

HOUSE BILL No. 6251

June 21, 2006, Introduced by Reps. Polidori, Green, Bieda, Jones, Mayes, Donigan, Gonzales, Plakas, Sak, Vander Veen, Brown, Ball, Lipsey, Alma Smith, Hood, Sheen, Hansen, Hoogendyk, Gosselin, Shaffer, Steil, Accavitti, Garfield, Miller, Condino, Meisner, Lemmons, Jr., Bennett and Lemmons, III and referred to the Committee on Family and Children Services.

A bill to amend 1994 PA 203, entitled
"Foster care and adoption services act,"
by amending section 4a (MCL 722.954a), as added by 1997 PA 172, and
by adding section 4e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4a. (1) If a child has been placed in a supervising
2 agency's care under chapter XIIIA of **THE PROBATE CODE OF 1939**, 1939
3 PA 288, MCL 712A.1 to 712A.32, the supervising agency shall comply
4 with this section and sections 4b, ~~and~~ 4c, **AND 4E**.

5 (2) Upon removal, as part of a child's initial case service
6 plan as required by rules promulgated under 1973 PA 116, MCL
7 722.111 to 722.128, and by section 18f of chapter XIIIA of **THE**

1 **PROBATE CODE OF 1939**, 1939 PA 288, MCL 712A.18f, the supervising
2 agency shall, within 30 days, identify, locate, and consult with
3 relatives to determine placement with a fit and appropriate
4 relative who would meet the child's developmental, emotional, and
5 physical needs as an alternative to foster care. Not more than 90
6 days after the child's removal from his or her home, the
7 supervising agency shall do all of the following:

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

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

16 (3) A person who receives a written decision described in
17 subsection (2) may request in writing, within 5 days, documentation
18 of the reasons for the decision, and if the person does not agree
19 with the placement decision, he or she may request that the child's
20 attorney review the decision to determine if the decision is in the
21 child's best interest. If the child's attorney determines the
22 decision is not in the child's best interest, within 14 days after
23 the date of the written decision the attorney shall petition the
24 court that placed the child out of the child's home for a review
25 hearing. The court shall commence the review hearing not more than
26 7 days after the date of the attorney's petition and shall hold the
27 hearing on the record.

1 SEC. 4E. (1) BEFORE DETERMINING PLACEMENT OF A CHILD IN ITS
2 CARE, A SUPERVISING AGENCY SHALL GIVE SPECIAL CONSIDERATION AND
3 PREFERENCE TO THE CHILD'S RELATIVES. IF A SUPERVISING AGENCY
4 DETERMINES THAT A CHILD'S RELATIVE IS WILLING TO CARE FOR THE
5 CHILD, AND IS FIT TO DO SO, THE CHILD SHALL BE PLACED IN THAT
6 RELATIVE'S HOME.

7 (2) IN MAKING A DETERMINATION OF PLACEMENT FOR A CHILD IN ITS
8 CARE, A SUPERVISING AGENCY SHALL GIVE PREFERENCE TO PLACEMENT IN A
9 HOME THAT SHARES THE SAME RELIGION AS THE CHILD'S IMMEDIATE FAMILY
10 BEFORE REMOVAL, ESPECIALLY IF RELIGIOUS LAWS REGARDING FOOD HAVE
11 BEEN OBSERVED IN THE IMMEDIATE FAMILY BEFORE THE CHILD'S REMOVAL.