

**SUBSTITUTE FOR
SENATE BILL NO. 170**

A bill to provide for subsidy payments to certain guardians of minors; and to provide for duties and responsibilities of certain state departments and agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "subsidized guardianship assistance act".

3 Sec. 2. As used in this act:

4 (a) "Child" means a person less than 18 years of age.

5 (b) "Department" means the department of human services.

6 (c) "Eligible child" means a child who meets the eligibility
7 criteria set forth in section 3 for receiving subsidized
8 guardianship assistance.

9 (d) "Guardian" means a person appointed by the court to

1 act as a legal guardian for a child pursuant to section 19a
2 or 19c of chapter XIIA of the probate code, MCL 712A.19a and
3 712A.19c.

4 (e) "Legal custodian" means an individual who is at least 18
5 years of age in whose care a child remains or is placed after a
6 court makes a finding under section 13a of chapter XIIA of the
7 probate code, MCL 712A.13a.

8 (f) "Probate code" means the probate code of 1939, 1939 PA
9 288, MCL 710.21 to 712A.32.

10 (g) "Relative" means an individual who is at least 18 years
11 of age and related to the child by blood, marriage, or adoption,
12 as grandparent, great-grandparent, great-great-grandparent, aunt
13 or uncle, great-aunt or great-uncle, great-great-aunt or great-
14 great-uncle, sibling, stepsibling, nephew or niece, first cousin
15 or first cousin once removed, or the spouse of any of the above,
16 even after the marriage has ended by death or divorce. The parent
17 of a man who the court has found probable cause to believe is the
18 putative father if there is no man with legally established rights
19 to the child may be considered a relative under this act but this
20 is not to be considered as a finding of paternity and does not
21 confer legal standing on the putative father.

22 (h) "Subsidized guardianship assistance agreement" means an
23 agreement regarding financial support for children who meet the
24 qualifications for subsidized guardianship assistance as specified
25 in this act or in the department's administrative rules.

26 (i) "Title IV-E" refers to the federal assistance provided
27 through the United States department of health and human services

1 to reimburse states for foster care and adoption assistance
2 payments.

3 Sec. 3. A child is eligible to receive subsidized
4 guardianship assistance if he or she is a ward of the court under
5 section 2(b) of chapter XIIIA of the probate code, MCL 712A.2, or
6 is under the Michigan children's institute jurisdiction, control,
7 or supervision, and both of the following apply:

8 (a) A specific factor or condition, or a combination of
9 factors and conditions, exists with respect to the child so that
10 it is reasonable to conclude that the child cannot be placed with
11 a guardian without providing subsidy payments under this act. The
12 factors or conditions to be considered may include ethnic or
13 family background, age, membership in a minority or sibling group,
14 medical condition, physical, mental, or emotional disability, or
15 length of time the child has been waiting for a permanent home.

16 (b) A reasonable but unsuccessful effort was made to place
17 the child with an appropriate guardian without providing subsidy
18 assistance under this act or a prospective placement is the only
19 placement in the best interest of the child.

20 Sec. 4. A guardian who meets all of the following criteria
21 may receive subsidized guardianship assistance on behalf of an
22 eligible child:

23 (a) The guardian is the eligible child's relative or legal
24 custodian.

25 (b) The guardian is assessed and approved for subsidized
26 guardianship assistance by the department.

27 (c) The eligible child resides with the guardian in the

1 guardian's residence.

2 Sec. 5. (1) Subject to the provisions of this act, the
3 department may pay subsidized guardianship assistance to an
4 eligible guardian on behalf of an eligible child.

5 (2) The guardian shall apply for subsidized guardianship
6 assistance under this act to the department.

7 (3) The department shall review the eligibility of the
8 guardian and child for continuation of subsidized guardianship
9 assistance annually. The guardian shall provide the eligibility
10 information requested by the department or the court for purposes
11 of the annual review.

12 (4) The department shall make a determination within 30 days
13 after receipt of a request for subsidized guardianship assistance.

14 Sec. 6. (1) The department shall not provide subsidized
15 guardianship assistance after 1 of the following occurs:

16 (a) The child reaches 18 years of age or 19 years of age if
17 he or she is still attending high school.

18 (b) The child is incarcerated in an adult correctional
19 facility under a sentence and commitment order of a court of
20 competent jurisdiction.

21 (c) The child is placed in a child caring institution as that
22 term is defined in section 1 of 1973 PA 116, MCL 722.111, for a
23 period of at least 90 days.

24 (d) The child is removed from the guardian's residence by
25 court order.

26 (e) The death of the child.

27 (f) The child is adopted by the guardian or another

1 individual under the Michigan adoption code, chapter X of the
2 probate code, MCL 710.21 to 710.70, or the adoption laws of any
3 other state or country.

4 (g) The guardianship is terminated by order of the court
5 having jurisdiction in the guardianship proceeding.

6 (h) The child no longer resides in the guardian's residence.

7 (i) The guardian fails to submit to the department
8 information required or requested by the department for the annual
9 review required under section 5.

10 (j) The guardian no longer satisfies 1 or more of the
11 criteria specified in section 4.

12 (k) The guardian has failed to comply with section 7.

13 (l) Upon the death of the guardian, if no new guardian is
14 appointed by the court within 30 days after that death.

15 (m) The department determines that funds are no longer
16 available to support continuation of subsidized guardianship
17 assistance.

18 (2) The department shall send notice of termination of
19 subsidized guardianship assistance under this section by mail to
20 the guardian at the guardian's current or last known address and
21 to the court with jurisdiction over the guardianship case. Notice
22 mailed under this subsection shall include a statement of the
23 department's reason for termination.

24 Sec. 7. The guardian shall apply for and maintain on behalf
25 of the child any public or private medical insurance or assistance
26 for which the child is eligible, including eligibility under
27 applicable laws providing financial assistance for medical or

1 health care expenses.

2 Sec. 8. (1) The department is responsible for collecting,
3 assembling, and reporting all data and information required for
4 reporting purposes.

5 (2) The guardian shall cooperate with the department and
6 provide all information that the guardian possesses as requested
7 by the department to facilitate compliance with this section.

8 Sec. 9. An applicant for subsidized guardianship assistance
9 under this act or a guardian or child who has received subsidized
10 guardianship assistance under a subsidized guardianship assistance
11 agreement may appeal a decision of the department denying the
12 application, establishing or modifying the subsidized
13 guardianship assistance, or terminating subsidized guardianship
14 assistance according to the administrative procedures act of 1969,
15 1969 PA 306, MCL 24.201 to 24.328.

16 Sec. 10. If title IV-E eligibility is approved as a funding
17 source for subsidized guardianship assistance, the department is
18 subject to all federal laws and regulation requirements, including
19 cooperation with the title IV-B program and assignment of child
20 support.

21 Sec. 11. Families are eligible for postpermanency services in
22 the same manner as adoptive families.

23 Enacting section 1. This act does not take effect unless all
24 of the following bills of the 94th Legislature are enacted into
25 law:

26 (a) Senate Bill No. 668.

27 (b) Senate Bill No. 669.

- 1 (c) Senate Bill No. 670.
- 2 (d) Senate Bill No. 671.
- 3 (e) Senate Bill No. 672.