  
3 tion, or by ~~any~~ other means that may be available to the county  
4 department. In attempting to conduct a personal visit with the  
5 adult in the adult's dwelling, if admission to the dwelling is  
6 denied, the county department may seek to obtain a search warrant  
7 ~~pursuant to Act No. 189 of the Public Acts of 1966, being sec-~~  
8 ~~tions 780.651 to 780.659 of the Michigan Compiled Laws~~ AS PRO-  
9 VIDED IN 1966 PA 189, MCL 780.651 TO 780.659.

10 (5) The investigation may include a medical, psychological,  
11 social, vocational, and educational evaluation and review.

12 (6) In the course of an investigation, the county department  
13 shall determine if the adult is or was abused, neglected, or  
14 exploited. The county department shall make available to the  
15 adult the appropriate and least restrictive protective services,  
16 directly or through the purchase of services from other agencies  
17 and professions, and shall take necessary action to safeguard and  
18 enhance the welfare of the adult, if possible. The county  
19 department also shall collaborate with law enforcement officers,  
20 courts of competent jurisdiction, and appropriate state and com-  
21 munity agencies providing human services, which services are pro-  
22 vided in relation to preventing, identifying, and treating adult  
23 abuse, neglect, or exploitation. If the abuse, neglect, or  
24 exploitation involves substance abuse, the county department  
25 shall collaborate with the local substance abuse coordinating  
26 agency as designated by the office of substance abuse services in  
27 the department of ~~public health~~ COMMUNITY HEALTH for a referral

1 for substance abuse services. The county department may petition  
2 for a finding of incapacity and appointment of a guardian or tem-  
3 porary guardian ~~pursuant to section 443 or 453 of the revised~~  
4 ~~probate code, Act No. 642 of the Public Acts of 1978, as amended,~~  
5 ~~being sections 700.443 and 700.453 of the Michigan Compiled Laws~~  
6 AS PROVIDED IN SECTION 5303 OR 5312 OF THE ESTATES AND PROTECTED  
7 INDIVIDUALS CODE, 1998 PA 386, MCL 700.5303 AND 700.5312, and may  
8 petition for the appointment of a conservator ~~pursuant to sec-~~  
9 ~~tion 461 of Act No. 642 of the Public Acts of 1978, being section~~  
10 ~~700.461 of the Michigan Compiled Laws~~ AS PROVIDED IN SECTION  
11 5401 OF THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA 386,  
12 MCL 700.5401, for a vulnerable adult.

13 (7) Upon completion of an investigation, the county depart-  
14 ment shall prepare a written report of the investigation and its  
15 findings. A copy of this written report shall be forwarded to  
16 the state department upon the request of the state department.

17 (8) The county department may provide a copy of the written  
18 report to the prosecuting attorney for the county in which the  
19 adult suspected of being or believed to be abused, neglected, or  
20 exploited resides or is found.

21 Sec. 115j. (1) An adoption subsidy shall continue until 1  
22 of the following occurs:

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

24 (b) The adoptee is emancipated.

25 (c) The adoptee dies.

26 (d) The adoption is terminated.

1 (e) A determination of ineligibility is made by the  
2 department.

3 (2) If sufficient funds are appropriated, the department may  
4 continue an adoption subsidy for an adoptee under 21 years of age  
5 if the department determines that the adoptee is a student regu-  
6 larly attending a high school, college, university, or vocational  
7 school in pursuance of a course of study leading to a high school  
8 diploma, college degree, or gainful employment.

9 (3) An adoption subsidy shall continue even if the adoptive  
10 parent or parents leave the state.

11 (4) An adoption support subsidy shall continue during a  
12 period in which the adoptee is removed from his or her home as a  
13 temporary court ward.

14 (5) Upon the death of the adoptive parent, the department  
15 shall continue making adoption subsidy payments to the guardian  
16 of the adoptee if a guardian is appointed ~~under section 422 or~~  
17 ~~424 of the revised probate code, Act No. 642 of the Public Acts~~  
18 ~~of 1978, being sections 700.422 and 700.424 of the Michigan~~  
19 ~~Compiled Laws~~ AS PROVIDED IN SECTION 5202 OR 5204 OF THE ESTATES  
20 AND PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.5202 AND  
21 700.5204.

22 Enacting section 1. This amendatory act takes effect April  
23 1, 2000.