

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4118

A bill to amend 1994 PA 203, entitled  
"Foster care and adoption services act,"  
by amending section 4a (MCL 722.954a), as added by 1997 PA 172.

**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 XIIIA 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  
6 plan as required by rules promulgated under 1973 PA 116, MCL  
7 722.111 to 722.128, and by section 18f of chapter XIIIA of **THE**  
8 **PROBATE CODE OF 1939**, 1939 PA 288, MCL 712A.18f, the supervising  
9 agency shall, within 30 days, identify, locate, **NOTIFY**, and consult  
10 with relatives to determine placement with a fit and appropriate  
11 relative who would meet the child's developmental, emotional, and

1 physical needs. ~~as an alternative to foster care.~~

2 (3) THE NOTIFICATION OF RELATIVES REQUIRED IN SUBSECTION (2)  
3 SHALL DO ALL OF THE FOLLOWING:

4 (A) SPECIFY THAT THE CHILD HAS BEEN REMOVED FROM THE CUSTODY  
5 OF THE CHILD'S PARENT.

6 (B) EXPLAIN THE OPTIONS THE RELATIVE HAS TO PARTICIPATE IN THE  
7 CARE AND PLACEMENT OF THE CHILD, INCLUDING ANY OPTION THAT MAY BE  
8 LOST BY FAILING TO RESPOND TO THE NOTIFICATION.

9 (C) DESCRIBE THE REQUIREMENTS AND BENEFITS, INCLUDING THE  
10 AMOUNT OF MONETARY BENEFITS, OF BECOMING A LICENSED FOSTER FAMILY  
11 HOME.

12 (D) DESCRIBE HOW THE RELATIVE MAY SUBSEQUENTLY ENTER INTO AN  
13 AGREEMENT WITH THE DEPARTMENT FOR GUARDIANSHIP ASSISTANCE.

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

16 (a) Make a placement decision and document in writing the  
17 reason for the decision.

18 (b) Provide written notice of the decision and the reasons for  
19 the placement decision to the child's attorney, guardian, guardian  
20 ad litem, mother, and father; the attorneys for the child's mother  
21 and father; each relative who expresses an interest in caring for  
22 the child; the child if the child is old enough to be able to  
23 express an opinion regarding placement; and the prosecutor.

24 (5) BEFORE DETERMINING PLACEMENT OF A CHILD IN ITS CARE, A  
25 SUPERVISING AGENCY SHALL GIVE SPECIAL CONSIDERATION AND PREFERENCE  
26 TO A CHILD'S RELATIVE OR RELATIVES WHO ARE WILLING TO CARE FOR THE  
27 CHILD, ARE FIT TO DO SO, AND WOULD MEET THE CHILD'S DEVELOPMENTAL,

1 EMOTIONAL, AND PHYSICAL NEEDS. THE SUPERVISING AGENCY'S PLACEMENT  
2 DECISION SHALL BE MADE IN THE BEST INTERESTS OF THE CHILD.

3 (6) ~~(3)~~—A person who receives a written decision described in  
4 subsection ~~(2)~~—(4) may request in writing, within 5 days,  
5 documentation of the reasons for the decision, and if the person  
6 does not agree with the placement decision, he or she may request  
7 that the child's attorney review the decision to determine if the  
8 decision is in the child's best interest. If the child's attorney  
9 determines the decision is not in the child's best interest, within  
10 14 days after the date of the written decision the attorney shall  
11 petition the court that placed the child out of the child's home  
12 for a review hearing. The court shall commence the review hearing  
13 not more than 7 days after the date of the attorney's petition and  
14 shall hold the hearing on the record.