

SENATE BILL No. 435

June 14, 2011, Introduced by Senators CASWELL, JANSEN, PROOS, NOFS, EMMONS and MOOLENAAR and referred to the Committee on Appropriations.

A bill to establish a program to allow youths 18 years of age to choose to remain under certain state care up to 21 years of age; and to prescribe the powers and duties of certain state departments and agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 ARTICLE I

2 Sec. 1. This act shall be known and may be cited as the "young
3 adult voluntary foster care act".

4 Sec. 3. As used in this act:

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

6 (b) "Extended foster care services" means care and
7 responsibility provided by the department for a youth in foster

1 care.

2 (c) "Youth" means an individual who is at least 18 years of
3 age, but less than 21 years of age.

4 ARTICLE II

5 Sec. 5. The department may allow a youth to receive extended
6 foster care services if the youth meets 1 of the following
7 conditions for eligibility:

8 (a) The youth is completing secondary education or a program
9 leading to an equivalent credential.

10 (b) The youth is enrolled in an institution that provides
11 postsecondary or vocational education.

12 (c) The youth is participating in a program or activity
13 designed to promote employment or remove barriers to employment.

14 (d) The youth is employed for at least 80 hours per month.

15 (e) The youth is incapable of doing any part of the activities
16 in subdivisions (a) to (d) due to a medical condition. This
17 assertion of incapacity must be supported by regularly updated
18 information in the youth's case plan.

19 Sec. 7. A youth choosing to participate in extended foster
20 care services shall sign a voluntary foster care agreement that
21 shall include, at a minimum, information regarding all of the
22 following:

23 (a) The obligation for the youth to continue to meet the
24 conditions for eligibility described in section 5 for the duration
25 of the voluntary foster care agreement.

26 (b) The obligation to attend any hearing held under section
27 9(2).

1 (c) Any obligation considered necessary by the court for the
2 youth to continue to receive extended foster care services ordered
3 by the court.

4 (d) Any obligation considered necessary by the court to
5 facilitate the youth's continued success in the program.

6 (e) Termination of a voluntary foster care agreement and
7 program participation as described in section 11.

8 (f) The voluntary nature of the youth's participation in
9 receiving extended foster care services.

10 Sec. 9. (1) The court shall retain jurisdiction over a youth
11 receiving extended foster care services if the court obtained
12 jurisdiction over the youth before he or she turned 18 years of
13 age.

14 (2) The court shall hold a hearing for a youth receiving
15 extended foster care services not less than 1 time every 180 days
16 to review the voluntary foster care agreement with the youth, to
17 determine compliance with the voluntary foster care agreement, and
18 to address any issues or need for additional services for the
19 youth.

20 (3) The youth must participate in and may have legal
21 representation at a hearing required under this section.

22 Sec. 11. (1) A youth may choose to terminate the voluntary
23 foster care agreement and stop receiving extended foster care
24 services at any time. Except as provided in section 2a of chapter
25 XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2a, the
26 court shall not retain jurisdiction over the youth after the youth
27 stops receiving extended foster care services.

(2) If, at any time, the court determines that the youth is not in compliance with the voluntary foster care agreement or any program requirements, the court may terminate jurisdiction over the youth. The court shall provide written or electronic notice to the department and the youth regarding termination of the court's jurisdiction and the youth's participation in the program.

(3) A youth who exited foster care after reaching 18 years of age, but before reaching 21 years of age, may reenter foster care and receive extended foster care services if he or she has been out of foster care for not more than 180 days.

ARTICLE III

Sec. 13. (1) The department may allow a youth to continue to receive guardianship assistance if the youth began receiving guardianship assistance at 16 years of age or older.

(2) The department shall determine a youth's initial and subsequent eligibility for extended guardianship assistance.

Sec. 15. (1) The court shall retain jurisdiction of a youth receiving extended guardianship assistance until that youth no longer receives guardianship assistance.

(2) The court shall hold a hearing regarding the youth's continued participation in extended guardianship assistance not less than 1 time every 12 months. A hearing held under this section may be combined with a hearing held under section 19(2) to (4) of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.19, section 19a(1) of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.19a, or section 19c(1) of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.19c.

ARTICLE IV

Sec. 17. The department may continue to provide adoption assistance to a youth if the department determines that the youth first received adoption assistance at age 16 years or older and 1 of the following exists:

(a) The youth has a mental or physical disability that warrants continuation of adoption assistance.

(b) The youth is completing secondary education or a program leading to an equivalent credential.

(c) The youth is enrolled in an institution that provides postsecondary or vocational education.

(d) The youth is participating in a program or activity designed to promote employment or remove barriers to employment.

(e) The youth is employed for at least 80 hours per month.

(f) The youth is incapable of doing any part of the activities in subdivisions (b) to (e) due to a medical condition. This incapacity must be supported by regularly updated information.