

HOUSE BILL No. 5024

September 27, 2017, Introduced by Rep. Kosowski 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 section 8c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 8C. (1) A CAREGIVER OF A CHILD IN FOSTER CARE MUST
2 POSSESS KNOWLEDGE AND SKILLS RELATING TO THE REASONABLE AND PRUDENT
3 PARENT STANDARD.
- 4 (2) EXCEPT FOR LICENSED FOSTER FAMILY HOMES, EACH LICENSED
5 COMMUNITY CARE FACILITY THAT PROVIDES CARE AND SUPERVISION TO
6 CHILDREN AND OPERATES WITH STAFF SHALL DESIGNATE AT LEAST 1 ON-SITE
7 STAFF MEMBER TO APPLY THE REASONABLE AND PRUDENT PARENT STANDARD TO
8 DECISIONS INVOLVING THE PARTICIPATION OF A CHILD WHO IS PLACED IN

1 THE FACILITY IN AGE OR DEVELOPMENTALLY APPROPRIATE ACTIVITIES IN
2 ACCORDANCE WITH SECTION 471(A)(10) OF THE SOCIAL SECURITY ACT, 42
3 USC 671.

4 (3) A LICENSED FOSTER PARENT OR FACILITY STAFF MEMBER, AS
5 DESCRIBED IN SUBSECTION (2), SHALL RECEIVE TRAINING RELATED TO THE
6 REASONABLE AND PRUDENT PARENT STANDARD THAT IS CONSISTENT WITH
7 SECTION 471(A)(24) OF THE SOCIAL SECURITY ACT, 42 USC 671. THIS
8 TRAINING SHALL INCLUDE KNOWLEDGE AND SKILLS RELATING TO THE
9 REASONABLE AND PRUDENT PARENT STANDARD FOR THE PARTICIPATION OF THE
10 CHILD IN AGE OR DEVELOPMENTALLY APPROPRIATE ACTIVITIES, INCLUDING
11 KNOWLEDGE AND SKILLS RELATING TO THE DEVELOPMENTAL STAGES OF THE
12 COGNITIVE, EMOTIONAL, PHYSICAL, AND BEHAVIORAL CAPACITIES OF A
13 CHILD, AND KNOWLEDGE AND SKILLS RELATING TO APPLYING THE STANDARD
14 TO DECISIONS SUCH AS WHETHER TO ALLOW THE CHILD TO ENGAGE IN
15 EXTRACURRICULAR, ENRICHMENT, CULTURAL, AND SOCIAL ACTIVITIES,
16 INCLUDING SPORTS, FIELD TRIPS, AND OVERNIGHT ACTIVITIES LASTING 1
17 OR MORE DAYS, AND TO DECISIONS INVOLVING SIGNING PERMISSION SLIPS
18 AND ARRANGING TRANSPORTATION FOR THE CHILD TO AND FROM
19 EXTRACURRICULAR, ENRICHMENT, AND SOCIAL ACTIVITIES.

20 (4) A CAREGIVER MAY ARRANGE FOR OCCASIONAL SHORT-TERM
21 BABYSITTING OF HIS OR HER FOSTER CHILD AND ALLOW AN INDIVIDUAL TO
22 SUPERVISE THE FOSTER CHILD FOR THE PURPOSES SET FORTH IN THIS
23 SECTION, OR ON OCCASION, INCLUDING, BUT NOT LIMITED TO, A MEDICAL
24 OR OTHER HEALTH CARE APPOINTMENT, GROCERY OR OTHER SHOPPING, A
25 PERSONAL GROOMING APPOINTMENT, A SPECIAL OCCASION FOR THE FOSTER
26 PARENT, FOSTER PARENT TRAINING CLASSES, SCHOOL-RELATED MEETINGS,
27 INCLUDING A PARENT-TEACHER CONFERENCE, A BUSINESS MEETING, AN ADULT

1 SOCIAL GATHERING, OR AN OCCASIONAL EVENING OUT BY THE FOSTER
2 PARENT. A CAREGIVER SHALL USE A REASONABLE AND PRUDENT PARENT
3 STANDARD IN DETERMINING AND SELECTING AN APPROPRIATE BABYSITTER FOR
4 OCCASIONAL SHORT-TERM USE.

5 (5) AS USED IN THIS SECTION:

6 (A) "AGE-APPROPRIATE" MEANS AN ACTIVITY OR ITEM THAT IS
7 GENERALLY ACCEPTED AS SUITABLE FOR A CHILD OF THE SAME
8 CHRONOLOGICAL AGE OR LEVEL OF MATURITY. AGE APPROPRIATENESS IS
9 BASED ON THE DEVELOPMENT OF COGNITIVE, EMOTIONAL, PHYSICAL, AND
10 BEHAVIORAL CAPACITY THAT IS TYPICAL FOR AN AGE OR AGE GROUP.

11 (B) "CAREGIVER" MEANS A PERSON WITH WHOM THE CHILD IS PLACED
12 IN FOSTER CARE. CAREGIVER INCLUDES A FOSTER PARENT OR A RELATIVE
13 CAREGIVER.

14 (C) "REASONABLE AND PRUDENT PARENT STANDARD" MEANS THE
15 STANDARD CHARACTERIZED BY CAREFUL AND SENSIBLE PARENTAL DECISIONS
16 THAT MAINTAIN THE CHILD'S HEALTH, SAFETY, AND BEST INTERESTS WHILE
17 AT THE SAME TIME ENCOURAGING THE CHILD'S EMOTIONAL AND
18 DEVELOPMENTAL GROWTH, THAT A CAREGIVER MUST USE WHEN DETERMINING
19 WHETHER TO ALLOW A CHILD IN FOSTER CARE TO PARTICIPATE IN
20 EXTRACURRICULAR, ENRICHMENT, OR SOCIAL ACTIVITY.

21 (D) "SHORT-TERM" MEANS NO MORE THAN 24 CONSECUTIVE HOURS.

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