

SENATE BILL No. 670

August 1, 2007, Introduced by Senators JACOBS, HARDIMAN, KAHN, JANSEN and BIRKHOLZ and referred to the Committee on Families and Human Services.

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending section 13b of chapter XIIA (MCL 712A.13b), as amended
by 2004 PA 475.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XIIA

Sec. 13b. (1) If a child under the court's jurisdiction under
section 2(b) of this chapter, or under MCI jurisdiction, control,
or supervision, is placed in foster care, the agency shall not
change the child's placement except under 1 of the following
circumstances:

(a) The person providing the foster care requests or agrees to
the change.

1 (b) Even though the person providing the foster care objects
2 to a proposed change in placement, 1 of the following applies:

3 (i) The court orders the child returned home.

4 (ii) The change in placement is less than 30 days after the
5 child's initial removal from his or her home.

6 (iii) The change in placement is less than 90 days after the
7 child's initial removal from his or her home, and the new placement
8 is with a relative.

9 (iv) The change in placement is in accordance with other
10 provisions of this section.

11 (2) Except as provided in subsections (1) and (7), before a
12 change in foster care placement takes effect, the agency shall do
13 all of the following:

14 (a) Notify the state court administrative office of the
15 proposed change in placement. **NOTICE UNDER THIS SUBDIVISION MAY BE**
16 **GIVEN BY ORDINARY MAIL OR BY ELECTRONIC MEANS AS AGREED BY THE**
17 **DEPARTMENT AND THE COURT THAT HAS JURISDICTION OVER THE CHILD.**

18 (b) Notify the foster parents of the intended change in
19 placement and inform them that, if they disagree with the decision,
20 they may appeal within 3 days to a foster care review board. A
21 foster parent may appeal orally, but must submit the appeal in
22 writing immediately following the oral appeal. The agency shall
23 provide the foster parents with the address and telephone number of
24 a foster care review board with jurisdiction over the child. **NOTICE**
25 **UNDER THIS SUBDIVISION MAY BE GIVEN BY ORDINARY MAIL OR BY**
26 **ELECTRONIC MEANS AS AGREED BY THE DEPARTMENT AND THE COURT THAT HAS**
27 **JURISDICTION OVER THE CHILD.**

1 (c) Maintain the current placement for not less than the time
2 for appeal to the foster care review board and if a foster parent
3 appeals, until the foster care review board determination.

4 (D) NOTIFY THE COURT WITH JURISDICTION OVER THE CHILD AND
5 NOTIFY THE CHILD'S GUARDIAN AD LITEM OF THE CHANGE IN PLACEMENT.
6 NOTICE UNDER THIS SUBDIVISION MAY BE GIVEN BY ORDINARY MAIL OR BY
7 ELECTRONIC MEANS AS AGREED BY THE DEPARTMENT AND THE COURT THAT HAS
8 JURISDICTION OVER THE CHILD. THE NOTICE PROVIDED UNDER THIS
9 SUBDIVISION DOES NOT AFFECT THE DEPARTMENT'S PLACEMENT DISCRETION
10 AND SHALL INCLUDE ALL OF THE FOLLOWING INFORMATION:

11 (i) THE REASON FOR THE CHANGE IN PLACEMENT.

12 (ii) THE NUMBER OF TIMES THE CHILD'S PLACEMENT HAS BEEN
13 CHANGED.

14 (iii) WHETHER OR NOT THE CHILD WILL BE REQUIRED TO CHANGE
15 SCHOOLS.

16 (iv) WHETHER OR NOT THE CHANGE WILL SEPARATE OR REUNITE
17 SIBLINGS OR AFFECT SIBLING VISITATION.

18 (3) Upon receipt of an appeal from foster parents under
19 subsection (2) or (7), the foster care review board shall
20 investigate the change in foster care placement within 7 days and
21 shall report its findings and recommendations within 3 days after
22 completion of the investigation to the court or, if the child is
23 under MCI jurisdiction, control, or supervision, the MCI
24 superintendent, to the foster care parents, to the parents, and to
25 the agency.

26 (4) If after investigation the foster care review board
27 determines that the move is in the child's best interests, the

1 agency may move the child.

2 (5) If after investigation the foster care review board
3 determines that the move is not in the child's best interest, the
4 agency shall maintain the current placement until a finding and
5 order by the court or, if the child is under MCI jurisdiction,
6 control, or supervision, a decision by the MCI superintendent. The
7 agency shall not return a child to a placement from which the child
8 was removed under subsection (7) unless the court orders that
9 placement's restoration under subsection (6) or the MCI
10 superintendent approves that placement's restoration under this
11 subsection. The foster care review board shall notify the court, or
12 if the child is under MCI jurisdiction, control, or supervision,
13 the MCI superintendent, about the board's and agency's
14 disagreement. The court shall set a hearing date and provide notice
15 to the foster parents, each interested party, and the prosecuting
16 attorney if the prosecuting attorney has appeared in the case. The
17 court shall set the hearing no sooner than 7 and no later than 14
18 days after receipt of the notice from the foster care review board.
19 The rules of evidence do not apply to a hearing required by this
20 subsection. Within 14 days after notification under this
21 subsection, the MCI superintendent shall make a decision regarding
22 the child's placement and shall inform each interested party what
23 the decision is.

24 (6) After hearing testimony from the agency and any other
25 interested party and considering any other evidence bearing upon
26 the proposed change in placement, the court shall order the
27 continuation or restoration of the placement unless the court finds

1 that the proposed change in placement is in the child's best
2 interests.

3 (7) If the agency has reasonable cause to believe that the
4 child has suffered sexual abuse or nonaccidental physical injury,
5 or that there is substantial risk of harm to the child's emotional
6 well-being, the agency may change the child's foster care placement
7 without complying with subsection (1) or (2)(b) or (c). The agency
8 shall include in the child's file documentation of its
9 justification for action under this subsection. If a foster parent
10 objects to the removal of a child under this subsection, he or she
11 may appeal to the foster care review board within 3 days after the
12 child's removal. The foster parent may appeal orally, but must
13 submit the appeal in writing immediately following the oral appeal.

14 (8) At the time of or immediately following a child's removal
15 under subsection (7), the agency shall inform the foster parents
16 about the removal and that, if they disagree with the decision,
17 they may appeal within 3 days to a foster care review board in the
18 manner provided in subsection (7). The agency shall provide the
19 foster parents with the address and telephone number of a foster
20 care review board with jurisdiction over the child.