SUBSTITUTE FOR HOUSE BILL NO. 4649

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending section 3 (MCL 722.953) and by adding section 8a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 3. The purposes of this act are all of the following:
- 2 (a) To assist foster parents to provide a stable, loving
- 3 family environment for children who are placed outside of their
- 4 homes on a temporary basis.
- 5 (b) To help eliminate barriers to the adoption of children and
- 6 to promote the provision of a stable and loving family environment
- 7 to children who are without permanent families.
- 8 (c) To promote the well-being and safety of all children who
- 9 receive foster care or are adopted under the laws of this state.

- 1 (d) To protect and assist prospective adoptive families as
- 2 they negotiate the adoption process.
- 3 (e) To regulate child placing agencies who certify foster
- 4 parents and serve adoptees and adoptive families in this state.
- 5 (f) To regulate adoption attorneys who facilitate direct
- 6 placement adoptions.
- 7 (G) TO ENSURE FOSTER PARENTS AND PROSPECTIVE ADOPTIVE PARENTS
- 8 RECEIVE ALL APPLICABLE RESOURCES AS DESCRIBED IN SECTION 8A.
- 9 SEC. 8A. (1) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS
- 10 THE "FOSTER PARENT'S BILL OF RIGHTS LAW".
- 11 (2) TO ENSURE THAT EACH FOSTER PARENT IS TREATED WITH DIGNITY,
- 12 RESPECT, TRUST, AND CONSIDERATION, THE SUPERVISING AGENCY SHALL
- 13 ENSURE THAT EACH FOSTER PARENT HAS ACCESS TO OR RECEIVES THE
- 14 FOLLOWING:
- 15 (A) EXPLANATION AND CLARIFICATION REGARDING THE SUPERVISING
- 16 AGENCY'S ROLE AND EXPECTATIONS, INFORMATION CONCERNING THE
- 17 SUPERVISING AGENCY'S POLICIES AND PROCEDURES, AND CHANGES TO THOSE
- 18 POLICIES OR PROCEDURES RELATIVE TO THE ROLE AS A FOSTER PARENT OR
- 19 THE CHILDREN IN THE FOSTER PARENT'S CARE WITHIN 30 DAYS AFTER THOSE
- 20 CHANGES ARE MADE.
- 21 (B) TREATMENT BY THE SUPERVISING AGENCY THAT DOES NOT VIOLATE
- 22 THE PROVISIONS OF THE ELLIOTT-LARSEN CIVIL RIGHTS ACT, 1976 PA 453,
- 23 MCL 37.2101 TO 37.2804.
- 24 (C) EVALUATION AND FEEDBACK REGARDING THE FOSTER PARENT'S
- 25 PROVISION OF CARE ROLE. AS USED IN THIS SUBDIVISION, "FEEDBACK"
- 26 MEANS PROVIDING A COPY OF THE WRITTEN ANNUAL ASSESSMENT OF RULE
- 27 COMPLIANCE AND THE WRITTEN SPECIAL EVALUATION REPORT UPON

- 1 COMPLETION OF THE REPORT TO THE FOSTER PARENT.
- 2 (D) NECESSARY TRAINING TO ENABLE THE FOSTER PARENT TO PROVIDE
- 3 QUALITY SERVICES TO CHILDREN WHO ARE OR WILL BE IN HIS OR HER CARE
- 4 THAT INCLUDES INFORMATION ON THE POLICIES DEVELOPED BY THE
- 5 SUPERVISING AGENCY DESIGNED TO SUPPORT AND AID FOSTER, KINSHIP, AND
- 6 ADOPTIVE FAMILIES RELATIVE TO FOSTER CARE AND PROSPECTIVE ADOPTIVE
- 7 PLACEMENT.
- 8 (E) NECESSARY SUPPORT FOR THE FOSTER PARENT THAT INCLUDES ALL
- 9 OF THE FOLLOWING:
- 10 (i) REASONABLE RELIEF AND RESPITE AS ALLOWED BY THE SUPERVISING
- 11 AGENCY'S RESOURCES. AS USED IN THIS SUBPARAGRAPH, "RESPITE" MEANS
- 12 SUBSTITUTE CARE THAT IS PROVIDED TO A FOSTER CHILD WHEN THE FOSTER
- 13 PARENT IS NOT PRESENT OR NOT AVAILABLE AS DEFINED IN THE
- 14 SUPERVISING AGENCY'S SUBSTITUTE CARE POLICY OR AS FACILITATED BY
- 15 THE SUPERVISING AGENCY.
- 16 (ii) ACCESS TO THE SUPERVISING AGENCY STAFF FOR ASSISTANCE
- 17 DEALING WITH FAMILY LOSS AND SEPARATION WHEN A CHILD LEAVES THE
- 18 FOSTER PARENT'S HOME.
- 19 (iii) ACCESS TO INFORMATION ABOUT LOCAL AND STATEWIDE SUPPORT
- 20 GROUPS THAT INCLUDES LOCAL AND STATEWIDE FOSTER, KINSHIP, AND
- 21 ADOPTIVE PARENT ASSOCIATIONS.
- 22 (F) ACCESS TO THE APPROPRIATE SUPERVISING AGENCY 24 HOURS A
- 23 DAY, 7 DAYS A WEEK, FOR EMERGENCY INFORMATION AND ASSISTANCE FOR
- 24 CHILDREN IN THE FOSTER PARENT'S CARE.
- 25 (G) TIMELY FINANCIAL REIMBURSEMENT FOR FOSTER CHILDREN IN THE
- 26 FOSTER PARENT'S CARE. AS USED IN THIS SUBDIVISION, "TIMELY
- 27 FINANCIAL REIMBURSEMENT" MEANS PAYMENT ISSUED WITHIN 30 DAYS AFTER

- 1 SUBMISSION OF ACCURATE AND COMPLETE DOCUMENTATION.
- 2 (H) TIMELY INVESTIGATION OF COMPLAINTS CONCERNING THE FOSTER
- 3 PARENT'S LICENSURE, THE RIGHT TO HAVE A PERSON OF THE FOSTER
- 4 PARENT'S CHOOSING PRESENT DURING A LICENSING INVESTIGATION, AND THE
- 5 RIGHT TO FILE A GRIEVANCE WHEN THE FOSTER PARENT DISAGREES WITH A
- 6 FINDING IN A LICENSING INVESTIGATION. AS USED IN THIS SUBDIVISION,
- 7 "TIMELY INVESTIGATION" MEANS AN INVESTIGATION IS COMPLETED WITHIN
- 8 45 CALENDAR DAYS AFTER RECEIPT OF THE INFORMATION. IF ADDITIONAL
- 9 TIME IS REQUIRED, THE SUPERVISING AGENCY SHALL INFORM THE FOSTER
- 10 PARENT, IN WRITING, OF THE BASIS FOR THE EXTENSION. ANY EXTENSIONS
- 11 UNDER THIS SUBDIVISION SHALL NOT EXCEED A CUMULATIVE TOTAL OF 90
- 12 DAYS.
- 13 (I) A HEARING REGARDING LICENSING AS PROVIDED IN SECTION 11(2)
- 14 OF 1973 PA 116, MCL 722.121.
- 15 (J) DECISIONS CONCERNING A LICENSING CORRECTIVE ACTION PLAN
- 16 THAT ARE SPECIFICALLY TIED TO THE APPLICABLE LICENSING RULES
- 17 REGARDING THE LICENSING VIOLATION.
- 18 (K) TO THE EXTENT PERMITTED BY STATE AND FEDERAL LAW, COPIES
- 19 OF INFORMATION RELATIVE TO THE FOSTER FAMILY AND SERVICES CONTAINED
- 20 IN THE PERSONAL FOSTER HOME OR FOSTER PARENT RECORDS.
- 21 (1) INFORMATION BEFORE PLACEMENT OF THE CHILD REGARDING THE
- 22 CHILD'S BEHAVIOR, INDIVIDUAL OR SPECIAL NEEDS, BACKGROUND, HEALTH
- 23 HISTORY, OR OTHER ISSUES RELATIVE TO THE CHILD THAT MAY JEOPARDIZE
- 24 THE HEALTH AND SAFETY OF THE FOSTER FAMILY OR ALTER THE MANNER IN
- 25 WHICH FOSTER CARE SHOULD BE PROVIDED. IN AN EMERGENCY SITUATION,
- 26 THE SUPERVISING AGENCY SHALL PROVIDE INFORMATION AS SOON AS THE
- 27 INFORMATION IS AVAILABLE.

- 1 (M) THE OPTION TO REFUSE PLACEMENT OF A CHILD INTO THE FOSTER
- 2 HOME OR TO REQUEST, UPON REASONABLE NOTICE, THE REMOVAL OF A CHILD
- 3 FROM THE FOSTER HOME, WITHOUT ADVERSE EFFECT ON ASSIGNMENTS OF
- 4 FUTURE FOSTER CHILDREN OR PROSPECTIVE ADOPTIVE PLACEMENTS.
- 5 (N) INFORMATION THROUGH THE SUPERVISING AGENCY REGARDING THE
- 6 NUMBER OF TIMES A CHILD HAS BEEN MOVED, THE REASON FOR THE MOVE,
- 7 AND NAMES AND TELEPHONE NUMBERS OF PREVIOUS FOSTER PARENTS, IF THE
- 8 PREVIOUS FOSTER PARENT HAS AUTHORIZED RELEASE OF THAT INFORMATION.
- 9 (O) ADVANCE NOTICE OF A CHILD'S MOVE FROM A FOSTER HOME IN
- 10 ORDER TO PREPARE THE CHILD AND FOSTER FAMILY MEMBERS. THE ADVANCE
- 11 NOTICE REQUIRED IN THIS SUBDIVISION DOES NOT APPLY IN A CASE OF AN
- 12 EMERGENCY SITUATION WHEN THERE IS EVIDENCE OF MISTREATMENT AS
- 13 PROVIDED IN SECTION 13B(7) OF CHAPTER XIIA OF THE PROBATE CODE OF
- 14 1939, 1939 PA 288, MCL 712A.13B, OR WHEN THE COURT ORDERS A CHILD
- 15 TO BE MOVED FROM A FOSTER HOME BUT DOES NOT ALLOW FOR ADVANCE
- 16 NOTICE.
- 17 (P) NOTIFICATION AND THE OPTION TO PARTICIPATE IN WRITING OR
- 18 IN PERSON, DEPENDING ON THE CASE, IN MEETINGS CONCERNING THE CHILD,
- 19 TO BE INFORMED OF DECISIONS MADE BY THE COURT OR THE SUPERVISING
- 20 AGENCY CONCERNING THE CHILD, AND TO PROVIDE INPUT CONCERNING THE
- 21 CASE SERVICE PLAN FOR THE CHILD AND TO HAVE THAT INPUT CONSIDERED
- 22 BY THE SUPERVISING AGENCY.
- 23 (Q) THE OPTION TO RECEIVE A COPY OF THE SUPERVISING AGENCY'S
- 24 PLACEMENT AND CASE SERVICE PLAN CONCERNING THE CHILD'S CARE IN THE
- 25 FOSTER PARENT'S HOME AND TO PARTICIPATE IN AND RECEIVE CASE SERVICE
- 26 PLAN REVISIONS AS WELL AS ANY OTHER INFORMATION RELEVANT TO THE
- 27 CHILD'S CARE, INCLUDING SUBSEQUENT REVISIONS TO THE CASE SERVICE

- 1 PLAN AS ALLOWED BY STATE AND FEDERAL LAW IN A TIMELY MANNER. FOSTER
- 2 PARENTS ARE TO BE MEANINGFUL PARTICIPANTS IN THE DEVELOPMENT OR
- 3 REVISION, OR BOTH, OF THE CASE SERVICE PLAN FOR THE CHILD IN THAT
- 4 FOSTER PARENT'S HOME. CASE SERVICE PLANS MUST BE PROVIDED WITHIN 10
- 5 DAYS AFTER A FOSTER PARENT'S WRITTEN REQUEST.
- 6 (R) TIMELY AND COMPLETE WRITTEN NOTICE FROM THE SUPERVISING
- 7 AGENCY OF ALL COURT PROCEEDINGS, INCLUDING NOTICE OF THE HEARING
- 8 DATE, TIME, LOCATION, THE NAME OF THE JUDGE OR HEARING OFFICER
- 9 ASSIGNED, THE COURT DOCKET NUMBER, AND THE OPTION TO SUBMIT FACTUAL
- 10 WRITTEN STATEMENTS TO THE COURT AS PROVIDED BY STATE OR FEDERAL
- 11 LAW. AS USED IN THIS SUBDIVISION, "TIMELY NOTICE" MEANS
- 12 NOTIFICATION OF A HEARING WITHIN 7 DAYS AFTER THE SUPERVISING
- 13 AGENCY RECEIVES NOTICE FROM THE COURT.
- 14 (S) THE OPTION TO BE CONSIDERED AS A FOSTER PARENT WHEN A
- 15 CHILD FORMERLY PLACED WITH THE FOSTER PARENT IS REENTERING FOSTER
- 16 CARE AND THE OPTION TO BE CONSIDERED WHEN A CHILD PREVIOUSLY PLACED
- 17 IN THE FOSTER PARENT'S HOME BECOMES AVAILABLE FOR ADOPTION, IF
- 18 RELATIVE PLACEMENT IS NOT AVAILABLE AND THE PLACEMENT IS CONSISTENT
- 19 WITH THE BEST INTEREST OF THE CHILD AND OTHER CHILDREN IN THE
- 20 FOSTER PARENT'S HOME.
- 21 (3) THE SUPERVISING AGENCY SHALL MAINTAIN A WRITTEN POLICY
- 22 DESCRIBING THE GRIEVANCE PROCEDURE FOR FOSTER PARENTS AND
- 23 PROSPECTIVE ADOPTIVE PARENTS TO ADDRESS ANY NONCOMPLIANCE WITH THE
- 24 ITEMS LISTED IN SUBSECTION (2). THE PROCEDURE SHALL INCLUDE
- 25 INFORMATION ON HOW AND WHERE TO FILE A GRIEVANCE.
- 26 (4) A FOSTER PARENT MAY FILE A GRIEVANCE WITH THE SUPERVISING
- 27 AGENCY REGARDING ANY OF THE ITEMS LISTED IN SUBSECTION (2) AS

- 1 OUTLINED IN THE SUPERVISING AGENCY'S WRITTEN POLICY DESCRIBED IN
- 2 SUBSECTION (3). WITHIN 30 DAYS AFTER RECEIVING THE GRIEVANCE, THE
- 3 SUPERVISING AGENCY SHALL RESPOND WITH A WRITTEN STATEMENT OF HOW
- 4 THE FOSTER PARENT'S GRIEVANCE WILL BE ADDRESSED. IF THE SUPERVISING
- 5 AGENCY DOES NOT PROVIDE A WRITTEN RESPONSE WITHIN 30 DAYS AFTER THE
- 6 GRIEVANCE IS FILED WITH THE SUPERVISING AGENCY, THE FOSTER PARENT
- 7 MAY FILE A COMPLAINT WITH THE DEPARTMENT'S BUREAU OF CHILDREN AND
- 8 ADULT LICENSING.
- 9 (5) IF THE GRIEVANCE IS NOT RESOLVED BY FILING A COMPLAINT
- 10 WITH THE DEPARTMENT'S BUREAU OF CHILDREN AND ADULT LICENSING, THE
- 11 FOSTER PARENT MAY REQUEST THAT A HEARING BE CONDUCTED UNDER CHAPTER
- 12 4 OF THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL
- 13 24.271 TO 24.287.
- 14 (6) THE SOLE REMEDY THAT MAY BE PROVIDED UNDER THIS SECTION IS
- 15 LIMITED TO INJUNCTIVE RELIEF.
- 16 (7) IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN SECTION 5
- 17 OF THE CHILDREN'S OMBUDSMAN ACT, 1994 PA 204, MCL 722.925, A FOSTER
- 18 PARENT MAY FILE A COMPLAINT WITH THE OFFICE OF THE CHILDREN'S
- 19 OMBUDSMAN TO INVESTIGATE THE SUPERVISING AGENCY'S ALLEGED VIOLATION
- 20 OF LAW, RULE, OR POLICY.
- 21 (8) THE SUPERVISING AGENCIES SHALL PROVIDE THE INFORMATION
- 22 REGARDING THE GRIEVANCES AND ADMINISTRATIVE HEARINGS RECEIVED UNDER
- 23 THIS SECTION TO THE DEPARTMENT FOR COMPILATION AND SUBMISSION OF A
- 24 REPORT TO THE APPROPRIATIONS SUBCOMMITTEES FOR THE DEPARTMENT'S
- 25 BUDGET AND THE SENATE AND HOUSE OF REPRESENTATIVES STANDING
- 26 COMMITTEES HAVING JURISDICTION OVER ISSUES INVOLVING HUMAN
- 27 SERVICES. THE DEPARTMENT SHALL PROVIDE THE REPORT DESCRIBED IN THIS

House Bill No. 4649 as amended December 17, 2014

- 1 SECTION BEGINNING OCTOBER 1, 2015, AND EACH OCTOBER 1 AFTER THAT.
- 2 THE REPORT SHALL INCLUDE, AT A MINIMUM, ALL OF THE FOLLOWING:
- 3 (A) THE TOTAL NUMBER OF GRIEVANCES FILED FOR THE REPORTING
- 4 PERIOD.
- 5 (B) THE TOTAL NUMBER OF GRIEVANCES RESOLVED WITHIN 30 DAYS.
- 6 (C) THE TOTAL NUMBER OF GRIEVANCES THAT WERE NOT RESOLVED
- 7 WITHIN 30 DAYS.
- 8 (D) THE TOTAL NUMBER OF COMPLAINTS FILED WITH THE DEPARTMENT'S
- 9 BUREAU OF CHILDREN AND ADULT LICENSING, INCLUDING THE NUMBER OF
- 10 LICENSING ACTIONS THAT RESULTED FROM THOSE COMPLAINTS.
- 11 (E) A SUMMARY OF ANY POLICY CHANGES THAT WERE INITIATED IN
- 12 RESPONSE TO THE GRIEVANCES FILED.
- 13 (F) THE TOTAL NUMBER OF GRIEVANCES THAT RESULTED IN AN
- 14 ADMINISTRATIVE HEARING PROCESS, INCLUDING THE NUMBER OF ACTIONS
- 15 WHERE THE ADMINISTRATIVE LAW JUDGE DENIED OR DISMISSED THE ACTION,
- 16 AGREED WITH THE SUPERVISING AGENCY, OR AGREED WITH THE FOSTER
- 17 PARENT.
- 18 (9) THE CHILDREN'S OMBUDSMAN'S INVESTIGATIONS OF THE
- 19 VIOLATIONS UNDER THIS SECTION ARE SUBJECT TO AN APPROPRIATION OF
- 20 FUNDS FOR THOSE INVESTIGATIONS.
- 21 Enacting section 1. This amendatory act takes effect <<April
- **22** 1, 2015.>>