

Act No. 265  
Public Acts of 2010  
Approved by the Governor  
December 14, 2010  
Filed with the Secretary of State  
December 14, 2010  
EFFECTIVE DATE: December 14, 2010

**STATE OF MICHIGAN**  
**95TH LEGISLATURE**  
**REGULAR SESSION OF 2010**

Introduced by Reps. Polidori, Angerer, Barnett, Bledsoe, Lisa Brown, Terry Brown, Byrum, Constan, Coulouris, Dean, Denby, DeShazor, Durhal, Espinoza, Geiss, Gonzales, Gregory, Griffin, Haase, Haines, Hansen, Haugh, Haveman, Hildenbrand, Horn, Huckleberry, Jackson, Knollenberg, Kurtz, LeBlanc, Leland, Lipton, Liss, Lori, Marleau, Mayes, Meadows, Melton, Moore, Moss, Nathan, Neumann, Opsommer, Pearce, Proos, Rogers, Schuitmaker, Sheltroun, Slavens, Slezak, Spade, Stamas, Switalski, Tlaib, Tyler, Valentine and Walsh

# **ENROLLED HOUSE BILL No. 4118**

AN ACT to amend 1994 PA 203, entitled "An act to establish certain standards for foster care and adoption services for children and their families; and to prescribe powers and duties of certain state agencies and departments and adoption facilitators," by amending section 4a (MCL 722.954a), as added by 1997 PA 172.

*The People of the State of Michigan enact:*

Sec. 4a. (1) If a child has been placed in a supervising agency's care under chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32, the supervising agency shall comply with this section and sections 4b and 4c.

(2) Upon removal, as part of a child's initial case service plan as required by rules promulgated under 1973 PA 116, MCL 722.111 to 722.128, and by section 18f of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18f, the supervising agency shall, within 30 days, identify, locate, notify, and consult with relatives to determine placement with a fit and appropriate relative who would meet the child's developmental, emotional, and physical needs.

(3) The notification of relatives required in subsection (2) shall do all of the following:

(a) Specify that the child has been removed from the custody of the child's parent.

(b) Explain the options the relative has to participate in the care and placement of the child, including any option that may be lost by failing to respond to the notification.

(c) Describe the requirements and benefits, including the amount of monetary benefits, of becoming a licensed foster family home.

(d) Describe how the relative may subsequently enter into an agreement with the department for guardianship assistance.

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

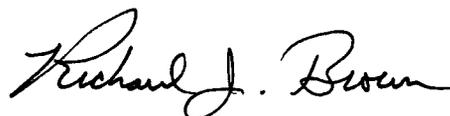
(a) Make a placement decision and document in writing the reason for the decision.

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

(5) Before determining placement of a child in its care, a supervising agency shall give special consideration and preference to a child's relative or relatives who are willing to care for the child, are fit to do so, and would meet the child's developmental, emotional, and physical needs. The supervising agency's placement decision shall be made in the best interests of the child.

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

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor