



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 1166 (as enacted)
Sponsor: Senator Curtis S. VanderWall
Senate Committee: Health Policy and Human Services
House Committee: Second Reading

PUBLIC ACT 211 of 2022

Date Completed: 12-19-22

CONTENT

The bill amended the Foster Care and Adoption Services Act to require that child placement preference be given to an adult related to the child within the fifth degree, subject to an exception.

Section 4a of the Act specifies that, upon removal, as part of a child's initial case service plan, the supervising agency (the Department of Health and Human Services if the 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) must, within 30 days, identify, locate, notify, and consult with relative to determine placement with a fit and appropriate relative who would meet the child's developmental, emotional, and physical needs.

Under the bill, preference must be given to an adult related to the child within the fifth degree by blood, marriage, or adoption provided that the relative meets all relevant State child protection standards. The Department may make an exception to this preference only if good cause is shown. "Good cause" means any of the following:

- A request by one or both of the child's parents to deviate from this preference.
- The child's request, 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.
- The distance between the child's home and the proposed family placement would frustrate the reunification goal or otherwise impede permanency.

The bill also specifies that Section 4a does not supersede the placement preferences in the Michigan Indian Family Preservation Act.

The bill took effect on October 7, 2022.

MCL 722.954a

Legislative Analyst: Stephen P. Jackson

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: John P. Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.