

**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 (L) 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 XIIIA 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

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 October
22 1, 2014.