

HOUSE BILL NO. 5243

July 01, 2021, Introduced by Reps. Morse and Rabhi and referred to the Committee on Government Operations.

A bill to amend 1994 PA 203, entitled
"Foster care and adoption services act,"
by amending section 4a (MCL 722.954a), as amended by 2016 PA 190.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4a. (1) If a child has been placed in a supervising
2 agency's care under chapter XIIA of the probate code of 1939, 1939
3 PA 288, MCL 712A.1 to 712A.32, the supervising agency shall comply
4 with this section and sections 4b and 4c.

5 (2) Upon removal, as part of a child's initial case service

1 plan as required by rules promulgated under 1973 PA 116, MCL
2 722.111 to 722.128, and by section 18f of chapter XIIIA of the
3 probate code of 1939, 1939 PA 288, MCL 712A.18f, the supervising
4 agency shall, within 30 days, identify, locate, notify, and consult
5 with relatives to determine placement with a fit and appropriate
6 relative who would meet the child's developmental, emotional, and
7 physical needs.

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

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

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

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

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

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

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

24 (b) Provide written notice of the decision and the ~~reasons~~
25 **reason** for the placement decision to the child's attorney,
26 guardian, guardian ad litem, ~~mother, and father;~~ **and parents;** the
27 attorneys for the child's ~~mother and father;~~ **parents;** each relative
28 who expresses an interest in caring for the child; the child if the
29 child is old enough to be able to express an opinion regarding

1 placement; and the prosecutor.

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

8 (6) Reasonable efforts ~~shall~~**must** be made to do the following:

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

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

19 (7) If siblings cannot be placed together or not all the
20 siblings are being placed in foster care, the supervising agency
21 shall make reasonable efforts to facilitate at least monthly
22 visitation or other ongoing contact with siblings unless a court
23 has determined that at least monthly visitation or other ongoing
24 contact with siblings would not be beneficial under section 13a(16)
25 of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL
26 712A.13a.

27 (8) If the supervising agency discontinues visitation or other
28 ongoing contact with siblings because the supervising agency
29 determines that visitation or other ongoing contact is contrary to

1 the safety or well-being of any of the siblings, the supervising
2 agency ~~shall~~**must** report its determination to the court for
3 consideration at the next review hearing.

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

16 Enacting section 1. This amendatory act does not take effect
17 unless Senate Joint Resolution ____ or House Joint Resolution ____
18 (request no. 02344'21) of the 101st Legislature becomes a part of
19 the state constitution of 1963 as provided in section 1 of article
20 XII of the state constitution of 1963.