

# HOUSE BILL NO. 4676

May 25, 2023, Introduced by Reps. Young, Edwards, Dievendorf, Rheingans, MacDonell, Neeley, O'Neal, Phil Green, Brenda Carter, Puri, Scott, Tyrone Carter, Grant, McKinney, Aiyash and Whitsett and referred to the Committee on Families, Children and Seniors.

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.

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

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

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

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

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

14           (e) Access to advocacy services for children in foster care  
15 with disabilities.

16           (f) ~~Timely~~**Immediate** enrollment in school with consistent  
17 placement in the same school, when possible.

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

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

29           (i) Access to and receipt of information and services,

1 including necessary medical, emotional, psychological, psychiatric,  
 2 and educational evaluations and treatment, as soon as practicable  
 3 after identifying the need for services by the screening and  
 4 assessment process.

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

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

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

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

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

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

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

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

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

19 (8) The department shall implement the children's assurance of  
20 quality foster care policy no later than ~~90 days after the~~  
21 ~~effective date of the amendatory act that added this section.~~**June**  
22 **25, 2019.**

23 Enacting section 1. This amendatory act does not take effect  
24 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 4677 (request no.  
25 01195'23) of the 102nd Legislature is enacted into law.