

Act No. 190
Public Acts of 2016
Approved by the Governor
June 20, 2016
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June 21, 2016
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**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Reps. Kesto, Crawford, McCready, Hooker, Runestad, Sheppard, Chirkun, Price and Kosowski

ENROLLED HOUSE BILL No. 5521

AN ACT to amend 1994 PA 203, entitled “An act to establish certain standards for foster care and adoption services for children and their families; and to prescribe powers and duties of certain state agencies and departments and adoption facilitators,” 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:

Sec. 2. As used in this act:

- (a) “Adoptee” means a child who is to be adopted or who is adopted.
- (b) “Adoption attorney” means that term as defined in section 22 of the adoption code, MCL 710.22.
- (c) “Adoption code” means the Michigan adoption code, chapter X of 1939 PA 288, MCL 710.21 to 710.70.
- (d) “Adoption facilitator” means a child placing agency or an 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 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.
- (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) "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 XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32, the supervising agency shall comply with this section and sections 4b and 4c.

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

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

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

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

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

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

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

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

(b) Provide written notice of the decision and the reasons for the placement decision to the child's attorney, guardian, guardian ad litem, mother, and father; the attorneys for the child's mother and father; each relative who expresses an interest in caring for the child; the child if the child is old enough to be able to express an opinion regarding placement; and the prosecutor.

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

(6) Reasonable efforts shall be made to do the following:

(a) Place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the supervising agency documents that a joint placement would be contrary to the safety or well-being of any of the siblings.

(b) In the case of siblings removed from their home who are not jointly placed, provide for at least monthly visitation or other ongoing contact between the siblings, unless the supervising agency documents that at least monthly visitation or other ongoing contact would be contrary to the safety or well-being of any of the siblings.

(7) If siblings cannot be placed together or not all the siblings are being placed in foster care, the supervising agency shall make reasonable efforts to facilitate at least monthly visitation or other ongoing contact with siblings unless a court has determined that at least monthly visitation or other ongoing contact with siblings would not be beneficial under section 13a(16) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.13a.

(8) If the supervising agency discontinues visitation or other ongoing contact with siblings because the supervising agency determines that visitation or other ongoing contact is contrary to the safety or well-being of any of the siblings, the supervising agency shall report its determination to the court for consideration at the next review hearing.

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

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

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor