

HOUSE BILL No. 5521

March 24, 2016, Introduced by Reps. Kesto, Crawford, McCready, Hooker, Runestad,
Sheppard, Chirkun, Price and Kosowski and referred to the Committee on Judiciary.

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.

10 (e) "Adoptive parent" means the parent or parents who adopt a

1 child in accordance with the adoption code.

2 (f) "Agency placement" means that term as defined in section
3 22 of the adoption code, MCL 710.22.

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

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

8 (i) "Direct placement" means that term as defined in section
9 22 of the adoption code, MCL 710.22.

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

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

17 **(l) "SIBLINGS" MEANS CHILDREN WHO HAVE 1 OR MORE PARENTS IN**
18 **COMMON. THE RELATIONSHIP CAN BE BIOLOGICAL OR THROUGH ADOPTION AND**
19 **INCLUDES SIBLINGS AS DEFINED BY THE AMERICAN INDIAN OR ALASKAN**
20 **NATIVE CHILD'S TRIBAL CODE OR CUSTOM.**

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

24 Sec. 4a. (1) If a child has been placed in a supervising
25 agency's care under chapter XIIIA of the probate code of 1939, 1939
26 PA 288, MCL 712A.1 to 712A.32, the supervising agency shall comply
27 with this section and sections 4b and 4c.

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

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

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

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

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

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

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

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

25 (b) Provide written notice of the decision and the reasons for
26 the placement decision to the child's attorney, guardian, guardian
27 ad litem, mother, and father; the attorneys for the child's mother

1 and father; each relative who expresses an interest in caring for
2 the child; the child if the child is old enough to be able to
3 express an opinion regarding placement; and the prosecutor.

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

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

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

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

21 (7) IF SIBLINGS CANNOT BE PLACED TOGETHER OR NOT ALL THE
22 SIBLINGS ARE BEING PLACED IN FOSTER CARE, THE SUPERVISING AGENCY
23 SHALL MAKE REASONABLE EFFORTS TO FACILITATE SIBLING VISITATION OR
24 CONTACT WITH SIBLINGS UNLESS A COURT HAS DETERMINED THAT VISITATION
25 OR CONTACT WOULD NOT BE BENEFICIAL UNDER SECTION 13A(15) OF CHAPTER
26 XIIA OF THE PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.13A.

27 (8) ~~(6)~~—A person who receives a written decision described in

1 subsection (4) may request in writing, within 5 days, documentation
2 of the reasons for the decision, and if the person does not agree
3 with the placement decision, he or she may request that the child's
4 attorney review the decision to determine if the decision is in the
5 child's best interest. If the child's attorney determines the
6 decision is not in the child's best interest, within 14 days after
7 the date of the written decision the attorney shall petition the
8 court that placed the child out of the child's home for a review
9 hearing. The court shall commence the review hearing not more than
10 7 days after the date of the attorney's petition and shall hold the
11 hearing on the record.

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

14 Enacting section 2. This amendatory act does not take effect
15 unless Senate Bill No 483 or House Bill No. ____ (request no.
16 03050'15) of the 98th Legislature is enacted into law.