Legislative Analysis

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CHILD PLACEMENT PREFERENCE

Senate Bill 1166 (S-1) as passed by the Senate
Sponsor: Sen. Curtis S. VanderWall
House Committee: [Placed on second reading]
Senate Committee: Health Policy and Human Services
Complete to 9-28-22

SUMMARY:

Senate Bill 1166 would amend the Foster Care and Adoption Services Act to require child placement preference to be given to an adult related to the child within the fifth degree, unless there is good cause shown to make an exception to that preference or unless the preference conflicts with applicable placement preferences in the Michigan Indian Preservation Act.

Among other things, the act applies to the placement of children within a supervising agency's care. A "supervising agency" means the Department of Health and Human Services (DHHS) if a child is placed in the department's care or a child placing agency (a governmental or nonprofit agency organized for the purpose of receiving children for placement in private family homes for foster care or adoption) in whose care a child is placed for foster care. Currently, within 30 days upon removal, and as part of a child's initial case service plan, a supervising agency is required by the act to 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. The act provides for other placement criteria, such as that reasonable efforts must be made to place siblings together unless the placement would be contrary to their well-being.

The bill would require placement preference to be given to an adult related to the child within the fifth degree by blood, marriage, or adoption, as long as the relative meets all the relevant child protection standards. (Relatives within the fifth degree include a child's parents, siblings, aunts and uncles, grandparents, great grandparents, first cousins, nieces and nephews, first cousins once removed, and grand aunts and uncles, among others.)

DHHS could make an exception to the above preference only if good cause were shown. Good cause would mean any of the following:

- A request by one or both of the child's parents to deviate from this preference.
- The child's request to deviate from this preference, if the child is of sufficient age and capacity to understand the decision that is being made.
- The presence of a sibling attachment that can be maintained through a particular placement.
- The child's physical, mental, or emotional needs, such as specialized treatment services that may be unavailable in the community where families who meet the placement preferences live.
- That the distance between the child's home and the proposed family placement would frustrate the reunification goal or otherwise impede permanency.

The bill also would provide that section 4a of the act (which would include the above preference) does not supersede the placement preferences in the Michigan Indian Family Preservation Act (Chapter XIIB of the Probate Code).[1]

The bill will take effect only if House Bill 5974 is also enacted into law. [House Bill 5974, which has been enrolled, would amend the definition of "relative" for purposes of the juvenile code (Chapter XIIA of the Probate Code) to include, among others, individuals who are related to the child within the fifth degree by blood, marriage, or adoption.]

MCL 722.954a

FISCAL IMPACT:

Senate Bill 1166 would not have a significant fiscal impact on state expenditures to the Department of Health and Human Services (DHHS) or local units of government.

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[1] See https://www.legislature.mi.gov/documents/mcl/pdf/mcl-288-1939-XIIB.pdf