

Act No. 489
Public Acts of 2018
Approved by the Governor
December 24, 2018
Filed with the Secretary of State
December 27, 2018
EFFECTIVE DATE: March 27, 2019

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Reps. Sabo, Yanez, Chirkun, Cochran, Liberati, Wittenberg, Zemke, Elder, Brinks, Durhal, Gay-Dagnogo, Moss, Geiss, Lasinski, Hoadley, Greig, Guerra, Sowerby, Crawford, Lucido, Tedder, Vaupel, Marino, Greimel, Green, Dianda, Faris, Victory, Iden, McCready, Kelly, Bellino, Pagel, Lilly, Kesto and Kosowski

ENROLLED HOUSE BILL No. 5121

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 section 3 (MCL 722.953), as amended by 2014 PA 524, and by adding section 8b.

The People of the State of Michigan enact:

Sec. 3. The purposes of this act are all of the following:

- (a) To assist foster parents to provide a stable, loving family environment for children who are placed outside of their homes on a temporary basis.
- (b) To help eliminate barriers to the adoption of children and to promote the provision of a stable and loving family environment to children who are without permanent families.
- (c) To promote the well-being and safety of all children who receive foster care or are adopted under the laws of this state.
- (d) To protect and assist prospective adoptive families as they negotiate the adoption process.
- (e) To regulate child placing agencies who certify foster parents and serve adoptees and adoptive families in this state.
- (f) To regulate adoption attorneys who facilitate direct placement adoptions.
- (g) To ensure foster parents and prospective adoptive parents receive all applicable resources as described in section 8a.
- (h) To ensure that the department develops and maintains a specific policy of the provisions described in sections 8b, 8c, and 8d to provide to children placed in foster care. The specific policy described in sections 8b, 8c, and 8d shall be known as the children’s assurance of quality foster care policy.

Sec. 8b. (1) The department shall ensure that the children's assurance of quality foster care policy is developed, implemented by the supervising agency, and made available to the public.

(2) The department shall promote the participation of current and former children in foster care in developing the children's assurance of quality foster care policy.

(3) The children's assurance of quality foster care policy shall ensure that children placed in foster care are provided with the following:

(a) Fair, equal, and respectful treatment, including treatment that does not violate state and federal law.

(b) Placement with relatives and siblings, when appropriate, as provided in section 4a(5).

(c) Transition planning, including housing, workforce preparation, financial education, access to personal documents, information regarding secondary education and postsecondary education, and independent living preparation, as age-appropriate.

(d) Ongoing contact and visits with parents, relatives, and friends, if permitted by the court.

(e) Access to advocacy services for children in foster care with disabilities.

(f) Timely enrollment in school with consistent placement in the same school, when possible.

(g) Participation in extracurricular activities consistent with the child in foster care's age and developmental level, as allowed by the supervising agency's resources, taking into consideration the foster parent's schedule and resources.

(h) Placement in the least restrictive setting, appropriate to the child in foster care's needs in accordance with R 400.12313 of the Michigan Administrative Code. If discipline is required, and physical restraint has been used by a child caring institution as that term is defined in section 1 of 1973 PA 116, MCL 722.111, the child caring institution shall provide a detailed report of the incident to the department.

(i) Access to and receipt of information and services, including necessary medical, emotional, psychological, psychiatric, and educational evaluations and treatment, as soon as practicable after identifying the need for services by the screening and assessment process.

(j) Access to and participation in religious activities, cultural activities, or both, taking into consideration the foster parent's schedule and resources.

(k) Adequate food, necessities, and shelter, including special dietary needs, school supplies, clothing, and hygiene products.

(l) Information regarding proposed placement, as age-appropriate.

(m) A permanency plan, as required by state and federal law, that is designed to facilitate the permanent placement or return home of a child in foster care in a timely manner.

(4) The department shall maintain a written policy describing the grievance procedure for a child in foster care to address any perceived noncompliance with the items listed in the children's assurance of quality foster care policy. The grievance procedure shall include information on how and where to file a grievance, including contact information for the office of the children's ombudsman and the department's office of family advocate, on a form approved by the department.

(5) A child in foster care may file a grievance with the supervising agency regarding the perceived noncompliance with any of the items listed in the children's assurance of quality foster care policy as outlined in the supervising agency's grievance policy described in subsection (4). Within 30 days after receiving the grievance, the supervising agency shall respond with a written statement of how the child in foster care's grievance will be addressed. If the supervising agency does not provide a written response within 30 days after the grievance is filed with the supervising agency or if the child in foster care does not agree with the findings in the written response, the child in foster care may contact the department's office of family advocate.

(6) If the grievance is not resolved with the assistance of the department's office of family advocate, the child in foster care may request that his or her lawyer-guardian ad litem petition the court for the appropriate relief.

(7) The sole remedy that may be provided under this section is limited to injunctive relief.

(8) The department shall implement the children's assurance of quality foster care policy no later than 90 days after the effective date of the amendatory act that added this section.

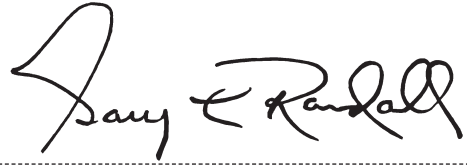
Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 99th Legislature are enacted into law:

(a) House Bill No. 5122.

(b) House Bill No. 5123.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor