

**SUBSTITUTE FOR
HOUSE BILL NO. 5521**

A bill to amend 1994 PA 203, entitled
"Foster care and adoption services act,"
by amending sections 2 and 4a (MCL 722.952 and 722.954a), section 2
as amended by 1997 PA 172 and section 4a as amended by 2010 PA 265.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

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

4 (b) "Adoption attorney" means that term as defined in section
5 22 of the adoption code, MCL 710.22.

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

8 (d) "Adoption facilitator" means a child placing agency or an
9 adoption attorney.

(e) "Adoptive parent" means the parent or parents who adopt a child in accordance with the adoption code.

(f) "Agency placement" means that term as defined in section 22 of the adoption code, MCL 710.22.

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

(h) "Department" means the ~~family independence agency~~ **DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

(i) "Direct placement" means that term as defined in section 22 of the adoption code, MCL 710.22.

(j) "Foster care" means a child's placement outside the child's parental home by and under the supervision of a child placing agency, the court, **OR** the department. ~~, or the department of community health.~~

(k) "Preplacement assessment" means an assessment of a prospective adoptive parent as described in section 23f of the adoption code, MCL 710.23f.

(l) "SIBLING" MEANS A CHILD WHO IS RELATED THROUGH BIRTH OR ADOPTION BY AT LEAST 1 COMMON PARENT. SIBLING INCLUDES THAT TERM AS DEFINED BY THE AMERICAN INDIAN OR ALASKAN NATIVE CHILD'S TRIBAL CODE OR CUSTOM.

(M) ~~(l)~~ "Supervising agency" means the department if a child is placed in the department's care for foster care, or a child placing agency in whose care a child is placed for foster care.

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

1 with this section and sections 4b and 4c.

2 (2) Upon removal, as part of a child's initial case service
3 plan as required by rules promulgated under 1973 PA 116, MCL
4 722.111 to 722.128, and by section 18f of chapter XIIIA of the
5 probate code of 1939, 1939 PA 288, MCL 712A.18f, the supervising
6 agency shall, within 30 days, identify, locate, notify, and consult
7 with relatives to determine placement with a fit and appropriate
8 relative who would meet the child's developmental, emotional, and
9 physical needs.

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

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

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

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

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

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

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

26 (b) Provide written notice of the decision and the reasons for
27 the placement decision to the child's attorney, guardian, guardian

1 ad litem, mother, and father; the attorneys for the child's mother
2 and father; each relative who expresses an interest in caring for
3 the child; the child if the child is old enough to be able to
4 express an opinion regarding placement; and the prosecutor.

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

11 (6) REASONABLE EFFORTS SHALL BE MADE TO DO THE FOLLOWING:

12 (A) PLACE SIBLINGS REMOVED FROM THEIR HOME IN THE SAME FOSTER
13 CARE, KINSHIP GUARDIANSHIP, OR ADOPTIVE PLACEMENT, UNLESS THE
14 SUPERVISING AGENCY DOCUMENTS THAT A JOINT PLACEMENT WOULD BE
15 CONTRARY TO THE SAFETY OR WELL-BEING OF ANY OF THE SIBLINGS.

16 (B) IN THE CASE OF SIBLINGS REMOVED FROM THEIR HOME WHO ARE
17 NOT JOINTLY PLACED, PROVIDE FOR AT LEAST MONTHLY VISITATION OR
18 OTHER ONGOING CONTACT BETWEEN THE SIBLINGS, UNLESS THE SUPERVISING
19 AGENCY DOCUMENTS THAT AT LEAST MONTHLY VISITATION OR OTHER ONGOING
20 CONTACT WOULD BE CONTRARY TO THE SAFETY OR WELL-BEING OF ANY OF THE
21 SIBLINGS.

22 (7) IF SIBLINGS CANNOT BE PLACED TOGETHER OR NOT ALL THE
23 SIBLINGS ARE BEING PLACED IN FOSTER CARE, THE SUPERVISING AGENCY
24 SHALL MAKE REASONABLE EFFORTS TO FACILITATE AT LEAST MONTHLY
25 VISITATION OR OTHER ONGOING CONTACT WITH SIBLINGS UNLESS A COURT
26 HAS DETERMINED THAT AT LEAST MONTHLY VISITATION OR OTHER ONGOING
27 CONTACT WITH SIBLINGS WOULD NOT BE BENEFICIAL UNDER SECTION 13A(16)

1 OF CHAPTER XIIIA OF THE PROBATE CODE OF 1939, 1939 PA 288, MCL
2 712A.13A.

3 (8) IF THE SUPERVISING AGENCY DISCONTINUES VISITATION OR OTHER
4 ONGOING CONTACT WITH SIBLINGS BECAUSE THE SUPERVISING AGENCY
5 DETERMINES THAT VISITATION OR OTHER ONGOING CONTACT IS CONTRARY TO
6 THE SAFETY OR WELL-BEING OF ANY OF THE SIBLINGS, THE SUPERVISING
7 AGENCY SHALL REPORT ITS DETERMINATION TO THE COURT FOR
8 CONSIDERATION AT THE NEXT REVIEW HEARING.

9 (9) ~~(6)~~—A person who receives a written decision described in
10 subsection (4) may request in writing, within 5 days, documentation
11 of the reasons for the decision, and if the person does not agree
12 with the placement decision, he or she may request that the child's
13 attorney review the decision to determine if the decision is in the
14 child's best interest. If the child's attorney determines the
15 decision is not in the child's best interest, within 14 days after
16 the date of the written decision the attorney shall petition the
17 court that placed the child out of the child's home for a review
18 hearing. The court shall commence the review hearing not more than
19 7 days after the date of the attorney's petition and shall hold the
20 hearing on the record.

21 Enacting section 1. This amendatory act takes effect 90 days
22 after the date it is enacted into law.

23 Enacting section 2. This amendatory act does not take effect
24 unless Senate Bill No. 483 of the 98th Legislature is enacted into
25 law.