

SUBSTITUTE FOR
HOUSE BILL NO. 4118

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.

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.

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**
8 **PROBATE CODE OF 1939**, 1939 PA 288, MCL 712A.18f, the supervising
9 agency shall, within 30 days, identify, locate, **NOTIFY**, and consult

1 with relatives to determine placement with a fit and appropriate
2 relative who would meet the child's developmental, emotional, and
3 physical needs. ~~as an alternative to foster care.~~

4 (3) THE NOTIFICATION OF RELATIVES REQUIRED IN SUBSECTION (2)
5 SHALL DO ALL OF THE FOLLOWING:

6 (A) SPECIFY THAT THE CHILD HAS BEEN REMOVED FROM THE CUSTODY
7 OF THE CHILD'S PARENT.

8 (B) EXPLAIN THE OPTIONS THE RELATIVE HAS TO PARTICIPATE IN THE
9 CARE AND PLACEMENT OF THE CHILD, INCLUDING ANY OPTION THAT MAY BE
10 LOST BY FAILING TO RESPOND TO THE NOTIFICATION.

11 (C) DESCRIBE THE REQUIREMENTS AND BENEFITS, INCLUDING THE
12 AMOUNT OF MONETARY BENEFITS, OF BECOMING A LICENSED FOSTER FAMILY
13 HOME.

14 (D) DESCRIBE HOW THE RELATIVE MAY SUBSEQUENTLY ENTER INTO AN
15 AGREEMENT WITH THE DEPARTMENT FOR GUARDIANSHIP ASSISTANCE.

16 (4) Not more than 90 days after the child's removal from his
17 or her home, the supervising agency shall do all of the following:

18 (a) Make a placement decision and document in writing the
19 reason for the decision.

20 (b) Provide written notice of the decision and the reasons for
21 the placement decision to the child's attorney, guardian, guardian
22 ad litem, mother, and father; the attorneys for the child's mother
23 and father; each relative who expresses an interest in caring for
24 the child; the child if the child is old enough to be able to
25 express an opinion regarding placement; and the prosecutor.

26 (5) BEFORE DETERMINING PLACEMENT OF A CHILD IN ITS CARE, A
27 SUPERVISING AGENCY SHALL GIVE SPECIAL CONSIDERATION AND PREFERENCE

1 TO THE CHILD'S RELATIVES. IF A SUPERVISING AGENCY DETERMINES THAT A
2 CHILD'S RELATIVE IS WILLING TO CARE FOR THE CHILD, IS FIT TO DO SO,
3 AND WOULD MEET THE CHILD'S DEVELOPMENTAL, EMOTIONAL, AND PHYSICAL
4 NEEDS, THE CHILD SHALL BE PLACED IN THAT RELATIVE'S HOME UNLESS
5 THAT PLACEMENT IS DETERMINED TO BE NOT IN THE CHILD'S BEST
6 INTERESTS. THE DEPARTMENT AND A SUPERVISING AGENCY SHALL IMPLEMENT
7 THIS SUBSECTION IN COMPLIANCE WITH A CONSENT DECREE THAT IS IN
8 FORCE ON THE EFFECTIVE DATE OF THE 2009 AMENDATORY ACT THAT ADDED
9 THIS SUBSECTION.

10 (6) ~~(3)~~—A person who receives a written decision described in
11 subsection ~~(2)~~—(4) may request in writing, within 5 days,
12 documentation of the reasons for the decision, and if the person
13 does not agree with the placement decision, he or she may request
14 that the child's attorney review the decision to determine if the
15 decision is in the child's best interest. If the child's attorney
16 determines the decision is not in the child's best interest, within
17 14 days after the date of the written decision the attorney shall
18 petition the court that placed the child out of the child's home
19 for a review hearing. The court shall commence the review hearing
20 not more than 7 days after the date of the attorney's petition and
21 shall hold the hearing on the record.