

**SUBSTITUTE FOR
HOUSE BILL NO. 4676**

A bill to amend 1994 PA 203, entitled
"Foster care and adoption services act,"
by amending section 8b (MCL 722.958b), as added by 2018 PA 489.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

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

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

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

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

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

13 (f) ~~Timely enrollment~~ **Enrollment** in school **within 5 school**
14 **days after an initial placement or any placement change, unless**
15 **extenuating circumstances exist**, with consistent placement in the
16 same school, when possible.

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

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

28 (i) Access to and receipt of information and services,
29 including necessary medical, emotional, psychological, psychiatric,

1 and educational evaluations and treatment, as soon as practicable
2 after identifying the need for services by the screening and
3 assessment process.

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

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

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

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

14 (n) **An education that prioritizes meeting the graduation**
15 **requirements of the Michigan merit curriculum content standards and**
16 **the ability to receive educational records to the same extent as**
17 **all students who are not in foster care. As used in this**
18 **subdivision, "Michigan merit curriculum" means the requirements for**
19 **a high school diploma identified in sections 1278a and 1278b of the**
20 **revised school code, 1976 PA 451, MCL 380.1278a and 380.1278b.**

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

29 (5) A child in foster care may file a grievance with the

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

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

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

18 (8) The department shall implement the children's assurance of
19 quality foster care policy no later than ~~90 days after the~~
20 ~~effective date of the amendatory act that added this section.~~**June**
21 **25, 2019.**