

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 890

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending sections 115f, 115g, 115h, 115i, 115j, 115l, and 115m
(MCL 400.115f, 400.115g, 400.115h, 400.115i, 400.115j, 400.115l, and
400.115m), section 115f as amended by 2004 PA 193, sections 115g
and 115i as amended by 2009 PA 17, section 115h as added by 1994 PA
238, section 115j as amended by 2011 PA 230, and sections 115l and
115m as amended by 2002 PA 648, and by adding section 115t.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 115f. As used in this section and sections 115g to
2 ~~115s~~**115t:**

3 (a) "Adoptee" means the child who is to be adopted or who is
4 adopted.

5 (b) "Adoption assistance" means a support subsidy or **A SUPPORT**

1 **SUBSIDY WITH** medical assistance. ~~, or both.~~

2 (c) "Adoption assistance agreement" means an agreement between
3 the department and an adoptive parent regarding adoption
4 assistance.

5 (d) "Adoption code" means the Michigan adoption code, chapter
6 X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70.

7 (e) "Adoptive parent" means the parent or parents who adopt a
8 child under the adoption code.

9 (f) "Certification" means a determination of eligibility by
10 the department that an adoptee is eligible for a support subsidy or
11 a medical subsidy, or both, **OR REDETERMINED ADOPTION ASSISTANCE.**

12 ~~—— (g) "Child placing agency" means that term as defined in~~
13 ~~section 1 of 1973 PA 116, MCL 722.111.~~

14 **(G)** ~~(h)~~ "Child with special needs" means an individual under
15 the age of 18 years for whom the state has determined all of the
16 following:

17 (i) There is a specific judicial finding that the child cannot
18 or should not be returned to the home of the child's parents.

19 (ii) A specific factor or condition, or a combination of
20 factors and conditions, exists ~~with respect to the child~~ **BEFORE THE**
21 **ADOPTION IS FINALIZED** so that it is reasonable to conclude that the
22 child cannot be placed with an adoptive parent without providing
23 adoption assistance under this act. The factors or conditions to be
24 considered may include ethnic or family background, age, membership
25 in a minority or sibling group, medical condition, physical,
26 mental, or emotional disability, or length of time the child has
27 been waiting for an adoptive home.

1 (iii) A reasonable but unsuccessful effort was made to place the
2 adoptee with an appropriate adoptive parent without providing
3 adoption assistance under this act or a prospective placement is
4 the only placement in the best interest of the child.

5 (H) ~~(i)~~-"Compact" means the interstate compact on adoption and
6 medical assistance as enacted in sections 115r and 115s.

7 (I) ~~(j)~~-"Court" means the family division of circuit court.

8 (J) ~~(k)~~-"Department" means the ~~family independence~~
9 ~~agency~~. **DEPARTMENT OF HUMAN SERVICES.**

10 (K) **"DETERMINATION OF CARE RATE" MEANS A SUPPLEMENTAL PAYMENT**
11 **TO THE STANDARD AGE APPROPRIATE FOSTER CARE RATE THAT MAY BE**
12 **JUSTIFIED WHEN EXTRAORDINARY CARE OR EXPENSE IS REQUIRED. THE**
13 **SUPPLEMENTAL PAYMENT SHALL BE BASED ON 1 OR MORE OF THE FOLLOWING**
14 **FOR WHICH EXTRAORDINARY CARE IS REQUIRED OF THE FOSTER CARE**
15 **PROVIDER OR AN EXTRAORDINARY EXPENSE EXISTS:**

16 (i) A PHYSICALLY DISABLED CHILD FOR WHOM THE FOSTER CARE
17 PROVIDER MUST PROVIDE MEASURABLY GREATER SUPERVISION AND CARE.

18 (ii) A CHILD WITH SPECIAL PSYCHOLOGICAL OR PSYCHIATRIC NEEDS
19 THAT REQUIRE EXTRA TIME AND A MEASURABLY GREATER AMOUNT OF CARE AND
20 ATTENTION BY THE FOSTER CARE PROVIDER.

21 (iii) A CHILD REQUIRING A SPECIAL DIET THAT IS MORE EXPENSIVE
22 THAN A NORMAL DIET AND THAT REQUIRES EXTRA TIME AND EFFORT BY THE
23 FOSTER CARE PROVIDER TO OBTAIN AND PREPARE.

24 (iv) A CHILD WHOSE SEVERE ACTING OUT OR ANTISOCIAL BEHAVIOR
25 REQUIRES A MEASURABLY GREATER AMOUNT OF CARE AND ATTENTION OF THE
26 FOSTER CARE PROVIDER.

27 (v) ANY OTHER CONDITION FOR WHICH THE DEPARTMENT DETERMINES

1 THAT EXTRAORDINARY CARE IS REQUIRED OF THE FOSTER CARE PROVIDER OR
2 AN EXTRAORDINARY EXPENSE EXISTS.

3 (l) "Foster care" means placement of a child outside the
4 child's parental home ~~by and under the~~ **DEPARTMENT'S** supervision ~~of~~
5 ~~a child placing agency, the court, the department, or the~~
6 ~~department of community health.~~ **BY A COURT OF COMPETENT**
7 **JURISDICTION.**

8 (m) "Medical assistance" means the federally aided medical
9 assistance program under title XIX. ~~of the social security act,~~
10 ~~chapter 531, 49 Stat. 620, 42 U.S.C. 1396 to 1396r 6 and 1396r 8 to~~
11 ~~1396v.~~

12 (n) "Medical subsidy" means ~~payment for medical, surgical,~~
13 ~~hospital, and related expenses necessitated by a specified~~
14 ~~physical, mental, or emotional condition of a child who has been~~
15 ~~placed for adoption.~~ **A REIMBURSEMENT PROGRAM THAT ASSISTS IN PAYING**
16 **FOR SERVICES FOR AN ADOPTED CHILD WHO HAS AN IDENTIFIED PHYSICAL,**
17 **MENTAL, OR EMOTIONAL CONDITION THAT EXISTED, OR THE CAUSE OF WHICH**
18 **EXISTED, BEFORE THE ADOPTION IS FINALIZED.**

19 (o) "Medical subsidy agreement" means an agreement between the
20 department and an adoptive parent regarding a medical subsidy.

21 (p) "Nonrecurring adoption expenses" means reasonable and
22 necessary adoption fees, court costs, attorney fees, and other
23 expenses that are directly related to the legal adoption of a child
24 with special needs. Nonrecurring adoption expenses do not include
25 costs or expenses incurred in violation of state or federal law or
26 that have been reimbursed from other sources or funds.

27 (q) "Other expenses that are directly related to the legal

1 adoption of a child with special needs" means adoption costs
 2 incurred by or on behalf of the adoptive parent and for which the
 3 adoptive parent carries the ultimate liability for payment,
 4 including the adoption study, health and psychological
 5 examinations, supervision of the placement before adoption, and
 6 transportation and reasonable costs of lodging and food for the
 7 child or adoptive parent if necessary to complete the adoption or
 8 placement process.

9 (r) "Party state" means a state that becomes a party to the
 10 interstate compact on adoption and medical assistance.

11 (s) "Placement" means a placement or commitment, including the
 12 necessity of removing the child from his or her parental home, as
 13 approved by the court under an order of disposition issued under
 14 section ~~18(1)(c) or (d)-2~~ of chapter XIIIA of the probate code of
 15 1939, 1939 PA 288, MCL ~~712A.18-712A.2~~.

16 (T) **"REDETERMINED ADOPTION ASSISTANCE" MEANS A PAYMENT AS**
 17 **DETERMINED BY A CERTIFICATION THAT MAY BE JUSTIFIED WHEN**
 18 **EXTRAORDINARY CARE OR EXPENSE IS REQUIRED FOR A CONDITION THAT**
 19 **EXISTED OR THE CAUSE OF WHICH EXISTED BEFORE THE ADOPTION FROM**
 20 **FOSTER CARE WAS FINALIZED.**

21 (U) **"REDETERMINED ADOPTION ASSISTANCE AGREEMENT" MEANS A**
 22 **WRITTEN AGREEMENT REGARDING REDETERMINED ADOPTION ASSISTANCE**
 23 **BETWEEN THE DEPARTMENT AND THE ADOPTIVE PARENT OF A CHILD.**

24 (V) ~~(t)~~—"Residence state" means the state in which the child
 25 is a resident by virtue of the adoptive parent's residency.

26 (W) **"STANDARD AGE APPROPRIATE FOSTER CARE RATE" MEANS THE**
 27 **APPROVED MAINTENANCE PAYMENT RATE THAT IS PAID FOR A CHILD IN**

1 **FOSTER FAMILY CARE.**

2 (X) ~~(u)~~—"State" means a state of the United States, the
 3 District of Columbia, the Commonwealth of Puerto Rico, the Virgin
 4 Islands, Guam, the Commonwealth of the Northern Mariana Islands, or
 5 a territory or possession of the United States.

6 (Y) ~~(v)~~—"Support subsidy" means payment for support of a child
 7 who has been placed for adoption **FROM FOSTER CARE.**

8 Sec. 115g. (1) The department may pay a support subsidy to an
 9 adoptive parent of an adoptee who is placed in the home of the
 10 adoptive parent under the adoption code or under the adoption laws
 11 of another state or a tribal government, if all of the following
 12 requirements are met:

13 (a) The department has certified that the adoptee is a child
 14 with special needs.

15 (b) Certification is made before the adoptee's eighteenth
 16 birthday.

17 (c) Certification is made and the ~~contract~~ **ADOPTION ASSISTANCE**
 18 agreement is signed by the adoptive parent ~~or adoptive parents~~ and
 19 the department before the adoption is finalized.

20 (2) The department shall determine eligibility for the support
 21 subsidy without regard to the income of the adoptive parent. ~~or~~
 22 ~~parents.~~ The maximum amount shall be equal to the rate that the
 23 child received in the family foster care placement or the rate the
 24 child would have received if he or she had been in a family foster
 25 care placement at the time of adoption. This rate includes the
 26 ~~difficulty~~ **DETERMINATION** of care rate that was paid or would have
 27 been paid for the adoptee in a family foster care placement, except

1 that the amount shall be increased to reflect increases made in the
 2 standard age appropriate foster care rate paid by the department.
 3 The department shall not implement policy to limit the maximum
 4 amount at an amount less than the family foster care rate,
 5 including the ~~difficulty~~ **DETERMINATION** of care rate, that was paid
 6 for the adoptee while the adoptee was in family foster care.

7 (3) **THE DEPARTMENT SHALL, ON A SEPARATE FORM, REQUIRE AN**
 8 **ADOPTIVE PARENT TO SIGN THAT HE OR SHE EITHER REQUESTS OR DOES NOT**
 9 **REQUEST A SUPPORT SUBSIDY.**

10 (4) **THE ADOPTIVE PARENT SHALL PRESENT TO THE DEPARTMENT THE**
 11 **FIRST OFFER OF THE AMOUNT REQUESTED FOR THE SUPPORT SUBSIDY. THE**
 12 **DEPARTMENT MAY ACCEPT THE ADOPTIVE PARENT'S OFFER OR PRESENT A**
 13 **COUNTEROFFER TO THE ADOPTIVE PARENT FOR THE SUPPORT SUBSIDY. THE**
 14 **DEPARTMENT SHALL CONSIDER THE PROSPECTIVE ADOPTIVE PARENT'S**
 15 **REQUESTED RATE IF THAT REQUESTED RATE IS CONSISTENT WITH THE NEEDS**
 16 **OF THE CHILD BEING ADOPTED AND THE PROSPECTIVE ADOPTIVE FAMILY'S**
 17 **CIRCUMSTANCES, UNLESS THE REQUESTED RATE EXCEEDS THE MAXIMUM FOSTER**
 18 **CARE RATE THE CHILD IS RECEIVING OR WOULD RECEIVE IF PLACED IN A**
 19 **LICENSED FAMILY FOSTER HOME.**

20 (5) ~~(3)~~ The department shall complete the certification
 21 process within 30 days after it receives a request for a support
 22 subsidy.

23 Sec. 115h. (1) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (2), THE**
 24 department may pay a medical subsidy **AS REIMBURSEMENT FOR SERVICES**
 25 **EITHER TO A SERVICE PROVIDER OR** to the adoptive parent ~~or parents~~
 26 of an adoptee who is placed for adoption in the home of the
 27 adoptive parent ~~or parents pursuant to~~ **UNDER** the adoption code or

1 the laws of any other state or a tribal government, if all of the
2 following requirements are met:

3 (a) The expenses to be covered by the medical subsidy are
4 necessitated by a physical, mental, or emotional condition of the
5 adoptee that existed or the cause of which existed before the
6 adoption petition was filed or certification was established,
7 whichever occurred first.

8 (b) The adoptee was in foster care at the time the petition
9 for adoption was filed. ~~This subdivision does not apply to~~
10 ~~adoptions confirmed pursuant to the adoption code before June 28,~~
11 ~~1992.~~

12 (c) Certification was made before the adoptee's eighteenth
13 birthday.

14 (2) **THE DEPARTMENT SHALL NOT PAY A MEDICAL SUBSIDY TO AN**
15 **ADOPTIVE PARENT FOR PROVIDING TREATMENT OR SERVICES TO HIS OR HER**
16 **OWN ADOPTED CHILD.**

17 (3) ~~(2)~~ The department shall determine the amount of the
18 medical subsidy without respect to the income of the adoptive
19 parent or parents. The department shall not pay a medical subsidy
20 until all other available public money and third party payment is
21 ~~used~~ **PAYMENTS HAVE BEEN EXHAUSTED.** For purposes of this subsection,
22 third party payment is available if an adoptive parent has an
23 option, at or after the time of certification, to obtain from the
24 parent's employer health coverage for the child, with or without
25 cost to the adoptive parent. The department may waive this
26 subsection in cases of undue hardship.

27 (4) ~~(3)~~ The adoptive parent ~~or parents~~ may request a medical

subsidy before or after ~~the confirmation of the adoption~~ **IS**
FINALIZED. A medical subsidy requested after the adoptee is placed
in adoption is effective the date the **APPLICATION** request is
received by the department if the necessary **REQUIRED** documentation
~~for certification~~ is received within 90 **CALENDAR** days after the
~~request is made.~~ **DATE THE APPLICATION IS RECEIVED**. In allocating
available funding for medical subsidies, the department shall not
give preferential treatment to requests that are made before the
~~confirmation of an adoption~~ **IS FINALIZED**, but shall allocate funds
based on a child's need for the subsidy.

(5) ~~(4)~~ Payment of a medical subsidy for treatment of a mental
or emotional condition is limited to outpatient treatment unless 1
or more of the following apply:

(a) Certification for the medical subsidy was made before **THE**
DATE the adoption ~~confirmation date~~ **WAS FINALIZED**.

(b) The adoptee was placed in foster care by the court
~~pursuant to section 18(1)(d) or (e) of chapter XIIA of Act No. 288~~
~~of the Public Acts of 1939, being section 712A.18 of the Michigan~~
~~Compiled Laws,~~ before the petition for adoption was filed.

(c) The adoptee was certified for a support subsidy **OR**
REDETERMINED ADOPTION ASSISTANCE.

Sec. 115i. (1) If adoption assistance is to be paid, the
department and the adoptive parent ~~or parents~~ shall enter into an
adoption assistance agreement ~~covering~~ **THAT INCLUDES** all of the
following:

(a) The duration of the adoption assistance to be paid.

(B) NOTICE OF POTENTIAL ELIGIBILITY FOR REDETERMINED ADOPTION

1 ASSISTANCE.

2 (C) ~~(b)~~—The amount to be paid and, if appropriate, eligibility
3 for medical assistance.

4 (D) ~~(c)~~—Conditions for continued payment of the adoption
5 assistance as established by statute.

6 (E) ~~(d)~~—Any services and other assistance to be provided under
7 the adoption assistance agreement.

8 (F) ~~(e)~~—Provisions to protect the interests of the child in
9 cases in which the adoptive parent ~~or adoptive parents move~~ **MOVES**
10 to another state while the adoption assistance agreement is in
11 effect.

12 (2) IF IT IS DETERMINED THAT A CHILD IS ELIGIBLE FOR
13 REDETERMINED ADOPTION ASSISTANCE UNDER THIS ACT, THE DEPARTMENT AND
14 THE ADOPTIVE PARENT SHALL ENTER INTO A REDETERMINED ADOPTION
15 ASSISTANCE AGREEMENT THAT INCLUDES ALL OF THE FOLLOWING:

16 (A) THE DURATION OF THE REDETERMINED ADOPTION ASSISTANCE TO BE
17 PAID.

18 (B) THE AMOUNT OF REDETERMINED ADOPTION ASSISTANCE TO BE PAID.

19 (C) IF APPROPRIATE, ELIGIBILITY FOR MEDICAL ASSISTANCE.

20 (D) CONDITIONS FOR CONTINUED PAYMENT OF THE REDETERMINED
21 ADOPTION ASSISTANCE. CONDITIONS SHALL BE THE SAME AS FOR ADOPTION
22 ASSISTANCE AS ESTABLISHED BY LAW.

23 (E) ANY SERVICES AND OTHER ASSISTANCE TO BE PROVIDED UNDER THE
24 REDETERMINED ADOPTION ASSISTANCE AGREEMENT.

25 (F) PROVISIONS TO PROTECT THE INTERESTS OF THE CHILD IN CASES
26 IN WHICH THE ADOPTIVE PARENT MOVES TO ANOTHER STATE WHILE THE
27 REDETERMINED ADOPTION ASSISTANCE AGREEMENT IS IN EFFECT.

1 (3) ~~(2)~~—If medical subsidy eligibility is certified, the
 2 department and the adoptive parent shall enter into a medical
 3 subsidy agreement covering all of the following:

4 (a) Identification of the physical, mental, or emotional
 5 condition covered by the medical subsidy.

6 (b) The duration of the medical subsidy agreement.

7 (c) Conditions for continued eligibility for the medical
 8 subsidy as established by statute.

9 (4) ~~(3)~~—The department shall give a copy of the adoption
 10 assistance agreement, **THE REDETERMINED ADOPTION ASSISTANCE**
 11 **AGREEMENT**, or medical subsidy agreement ~~, or both,~~ to the adoptive
 12 parent. ~~or parents.~~

13 (5) ~~(4)~~—Unless the medical condition of the adoptee no longer
 14 exists, or an event described in section 115j has occurred, as
 15 indicated in a report filed under subsection ~~(6)~~ **(7)** or as
 16 otherwise determined by the department, the department shall not
 17 modify or discontinue a medical subsidy.

18 (6) ~~(5)~~—An adoption assistance agreement, **REDETERMINED**
 19 **ADOPTION ASSISTANCE AGREEMENT**, or medical subsidy agreement does
 20 not affect the legal status of the adoptee or the legal rights and
 21 responsibilities of the adoptive parent. ~~or parents.~~

22 (7) ~~(6)~~—The adoptive parent ~~or parents~~ shall file a report
 23 with the department at least once each year as to the location of
 24 the adoptee and other matters relating to the continuing
 25 eligibility of the adoptee for adoption assistance, **REDETERMINED**
 26 **ADOPTION ASSISTANCE**, or a medical subsidy. ~~, or both.~~

27 Sec. 115j. (1) Except as provided in subsections (2) to ~~(4)~~,

1 (5) **AND SECTION 115T**, adoption assistance, ~~or a medical subsidy, or~~
 2 ~~both, OR REDETERMINED ADOPTION ASSISTANCE~~ shall continue until 1 of
 3 the following occurs:

4 (a) The adoptee becomes 18 years of age.

5 (b) The adoptee is emancipated.

6 (c) The adoptee dies.

7 (d) The adoption is terminated.

8 (e) A determination of ineligibility is made by the
 9 department.

10 (2) If sufficient funds are appropriated by the legislature in
 11 the department's annual budget, adoption ~~support subsidy~~ **ASSISTANCE**
 12 agreements, **REDETERMINED ADOPTION ASSISTANCE AGREEMENTS**, or
 13 ~~adoption~~ medical subsidy agreements, ~~or both,~~ may be extended
 14 through state funding for an adoptee under 21 years of age if all
 15 of the following criteria are met:

16 (a) The adoptee has not completed high school or a GED
 17 program.

18 (b) The adoptee is regularly attending high school or a GED
 19 program or a program for children with disabilities on a full-time
 20 basis and is progressing toward achieving a high school diploma,
 21 certificate of completion, or GED.

22 (c) The adoptee is not eligible for supplemental security
 23 income.

24 (3) Adoption ~~support subsidy~~ **ASSISTANCE** agreements may be
 25 extended through title IV-E funding for an eligible adoptee up to
 26 ~~the age of 21 years~~ **OF AGE** if the department determines that the
 27 child has a mental or physical disability that warrants

1 continuation of adoption assistance and the child was adopted
2 before 16 years of age.

3 (4) IF SUFFICIENT FUNDS ARE APPROPRIATED BY THE LEGISLATURE IN
4 THE DEPARTMENT'S ANNUAL BUDGET, REDETERMINED ADOPTION ASSISTANCE
5 AGREEMENTS MAY BE EXTENDED THROUGH STATE FUNDING FOR AN ELIGIBLE
6 ADOPTEE UP TO 21 YEARS OF AGE IF THE DEPARTMENT DETERMINES THAT THE
7 CHILD HAS A MENTAL OR PHYSICAL DISABILITY THAT WARRANTS
8 CONTINUATION OF ADOPTION ASSISTANCE AND THE CHILD WAS ADOPTED
9 BEFORE 16 YEARS OF AGE.

10 (5) ~~(4)~~ Adoption support subsidy ~~ASSISTANCE~~ agreements OR
11 REDETERMINED ADOPTION ASSISTANCE AGREEMENTS may be extended for a
12 child adopted on or after his or her sixteenth birthday if the
13 department determines that the eligible adoptee meets the
14 requirements set forth in the young adult voluntary foster care
15 act, 2011 PA 225, MCL 400.641 TO 400.671.

16 (6) ~~(5)~~ Adoption assistance, REDETERMINED ADOPTION ASSISTANCE,
17 and a medical subsidy shall continue even if the adoptive parent or
18 the adoptee leaves the state.

19 (7) ~~(6)~~ An adoption support ~~SUPPORT~~ subsidy OR REDETERMINED
20 ADOPTION ASSISTANCE shall continue during a period in which the
21 adoptee is removed for delinquency from his or her home as a
22 temporary court ward based on proceedings under section ~~2(a)~~ 18 of
23 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL
24 ~~712A.2-712A.18~~.

25 (8) ~~(7)~~ Upon the death of the adoptive parent, the department
26 shall continue making support subsidy, REDETERMINED ADOPTION
27 ASSISTANCE payments, or continue medical subsidy eligibility, or

1 ~~both~~, through state funding to the guardian of the adoptee if a
2 guardian is appointed as provided in section 5202 or 5204 of the
3 estates and protected individuals code, 1998 PA 386, MCL 700.5202
4 and 700.5204.

5 Sec. 115l. (1) The department shall enter into an agreement
6 with the adoptive parent ~~or parents~~ of a child with special needs
7 under this section for the payment of nonrecurring adoption
8 expenses incurred by or on behalf of the adoptive parent. ~~or~~
9 ~~parents~~. The agreement may be a separate document or part of an
10 adoption assistance agreement under section 115i. The agreement
11 under this section shall indicate the nature and amount of
12 nonrecurring adoption expenses to be paid by the department, which
13 shall not exceed \$2,000.00 for each adoptive placement meeting the
14 requirements of this section. The department shall make payment as
15 provided in the agreement.

16 (2) An agreement under this section shall be signed at or
17 before entry of an order of adoption under the adoption code.
18 Claims for payment shall be filed with the department within 2
19 years after entry of the order of adoption.

20 (3) The department shall take all actions necessary and
21 appropriate to notify potential claimants under this section,
22 including compliance with federal regulations.

23 Sec. 115m. (1) The department shall prepare and distribute to
24 adoption facilitators and other interested persons a ~~pamphlet~~
25 **INFORMATION** describing the adoption process and the adoption
26 assistance and medical subsidy programs established under sections
27 115f to 115s. The state department shall provide ~~a copy of the~~

1 ~~pamphlet~~ **INFORMATION** to each prospective adoptive parent before
2 placing a child with that parent.

3 (2) The description of the adoption process required under
4 subsection (1) shall include at least all of the following:

5 (a) The steps that must be taken under the adoption code to
6 complete an adoption, and a description of all of the options
7 available during the process.

8 (b) A description of the services that are typically available
9 from each type of adoption facilitator.

10 (c) Recommended questions for a biological parent or
11 prospective adoptive parent to ask an adoption facilitator before
12 engaging that adoption facilitator's services.

13 (d) A list of the rights and responsibilities of biological
14 parents and prospective adoptive parents.

15 (e) A description of the information services available to
16 biological and prospective adoptive parents including, but not
17 limited to, all of the following:

18 (i) The registry of adoptive homes established and maintained
19 by the department under section 8 of the foster care and adoption
20 services act, 1994 PA 203, MCL 722.958.

21 (ii) The directory of children **THAT IS** produced under section 8
22 of the foster care and adoption services act, 1994 PA 203, MCL
23 722.958.

24 (iii) The public information forms maintained by the department
25 ~~pursuant~~ **ACCORDING** to section 14d of 1973 PA 116, MCL 722.124d.

26 (f) A statement about the existence of the children's
27 ombudsman and its authority as an investigative body.

1 (g) A statement about the importance and availability of
2 counseling for all parties to an adoption and that a prospective
3 adoptive parent must pay for counseling for a birth parent or
4 guardian unless the birth parent or guardian waives the counseling.

5 SEC. 115T. (1) IF SUFFICIENT FUNDS ARE APPROPRIATED IN THE
6 DEPARTMENT'S ANNUAL BUDGET AND SUBJECT TO SUBSECTION (4), BEGINNING
7 JANUARY 1, 2015, THE DEPARTMENT SHALL PAY REDETERMINED ADOPTION
8 ASSISTANCE TO AN ADOPTIVE PARENT OF AN ADOPTEE WHO IS PLACED IN THE
9 ADOPTIVE PARENT'S HOME UNDER THE ADOPTION CODE OR UNDER THE
10 ADOPTION LAWS OF ANOTHER STATE OR A TRIBAL GOVERNMENT, IF THE
11 ADOPTIVE PARENT REQUESTS REDETERMINED ADOPTION ASSISTANCE AND BOTH
12 OF THE FOLLOWING REQUIREMENTS ARE MET:

13 (A) THE DEPARTMENT HAS CERTIFIED THAT THE ADOPTEE REQUIRES
14 EXTRAORDINARY CARE OR EXPENSE DUE TO A CONDITION THE CAUSE OF WHICH
15 EXISTED BEFORE THE ADOPTION WAS FINALIZED.

16 (B) CERTIFICATION IS MADE BEFORE THE ADOPTEE'S EIGHTEENTH
17 BIRTHDAY.

18 (2) IF THE DEPARTMENT DENIES OR THE ADOPTIVE PARENT DISAGREES
19 WITH THE CERTIFICATION, THE ADOPTIVE PARENT MAY REQUEST A HEARING
20 THROUGH AN ADMINISTRATIVE LAW JUDGE IN A MANNER CONSISTENT WITH THE
21 RULES PROMULGATED UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
22 1969 PA 306, MCL 24.201 TO 24.328.

23 (3) REDETERMINED ADOPTION ASSISTANCE DOES NOT AFFECT OR
24 DUPLICATE ANY ORIGINAL ADOPTION ASSISTANCE AGREEMENT THAT MAY BE IN
25 PLACE AT THE TIME THAT REDETERMINED ADOPTION ASSISTANCE ELIGIBILITY
26 IS REQUESTED. REDETERMINED ADOPTION ASSISTANCE SHALL BE DETERMINED
27 WITHOUT REGARD TO THE INCOME OF THE ADOPTIVE PARENT AND SHALL BE

1 BASED ON 1 OR MORE OF THE FOLLOWING FOR WHICH EXTRAORDINARY CARE IS
2 REQUIRED OF THE ADOPTIVE PARENT OR AN EXTRAORDINARY EXPENSE EXISTS
3 IN EXCESS OF A SUPPORT SUBSIDY:

4 (A) A PHYSICALLY DISABLED CHILD FOR WHOM THE ADOPTIVE PARENT
5 MUST PROVIDE MEASURABLY GREATER SUPERVISION AND CARE.

6 (B) A CHILD WITH SPECIAL PSYCHOLOGICAL OR PSYCHIATRIC NEEDS
7 THAT REQUIRE EXTRA TIME AND A MEASURABLY GREATER AMOUNT OF CARE AND
8 ATTENTION BY THE ADOPTIVE PARENT.

9 (C) A CHILD REQUIRING A SPECIAL DIET THAT IS MORE EXPENSIVE
10 THAN A NORMAL DIET AND THAT REQUIRES EXTRA TIME AND EFFORT BY THE
11 ADOPTIVE PARENT TO OBTAIN AND PREPARE.

12 (D) A CHILD WHOSE SEVERE ACTING OUT OR ANTISOCIAL BEHAVIOR
13 REQUIRES A MEASURABLY GREATER AMOUNT OF CARE AND ATTENTION OF THE
14 ADOPTIVE PARENT.

15 (E) ANY OTHER CONDITION FOR WHICH THE DEPARTMENT DETERMINES
16 THAT EXTRAORDINARY CARE IS REQUIRED OF THE ADOPTIVE PARENT OR AN
17 EXTRAORDINARY EXPENSE EXISTS.

18 (4) AN ADOPTIVE PARENT WHO HAS AN ADOPTION ASSISTANCE
19 AGREEMENT SIGNED AND IN EFFECT BEFORE JANUARY 1, 2015 MAY REQUEST
20 REDETERMINED ADOPTION ASSISTANCE UNDER THIS SECTION IN THE SAME
21 MANNER AS PROVIDED IN THIS SECTION BEGINNING JANUARY 1, 2015 BUT
22 NOT AFTER MARCH 31, 2015.

23 (5) AN ADOPTIVE PARENT MAY ONLY REQUEST 1 REDETERMINED
24 ADOPTION ASSISTANCE CERTIFICATION TO BE MADE UNDER SUBSECTION (1)
25 OR (4) PER ADOPTEE PLACED IN THE ADOPTIVE PARENT'S HOME.

26 (6) AN ADOPTIVE PARENT OF AN ADOPTEE WHO WAS ADOPTED FROM
27 FOSTER CARE BETWEEN THE AGES OF 0 AND 18 AND WHOSE ADOPTION WAS

- 1 FINALIZED AFTER JANUARY 1, 2015 MAY REQUEST REDETERMINED ADOPTION
- 2 ASSISTANCE UNDER THIS SECTION.