

# SENATE BILL No. 890

March 26, 2014, Introduced by Senators CASWELL, NOFS, JONES, MARLEAU and PAPPAGEORGE  
and referred to the Committee on Families, Seniors and Human Services.

A bill to amend 1939 PA 280, entitled  
"The social welfare act,"  
by amending sections 115f, 115g, 115h, 115i, 115j, 115l, 115m, 115r,  
and 115s (MCL 400.115f, 400.115g, 400.115h, 400.115i, 400.115j,  
400.115l, 400.115m, 400.115r, and 400.115s), 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 and sections 115r  
and 115s as added by 2002 PA 648.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 115f. As used in this section and sections 115g to 115s:

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

(b) "Adoption assistance" means ~~a support subsidy or medical~~

~~assistance, or both.~~ **PAYMENT FOR SUPPORT OF A CHILD WHO HAS BEEN  
PLACED FOR ADOPTION. ADOPTION ASSISTANCE INCLUDES A DETERMINATION  
OF CARE RATE OR A DEFERRED DETERMINATION OF CARE RATE.**

~~—— (c) "Adoption assistance agreement" means an agreement between  
the department and an adoptive parent regarding adoption  
assistance.~~

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

**(D) "ADOPTION SUPPORT" MEANS ADOPTION ASSISTANCE OR MEDICAL  
ASSISTANCE.**

**(E) "ADOPTION SUPPORT AGREEMENT" MEANS A WRITTEN AGREEMENT  
BETWEEN THE DEPARTMENT AND AN ADOPTIVE PARENT REGARDING ADOPTION  
SUPPORT.**

**(F) ~~(e)~~ "Adoptive parent" means the parent ~~or parents~~ who  
~~adopt~~ **ADOPTS** a child under the adoption code.**

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

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

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

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

**(ii) A specific factor or condition, or a combination of**

1 factors and conditions, exists ~~with respect to the child~~ **BEFORE THE**  
2 **ADOPTION IS FINALIZED** so that it is reasonable to conclude that the  
3 child cannot be placed with an adoptive parent without providing  
4 adoption ~~assistance~~ **SUPPORT** under this act. The factors or  
5 conditions to be considered may include ethnic or family  
6 background, age, membership in a minority or sibling group, medical  
7 condition, physical, mental, or emotional disability, or length of  
8 time the child has been waiting for an adoptive home.

9 (iii) A reasonable but unsuccessful effort was made to place the  
10 adoptee with an appropriate adoptive parent without providing  
11 adoption ~~assistance~~ **SUPPORT** under this act or a prospective  
12 placement is the only placement in the best interest of the child.

13 (i) "Compact" means the interstate compact on adoption and  
14 medical assistance as enacted in sections 115r and 115s.

15 (j) "Court" means the family division of circuit court.

16 (K) **"DEFERRED DETERMINATION OF CARE AGREEMENT" MEANS A WRITTEN**  
17 **AGREEMENT TO PAY A DEFERRED DETERMINATION OF CARE RATE BETWEEN THE**  
18 **DEPARTMENT AND THE ADOPTIVE PARENT OF A CHILD WHO IS NOT CONSIDERED**  
19 **TO NEED EXTRAORDINARY CARE OR EXPENSE AT THE TIME AN ADOPTION IS**  
20 **FINALIZED, BUT WHO MAY NEED EXTRAORDINARY CARE OR EXPENSE AFTER AN**  
21 **ADOPTION IS FINALIZED.**

22 (l) **"DEFERRED DETERMINATION OF CARE RATE" MEANS A SUPPLEMENTAL**  
23 **PAYMENT, IN ADDITION TO ADOPTION ASSISTANCE, THAT MAY BE JUSTIFIED**  
24 **WHEN EXTRAORDINARY CARE OR EXPENSE IS REQUIRED ACCORDING TO A**  
25 **DEFERRED DETERMINATION OF CARE AGREEMENT. A DEFERRED DETERMINATION**  
26 **OF CARE RATE SHALL BE EQUAL TO THE RATE THAT THE CHILD WOULD HAVE**  
27 **RECEIVED IF CERTIFICATION REQUIRED UNDER SECTION 115G HAD BEEN MADE**

1 BEFORE THE ADOPTION WAS FINALIZED. THE SUPPLEMENTAL PAYMENT FOR A  
2 DEFERRED DETERMINATION OF CARE RATE SHALL BE BASED ON THE SAME CASE  
3 SITUATIONS DESCRIBED IN SUBDIVISION (N) FOR A SUPPLEMENTAL PAYMENT  
4 FOR A DETERMINATION OF CARE RATE.

5 (M) ~~(k)~~—"Department" means the ~~family independence~~  
6 ~~agency.~~DEPARTMENT OF HUMAN SERVICES.

7 (N) "DETERMINATION OF CARE RATE" MEANS A SUPPLEMENTAL PAYMENT  
8 TO THE STANDARD AGE APPROPRIATE FOSTER CARE RATE THAT MAY BE  
9 JUSTIFIED WHEN EXTRAORDINARY CARE OR EXPENSE IS REQUIRED. THE  
10 SUPPLEMENTAL PAYMENT SHALL BE BASED ON 1 OR MORE OF THE FOLLOWING  
11 FOR WHICH ADDITIONAL CARE IS REQUIRED OF THE FOSTER CARE PARENT OR  
12 AN ADDITIONAL EXPENSE EXISTS:

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

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

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

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

24 (O) ~~(l)~~—"Foster care" means placement of a child outside the  
25 child's parental home ~~by and under the~~ DEPARTMENT'S supervision ~~of~~  
26 ~~a child placing agency, the court, the department, or the~~  
27 ~~department of community health.~~BY A COURT OF JURISDICTION.

1       (P) ~~(m)~~—"Medical assistance" means the federally aided medical  
 2 assistance program under title XIX. ~~of the social security act,~~  
 3 ~~chapter 531, 49 Stat. 620, 42 U.S.C. 1396 to 1396r 6 and 1396r 8 to~~  
 4 ~~1396v.~~

5       (Q) ~~(n)~~—"Medical subsidy" means ~~payment for medical, surgical,~~  
 6 ~~hospital, and related expenses necessitated by a specified~~  
 7 ~~physical, mental, or emotional condition of a child who has been~~  
 8 ~~placed for adoption.~~**A REIMBURSEMENT PROGRAM THAT ASSISTS IN PAYING**  
 9 **FOR MEDICAL COSTS FOR AN ADOPTED CHILD WHO HAS AN IDENTIFIED**  
 10 **PHYSICAL, MENTAL, OR EMOTIONAL CONDITION THAT EXISTED, OR THE CAUSE**  
 11 **OF WHICH EXISTED, BEFORE FINALIZATION OF THE ADOPTION.**

12       (R) ~~(o)~~—"Medical subsidy agreement" means an agreement between  
 13 the department and an adoptive parent regarding a medical subsidy.

14       (S) ~~(p)~~—"Nonrecurring adoption expenses" means reasonable and  
 15 necessary adoption fees, court costs, attorney fees, and other  
 16 expenses that are directly related to the legal adoption of a child  
 17 with special needs. Nonrecurring adoption expenses do not include  
 18 costs or expenses incurred in violation of state or federal law or  
 19 that have been reimbursed from other sources or funds.

20       (T) ~~(q)~~—"Other expenses that are directly related to the legal  
 21 adoption of a child with special needs" means adoption costs  
 22 incurred by or on behalf of the adoptive parent and for which the  
 23 adoptive parent carries the ultimate liability for payment,  
 24 including the adoption study, health and psychological  
 25 examinations, supervision of the placement before adoption, and  
 26 transportation and reasonable costs of lodging and food for the  
 27 child or adoptive parent if necessary to complete the adoption or

1 placement process.

2 (U) ~~(r)~~ "Party state" means a state that becomes a party to  
3 the interstate compact on adoption and medical assistance.

4 (V) ~~(s)~~ "Placement" means a placement or commitment, including  
5 the necessity of removing the child from his or her parental home,  
6 as approved by the court under an order of disposition issued under  
7 section 18(1)(c) or (d) of chapter XIIIA of the probate code of  
8 1939, 1939 PA 288, MCL 712A.18.

9 (W) ~~(t)~~ "Residence state" means the state in which the child  
10 is a resident by virtue of the adoptive parent's residency.

11 (X) **"STANDARD AGE APPROPRIATE FOSTER CARE RATE" MEANS THE**  
12 **SCHEDULED UNIFORM RATE THAT IS TO BE PAID FOR A CHILD WHO REQUIRES**  
13 **NO EXTRAORDINARY CARE IN RELATION TO AGE OTHER THAN WHAT IS**  
14 **NORMALLY EXPECTED OF A CHILD PLACED IN FOSTER CARE.**

15 (Y) ~~(u)~~ "State" means a state of the United States, the  
16 District of Columbia, the Commonwealth of Puerto Rico, the Virgin  
17 Islands, Guam, the Commonwealth of the Northern Mariana Islands, or  
18 a territory or possession of the United States.

19 ~~—— (v) "Support subsidy" means payment for support of a child who~~  
20 ~~has been placed for adoption.~~

21 Sec. 115g. (1) The department may pay a ~~support subsidy~~  
22 **ADOPTION ASSISTANCE** to an adoptive parent of an adoptee who is  
23 placed in the home of the adoptive parent under the adoption code  
24 or under the adoption laws of another state or a tribal government,  
25 if all of the following requirements are met:

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

1 (b) Certification is made before the adoptee's eighteenth  
2 birthday.

3 (c) Certification is made and the ~~contract~~ **ADOPTION SUPPORT**  
4 agreement is signed by the adoptive parent ~~or adoptive parents~~ and  
5 the department before the adoption is finalized.

6 (2) The department shall determine eligibility for the ~~support~~  
7 ~~subsidy~~ **ADOPTION ASSISTANCE** without regard to the income of the  
8 adoptive parent. ~~or parents.~~ The ~~maximum~~ amount shall be equal to  
9 the rate that the child received in the family foster care  
10 placement or the rate the child would have received if he or she  
11 had been in a family foster care placement at the time of adoption.  
12 This rate includes the ~~difficulty~~ **DETERMINATION** of care rate that  
13 was paid or would have been paid for the adoptee in a family foster  
14 care placement, except that the amount shall be increased to  
15 reflect increases made in the standard age appropriate foster care  
16 rate paid by the department. The department shall not implement **A**  
17 policy ~~to limit~~ **THAT REDUCES** the ~~maximum~~ amount ~~at~~ **TO** an amount  
18 less than the family foster care rate, including the ~~difficulty~~  
19 **DETERMINATION** of care rate, that was paid for the adoptee while the  
20 adoptee was in family foster care.

21 (3) **THE DEPARTMENT SHALL PAY A DEFERRED DETERMINATION OF CARE**  
22 **RATE TO AN ADOPTIVE PARENT OF AN ADOPTEE WHO IS PLACED IN THE HOME**  
23 **OF THE ADOPTIVE PARENT UNDER THE ADOPTION CODE OR UNDER THE**  
24 **ADOPTION LAWS OF ANOTHER STATE OR A TRIBAL GOVERNMENT, IF ALL OF**  
25 **THE FOLLOWING REQUIREMENTS ARE MET:**

26 (A) **THE DEPARTMENT HAS CERTIFIED THAT THE ADOPTEE REQUIRES**  
27 **EXTRAORDINARY CARE OR EXPENSE DUE TO A CONDITION THE CAUSE OF WHICH**

1 EXISTED BEFORE THE ADOPTION WAS FINALIZED.

2 (B) CERTIFICATION IS MADE BEFORE THE ADOPTEE'S EIGHTEENTH  
3 BIRTHDAY.

4 (C) A DEFERRED DETERMINATION OF CARE AGREEMENT WAS SIGNED  
5 BEFORE THE ADOPTION WAS FINALIZED.

6 (4) BEFORE AN ADOPTION IS FINALIZED, THE DEPARTMENT SHALL  
7 VERBALLY EXPLAIN THE PURPOSE OF A DEFERRED DETERMINATION OF CARE  
8 AGREEMENT TO THE ADOPTIVE PARENT.

9 (5) AN ADOPTIVE PARENT MAY ONLY REQUEST 1 CERTIFICATION BE  
10 MADE UNDER SUBSECTION (3) PER ADOPTEE PLACED IN THE ADOPTIVE  
11 PARENT'S HOME.

12 (6) ~~(3)~~ The department shall complete the certification  
13 process within 30 days after it receives a request for a ~~support~~  
14 ~~subsidy~~. **ADOPTION ASSISTANCE OR DEFERRED DETERMINATION OF CARE RATE.**

15 Sec. 115h. (1) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (2),** THE  
16 department may pay a medical subsidy **AS REIMBURSEMENT FOR SERVICES**  
17 **EITHER TO A SERVICE PROVIDER OR** to the adoptive parent ~~or parents~~  
18 of an adoptee who is placed for adoption in the home of the  
19 adoptive parent ~~or parents pursuant to~~ **UNDER** the adoption code or  
20 the laws of any other state or a tribal government, if all of the  
21 following requirements are met:

22 (a) The expenses to be covered by the medical subsidy are  
23 necessitated by a physical, mental, or emotional condition of the  
24 adoptee that existed or the cause of which existed before the  
25 adoption petition was filed or certification was established,  
26 whichever occurred first.

27 (b) The adoptee was in foster care at the time the petition



1 for adoption was filed. ~~This subdivision does not apply to~~  
2 ~~adoptions confirmed pursuant to the adoption code before June 28,~~  
3 ~~1992.~~

4 (c) Certification was made before the adoptee's eighteenth  
5 birthday.

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

9 (3) ~~(2)~~ The department shall determine the amount of the  
10 medical subsidy without respect to the income of the adoptive  
11 parent or parents. The department shall not pay a medical subsidy  
12 until all other available public money and third party ~~payment is~~  
13 ~~used~~ **PAYMENTS HAVE BEEN EXHAUSTED.** For purposes of this subsection,  
14 third party payment is available if an adoptive parent has an  
15 option, at or after the time of certification, to obtain from the  
16 parent's employer health coverage for the child, with or without  
17 cost to the adoptive parent. The department may waive this  
18 subsection in cases of undue hardship.

19 (4) ~~(3)~~ The adoptive parent ~~or parents~~ may request a medical  
20 subsidy before or after ~~the confirmation of the adoption~~ **IS**  
21 **FINALIZED.** A medical subsidy requested after the adoptee is placed  
22 in adoption is effective the date the **APPLICATION** request is  
23 received by the department if the necessary **REQUIRED** documentation  
24 ~~for certification~~ is received within 90 **CALENDAR** days after the  
25 ~~request is made.~~ **DATE THE APPLICATION IS RECEIVED.** In allocating  
26 available funding for medical subsidies, the department shall not  
27 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 XIIIA 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~~ **ADOPTION ASSISTANCE**.

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

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

**(B) A DEFERRED DETERMINATION OF CARE AGREEMENT, IF APPLICABLE.**

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

**(D)** ~~(e)~~ Conditions for continued payment of the adoption ~~assistance~~ **SUPPORT** as established by statute.

**(E)** ~~(d)~~ Any services and other assistance to be provided under the adoption ~~assistance~~ **SUPPORT** agreement.

**(F)** ~~(e)~~ Provisions to protect the interests of the child in

1 cases in which the adoptive parent ~~or adoptive parents move~~ **MOVES**  
2 to another state while the adoption ~~assistance~~ **SUPPORT** agreement is  
3 in effect.

4 (2) If medical subsidy eligibility is certified, the  
5 department and the adoptive parent shall enter into a medical  
6 subsidy agreement covering all of the following:

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

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

10 (c) Conditions for continued eligibility for the medical  
11 subsidy as established by statute.

12 (3) The department shall give a copy of the adoption  
13 ~~assistance~~ **SUPPORT** agreement, ~~or THE~~ medical subsidy agreement, or  
14 both ~~, to the adoptive parent. or parents.~~

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

20 (5) An adoption ~~assistance~~ **SUPPORT** agreement or medical  
21 subsidy agreement does not affect the legal status of the adoptee  
22 or the legal rights and responsibilities of the adoptive parent. ~~or~~  
23 ~~parents.~~

24 (6) The adoptive parent ~~or parents~~ shall file a report with  
25 the department at least once each year as to the location of the  
26 adoptee and other matters relating to the continuing eligibility of  
27 the adoptee for adoption ~~assistance~~ **SUPPORT** or a medical subsidy,

1 or both.

2 Sec. 115j. (1) Except as provided in subsections (2) to (4),  
3 adoption ~~assistance or~~ **SUPPORT**, a medical subsidy, or both, shall  
4 continue until 1 of the following occurs:

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

6 (b) The adoptee is emancipated.

7 (c) The adoptee dies.

8 (d) The adoption is terminated.

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

11 (2) If sufficient funds are appropriated by the legislature in  
12 the department's annual budget, adoption ~~support subsidy~~ **ASSISTANCE**  
13 agreements, or ~~adoption~~ medical subsidy agreements, or both, may be  
14 extended through state funding for an adoptee under 21 years of age  
15 if all 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 if the department determines that the child has  
27 a mental or physical disability that warrants continuation of

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

3 (4) Adoption ~~support subsidy~~ **ASSISTANCE** agreements may be  
4 extended for a child adopted on or after his or her sixteenth  
5 birthday if the department determines that the eligible adoptee  
6 meets the requirements set forth in the young adult voluntary  
7 foster care act, **2011 PA 225, MCL 400.641 TO 400.671**.

8 (5) Adoption assistance and a medical subsidy shall continue  
9 even if the adoptive parent or the adoptee leaves the state.

10 (6) ~~An adoption support subsidy~~ **ADOPTION ASSISTANCE** shall  
11 continue during a period in which the adoptee is removed for  
12 delinquency from his or her home as a temporary court ward based on  
13 proceedings under section 2(a) of chapter XIIIA of the probate code  
14 of 1939, 1939 PA 288, MCL 712A.2.

15 (7) Upon the death of the adoptive parent, the department  
16 shall continue making ~~support subsidy~~ **ADOPTION ASSISTANCE** payments  
17 or continue medical subsidy eligibility, ~~or both,~~ through state  
18 funding to the guardian of the adoptee if a guardian is appointed  
19 as provided in section 5202 or 5204 of the estates and protected  
20 individuals code, 1998 PA 386, MCL 700.5202 and 700.5204.

21 Sec. 115/. (1) The department shall enter into an agreement  
22 with the adoptive parent ~~or parents~~ of a child with special needs  
23 under this section for the payment of nonrecurring adoption  
24 expenses incurred by or on behalf of the adoptive parent. ~~or~~  
25 ~~parents.~~ The agreement may be a separate document or part of an  
26 adoption ~~assistance~~ **SUPPORT** agreement under section 115i. The  
27 agreement under this section shall indicate the nature and amount

1 of nonrecurring adoption expenses to be paid by the department,  
2 which shall not exceed \$2,000.00 for each adoptive placement  
3 meeting the requirements of this section. The department shall make  
4 payment as provided in the agreement.

5 (2) An agreement under this section shall be signed at or  
6 before entry of an order of adoption under the adoption code.  
7 Claims for payment shall be filed with the department within 2  
8 years after entry of the order of adoption.

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

12 Sec. 115m. (1) The department shall prepare and distribute to  
13 adoption facilitators and other interested persons ~~a pamphlet~~  
14 **INFORMATION** describing the adoption process and the adoption  
15 assistance and medical subsidy programs established under sections  
16 115f to 115s. The state department shall provide ~~a copy of the~~  
17 ~~pamphlet~~ **INFORMATION** to each prospective adoptive parent before  
18 placing a child with that parent.

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

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

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

26 (c) Recommended questions for a biological parent or  
27 prospective adoptive parent to ask an adoption facilitator before

1 engaging that adoption facilitator's services.

2 (d) A list of the rights and responsibilities of biological  
3 parents and prospective adoptive parents.

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

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

10 (ii) The directory of children **THAT IS** produced under section 8  
11 of the foster care and adoption services act, 1994 PA 203, MCL  
12 722.958.

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

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

17 (g) A statement about the importance and availability of  
18 counseling for all parties to an adoption and that a prospective  
19 adoptive parent must pay for counseling for a birth parent or  
20 guardian unless the birth parent or guardian waives the counseling.

21 Sec. 115r. (1) ~~Sections 115r and~~ **THIS SECTION AND SECTION** 115s  
22 shall be known and may be cited as the "interstate compact on  
23 adoption and medical assistance".

24 (2) By the enactment of ~~sections 115r and~~ **THIS SECTION AND**  
25 **SECTION** 115s, this state becomes a party state.

26 (3) ~~Sections 115r and~~ **THIS SECTION AND SECTION** 115s shall be  
27 liberally construed to accomplish all of the following:

1 (a) Strengthen protections for each adoptee who is a child  
2 with special needs on behalf of whom a party state commits to pay  
3 adoption ~~assistance~~**SUPPORT** when that child's residence state is a  
4 state other than the state committed to provide the adoption  
5 ~~assistance~~**SUPPORT**.

6 (b) Provide substantive assurances and operating procedures  
7 that promote the delivery of medical assistance and other services  
8 to a child on an interstate basis through medical assistance  
9 programs established by the laws of each state that is a party to  
10 the compact.

11 Sec. 115s. (1) The ~~family independence agency~~**DEPARTMENT** is  
12 authorized to negotiate and enter into interstate compacts with  
13 agencies of other states for the provision of adoption ~~assistance~~  
14 **SUPPORT** for an adoptee who is a child with special needs, who moves  
15 into or out of this state, and on behalf of whom adoption  
16 assistance is being provided by this state or another state party  
17 to such a compact.

18 (2) When a compact is so entered into and for as long as it  
19 remains in force, the compact has the force and effect of law.

20 (3) A compact authorized under this act must include:

21 (a) A provision making it available for joinder by all states.

22 (b) A provision or provisions for withdrawal from the compact  
23 upon written notice to the parties, but with a period of 1 year  
24 between the date of the notice and effective date of the  
25 withdrawal.

26 (c) A requirement that the protections under the compact  
27 continue in force for the duration of the adoption ~~assistance~~



1 **SUPPORT** and are applicable to all children and their adoptive  
2 parents who on the effective date of the withdrawal are receiving  
3 adoption ~~assistance~~**SUPPORT** from a party state other than the one  
4 in which they are resident and have their principal place of abode.

5 (d) A requirement that each instance of adoption ~~assistance~~  
6 **SUPPORT** to which the compact applies be covered by an adoption  
7 ~~assistance~~**SUPPORT** agreement in writing between the adoptive  
8 parents and the state child welfare agency of the state that  
9 undertakes to provide the adoption ~~assistance~~**SUPPORT**. An  
10 agreement required by this subdivision shall be expressly for the  
11 benefit of the adopted child and be enforceable by the adoptive  
12 parents and the state agency providing the adoption  
13 ~~assistance~~**SUPPORT**.

14 (e) Other provisions as may be appropriate to implement the  
15 proper administration of the compact.