

# HOUSE BILL No. 4188

February 12, 2015, Introduced by Reps. LaFontaine, Crawford, McBroom, Cole, Runestad, Webber, Aaron Miller, Glenn, Jenkins, Cox, Poleski, Franz, Rendon, Price, Goike, Lauwers, Glardon, Jacobsen and Potvin and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1973 PA 116, entitled

"An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,"

(MCL 722.111 to 722.128) by adding sections 14e and 14f.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **SEC. 14E. (1) TO THE FULLEST EXTENT PERMITTED BY STATE AND**  
2           **FEDERAL LAW, A CHILD PLACING AGENCY SHALL NOT BE REQUIRED TO**  
3           **PROVIDE ANY SERVICES IF THOSE SERVICES CONFLICT WITH, OR PROVIDE**  
4           **ANY SERVICES UNDER CIRCUMSTANCES THAT CONFLICT WITH, THE CHILD**  
5           **PLACING AGENCY'S SINCERELY HELD RELIGIOUS BELIEFS CONTAINED IN A**  
6           **WRITTEN POLICY, STATEMENT OF FAITH, OR OTHER DOCUMENT ADHERED TO BY**  
7           **THE CHILD PLACING AGENCY.**

8           **(2) TO THE FULLEST EXTENT PERMITTED BY STATE AND FEDERAL LAW,**

1 THE STATE OR LOCAL UNIT OF GOVERNMENT SHALL NOT TAKE AN ADVERSE  
2 ACTION AGAINST A CHILD PLACING AGENCY ON THE BASIS THAT THE CHILD  
3 PLACING AGENCY HAS DECLINED OR WILL DECLINE TO PROVIDE ANY SERVICES  
4 THAT CONFLICT WITH, OR PROVIDE ANY SERVICES UNDER CIRCUMSTANCES  
5 THAT CONFLICT WITH, THE CHILD PLACING AGENCY'S SINCERELY HELD  
6 RELIGIOUS BELIEFS CONTAINED IN A WRITTEN POLICY, STATEMENT OF  
7 FAITH, OR OTHER DOCUMENT ADHERED TO BY THE CHILD PLACING AGENCY.

8 (3) IF A CHILD PLACING AGENCY DECLINES TO PROVIDE ANY SERVICES  
9 UNDER SUBSECTION (1), THE CHILD PLACING AGENCY SHALL DO 1 OF THE  
10 FOLLOWING:

11 (A) PROMPTLY REFER THE APPLICANT TO ANOTHER CHILD PLACING  
12 AGENCY THAT IS WILLING AND ABLE TO PROVIDE THE DECLINED SERVICES.

13 (B) PROMPTLY REFER THE APPLICANT TO THE WEBPAGE ON THE  
14 DEPARTMENT'S WEBSITE THAT IDENTIFIES OTHER LICENSED CHILD PLACEMENT  
15 AGENCIES.

16 (4) A CHILD PLACING AGENCY MAY ASSERT A DEFENSE IN AN  
17 ADMINISTRATIVE OR JUDICIAL PROCEEDING BASED ON THIS SECTION.

18 (5) IF A CHILD PLACING AGENCY DECLINES TO PROVIDE ANY SERVICES  
19 UNDER SUBSECTION (1), THE CHILD PLACING AGENCY'S DECISION DOES NOT  
20 LIMIT THE ABILITY OF ANOTHER CHILD PLACING AGENCY TO PROVIDE THOSE  
21 SERVICES.

22 (6) FOR THE PURPOSE OF THIS SECTION:

23 (A) "ADVERSE ACTION" INCLUDES, BUT IS NOT LIMITED TO, DENYING  
24 A CHILD PLACING AGENCY'S APPLICATION FOR FUNDING, REFUSING TO RENEW  
25 THE CHILD PLACING AGENCY'S FUNDING, CANCELING THE CHILD PLACING  
26 AGENCY'S FUNDING, DECLINING TO ENTER INTO A CONTRACT WITH THE CHILD  
27 PLACING AGENCY, REFUSING TO RENEW A CONTRACT WITH THE CHILD PLACING

1 AGENCY, CANCELING A CONTRACT WITH THE CHILD PLACING AGENCY,  
2 DECLINING TO ISSUE A LICENSE TO THE CHILD PLACING AGENCY, REFUSING  
3 TO RENEW THE CHILD PLACING AGENCY'S LICENSE, CANCELING THE CHILD  
4 PLACING AGENCY'S LICENSE, TAKING AN ENFORCEMENT ACTION AGAINST A  
5 CHILD PLACING AGENCY, DISCRIMINATING AGAINST THE CHILD PLACING  
6 AGENCY IN REGARD TO PARTICIPATION IN A GOVERNMENT PROGRAM, AND  
7 TAKING ANY ACTION THAT MATERIALLY ALTERS THE TERMS OR CONDITIONS OF  
8 THE CHILD PLACING AGENCY'S FUNDING, CONTRACT, OR LICENSE.

9 (B) "SERVICES" INCLUDES ANY SERVICE THAT A CHILD PLACING  
10 AGENCY PROVIDES, EXCEPT FOSTER CARE CASE MANAGEMENT AND ADOPTION  
11 SERVICES PROVIDED UNDER A CONTRACT WITH THE DEPARTMENT.

12 SEC. 14F. (1) IF THE DEPARTMENT MAKES A REFERRAL TO A CHILD  
13 PLACING AGENCY FOR FOSTER CARE CASE MANAGEMENT OR ADOPTION SERVICES  
14 UNDER A CONTRACT WITH THE CHILD PLACING AGENCY, THE CHILD PLACING  
15 AGENCY MAY DECLINE THE REFERRAL IF THE SERVICES WOULD CONFLICT WITH  
16 THE CHILD PLACING AGENCY'S SINCERELY HELD RELIGIOUS BELIEFS  
17 CONTAINED IN A WRITTEN POLICY, STATEMENT OF FAITH, OR OTHER  
18 DOCUMENT ADHERED TO BY THE CHILD PLACING AGENCY.

19 (2) THE STATE OR A LOCAL UNIT OF GOVERNMENT SHALL NOT TAKE AN  
20 ADVERSE ACTION AGAINST A CHILD PLACING AGENCY ON THE BASIS THAT THE  
21 CHILD PLACING AGENCY HAS DECLINED OR WILL DECLINE A REFERRAL UNDER  
22 SUBSECTION (1).

23 (3) IF A CHILD PLACING AGENCY DECLINES A REFERRAL UNDER  
24 SUBSECTION (1), THAT OCCURRENCE SHALL NOT BE A FACTOR IN  
25 DETERMINING WHETHER A PLACEMENT IN CONNECTION WITH THE REFERRAL IS  
26 IN THE BEST INTEREST OF THE CHILD.

27 (4) A CHILD PLACING AGENCY MAY ASSERT A DEFENSE IN AN

1 ADMINISTRATIVE OR JUDICIAL PROCEEDING BASED ON THIS SECTION.

2 (5) FOR THE PURPOSE OF THIS SECTION, "ADVERSE ACTION"  
 3 INCLUDES, BUT IS NOT LIMITED TO, DENYING A CHILD PLACING AGENCY'S  
 4 APPLICATION FOR FUNDING, REFUSING TO RENEW THE CHILD PLACING  
 5 AGENCY'S FUNDING, CANCELING THE CHILD PLACING AGENCY'S FUNDING,  
 6 DECLINING TO ENTER INTO A CONTRACT WITH THE CHILD PLACING AGENCY,  
 7 REFUSING TO RENEW A CONTRACT WITH THE CHILD PLACING AGENCY,  
 8 CANCELING A CONTRACT WITH THE CHILD PLACING AGENCY, DECLINING TO  
 9 ISSUE A LICENSE TO THE CHILD PLACING AGENCY, REFUSING TO RENEW THE  
 10 CHILD PLACING AGENCY'S LICENSE, CANCELING THE CHILD PLACING  
 11 AGENCY'S LICENSE, TAKING AN ENFORCEMENT ACTION AGAINST A CHILD  
 12 PLACING AGENCY, DISCRIMINATING AGAINST THE CHILD PLACING AGENCY IN  
 13 REGARD TO PARTICIPATION IN A GOVERNMENT PROGRAM, AND TAKING ANY  
 14 ACTION THAT MATERIALLY ALTERS THE TERMS OR CONDITIONS OF THE CHILD  
 15 PLACING AGENCY'S FUNDING, CONTRACT, OR LICENSE.

16 Enacting section 1. It is the intent of the legislature to  
 17 protect child placing agencies' free exercise of religion protected  
 18 by the United States constitution and the state constitution of  
 19 1963. This amendatory act is not intended to limit or deny any  
 20 person's right to adopt a child or participate in foster care.

21 Enacting section 2. This amendatory act does not take effect  
 22 unless all of the following bills of the 98th Legislature are  
 23 enacted into law:

24 (a) Senate Bill No. \_\_\_\_ or House Bill No. 4189 (request no.  
 25 00208'15 \*).

26 (b) Senate Bill No. \_\_\_\_ or House Bill No. 4190 (request no.  
 27 00208'15 a \*).