

SENATE BILL NO. 1166

September 15, 2022, Introduced by Senator VANDERWALL and referred to the Committee on Health Policy and Human Services.

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~~**must**
4 comply with this section and sections 4b and 4c.

5 (2) Upon removal, as part of a child's initial case service
6 plan as required by rules promulgated under 1973 PA 116, MCL

1 722.111 to 722.128, and by section 18f of chapter XIIIA of the
2 probate code of 1939, 1939 PA 288, MCL 712A.18f, the supervising
3 agency ~~shall~~, **must**, within 30 days, identify, locate, notify, and
4 consult with relatives to determine placement with a fit and
5 appropriate relative who would meet the child's developmental,
6 emotional, and physical needs. **Preference shall be given to an**
7 **adult related to the child within the fifth degree by blood,**
8 **marriage, or adoption provided the relative meets all relevant**
9 **state child protection standards.**

10 (3) The notification of relatives required in subsection (2)
11 ~~shall~~ **must** do all of the following:

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

14 (b) Explain the options the relative has to participate in the
15 **child's** care and placement, ~~of the child,~~ including any option that
16 may be lost by failing to respond to the notification.

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

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

22 (4) Not more than 90 days after the child's removal from his
23 or her home, the supervising agency ~~shall~~ **must** do all of the
24 following:

25 (a) Make a placement decision and document in writing the
26 reason for the decision.

27 (b) Provide written notice of the decision and the reasons for
28 the placement decision to the child's attorney, guardian, guardian
29 ad litem, mother, and father; the attorneys for the child's mother

1 and father; each relative who expresses an interest in caring for
2 the child; the child if the child is old enough to be able to
3 express an opinion regarding placement; and the prosecutor.

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

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

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

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

22 (7) If siblings cannot be placed together or not all the
23 siblings are being placed in foster care, the supervising agency
24 ~~shall~~**must** make reasonable efforts to facilitate at least monthly
25 visitation or other ongoing contact with siblings unless a court
26 has determined that at least monthly visitation or other ongoing
27 contact with siblings would not be beneficial under section 13a(16)
28 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL
29 712A.13a.

1 (8) If the supervising agency discontinues visitation or other
2 ongoing contact with siblings because the supervising agency
3 determines that visitation or other ongoing contact is contrary to
4 the safety or well-being of any of the siblings, the supervising
5 agency ~~shall~~**must** report its determination to the court for
6 consideration at the next review hearing.

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

19 **(10) This section does not supersede the placement preferences**
20 **in the Michigan Indian family preservation act.**

21 **(11) As used in this section, "Michigan Indian family**
22 **preservation act" means chapter XIIB of the probate code of 1939,**
23 **1939 PA 288, MCL 712B.1 to 712B.41.**

24 Enacting section 1. This amendatory act does not take effect
25 unless House Bill No. 5974 of the 101st Legislature is enacted into
26 law.