A bill to amend 1994 PA 203, entitled
"Foster care and adoption services act,"
by amending section 3 (MCL 722.953), as amended by 2014 PA 524, and
by adding section 8b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 3. The purposes of this act are all of the following:
(a) To assist foster parents to provide a stable, loving
family environment for children who are placed outside of their
homes on a temporary basis.
(b) To help eliminate barriers to the adoption of children and
to promote the provision of a stable and loving family environment
to children who are without permanent families.
(c) To promote the well-being and safety of all children who
receive foster care or are adopted under the laws of this state.
(d) To protect and assist prospective adoptive families as they negotiate the adoption process.

(e) To regulate child placing agencies who certify foster parents and serve adoptees and adoptive families in this state.

(f) To regulate adoption attorneys who facilitate direct placement adoptions.

(g) To ensure foster parents and prospective adoptive parents receive all applicable resources as described in section 8a.

(H) TO ENSURE THAT THE DEPARTMENT DEVELOPS AND MAINTAINS A SPECIFIC POLICY OF THE PROVISIONS DESCRIBED IN SECTIONS 8B, 8C, AND 8D TO PROVIDE TO CHILDREN PLACED IN FOSTER CARE. THE SPECIFIC POLICY DESCRIBED IN SECTIONS 8B, 8C, AND 8D SHALL BE KNOWN AS THE CHILDREN'S ASSURANCE OF QUALITY FOSTER CARE POLICY.

SEC. 8B. (1) THE DEPARTMENT SHALL ENSURE THAT THE CHILDREN'S ASSURANCE OF QUALITY FOSTER CARE POLICY IS DEVELOPED, IMPLEMENTED BY THE SUPERVISING AGENCY, AND MADE AVAILABLE TO THE PUBLIC.

(2) THE DEPARTMENT SHALL PROMOTE THE PARTICIPATION OF CURRENT AND FORMER FOSTER CHILDREN IN DEVELOPING THE CHILDREN'S ASSURANCE OF QUALITY FOSTER CARE POLICY.

(3) THE CHILDREN'S ASSURANCE OF QUALITY FOSTER CARE POLICY SHALL ENSURE THAT CHILDREN PLACED IN FOSTER CARE ARE PROVIDED WITH THE FOLLOWING:

(A) FAIR, EQUAL, AND RESPECTFUL TREATMENT, INCLUDING TREATMENT THAT DOES NOT VIOLATE THE PROVISIONS OF THE ELLIOTT-LARSEN CIVIL RIGHTS ACT, 1976 PA 453, MCL 37.2101 TO 37.2804.

(B) PLACEMENT WITH RELATIVES AND SIBLINGS, WHEN APPROPRIATE, AS PROVIDED IN SECTION 4A(5).
(C) INVENTORY AND SECURITY OF THE FOSTER CHILD'S PERSONAL
BELONGINGS.

(D) TRANSITION PLANNING, INCLUDING HOUSING, WORKFORCE
PREPARATION, FINANCIAL EDUCATION, ACCESS TO PERSONAL DOCUMENTS,
INFORMATION REGARDING SECONDARY EDUCATION AND POSTSECONDARY
EDUCATION, AND INDEPENDENT LIVING PREPARATION, AS AGE-APPROPRIATE.

(E) ONGOING CONTACT AND VISITS WITH PARENTS, RELATIVES, AND
FRIENDS, IF PERMITTED BY THE COURT.

(F) ACCESS TO ADVOCACY SERVICES FOR FOSTER CHILDREN WITH
DISABILITIES.

(G) TIMELY ENROLLMENT IN SCHOOL WITH CONSISTENT PLACEMENT IN
THE SAME SCHOOL, WHEN POSSIBLE.

(H) PARTICIPATION IN EXTRACURRICULAR ACTIVITIES CONSISTENT
WITH THE FOSTER CHILD'S AGE AND DEVELOPMENTAL LEVEL, AS ALLOWED BY
THE SUPERVISING AGENCY'S RESOURCES.

(I) PLACEMENT IN THE LEAST RESTRICTIVE SETTING, APPROPRIATE TO
THE FOSTER CHILD'S NEEDS, FREE FROM ABUSE OR EXCESSIVE PHYSICAL
RESTRAINT, DISCRIMINATION, HARASSMENT, CORPORAL PUNISHMENT, MENTAL
ANGUISH, OR ANY OTHER FORM OF PHYSICAL FORCE OR MENTAL DEPRIVATION.
IF DISCIPLINE IS REQUIRED, AND PHYSICAL RESTRAINT HAS BEEN USED BY
A CHILD CARING INSTITUTION, THE CHILD CARING INSTITUTION SHALL
PROVIDE A DETAILED REPORT OF THE INCIDENT TO THE DEPARTMENT. AS
USED IN THIS SUBDIVISION, "CHILD CARING INSTITUTION" MEANS THAT
TERM AS DEFINED IN SECTION 1 OF 1973 PA 116, MCL 722.111.

(J) ACCESS TO AND RECEIPT OF INFORMATION AND SERVICES,
INCLUDING NECESSARY MEDICAL, EMOTIONAL, PSYCHOLOGICAL, PSYCHIATRIC,
AND EDUCATIONAL EVALUATIONS AND TREATMENT, AS SOON AS PRACTICABLE
AFTER IDENTIFYING THE NEED FOR SERVICES BY THE SCREENING AND ASSESSMENT PROCESS.

(K) ACCESS TO AND PARTICIPATION IN RELIGIOUS ACTIVITIES, CULTURAL ACTIVITIES, OR BOTH.

(L) ADEQUATE FOOD, NECESSITIES, AND SHELTER, INCLUDING SPECIAL DIETARY NEEDS, SCHOOL SUPPLIES, CLOTHING, AND HYGIENE PRODUCTS.

(M) INFORMATION REGARDING PROPOSED PLACEMENT, AS AGE-APPROPRIATE.

(N) A PERMANENCY PLAN, AS REQUIRED BY STATE AND FEDERAL LAW, THAT IS DESIGNED TO FACILITATE THE PERMANENT PLACEMENT OR RETURN HOME OF A FOSTER CHILD IN A TIMELY MANNER.

(4) THE DEPARTMENT SHALL MAINTAIN A WRITTEN POLICY DESCRIBING THE GRIEVANCE PROCEDURE FOR FOSTER CHILDREN TO ADDRESS ANY PERCEIVED NONCOMPLIANCE WITH THE ITEMS LISTED IN THE CHILDREN'S ASSURANCE OF QUALITY FOSTER CARE POLICY. THE GRIEVANCE PROCEDURE SHALL INCLUDE INFORMATION ON HOW AND WHERE TO FILE A GRIEVANCE, INCLUDING CONTACT INFORMATION FOR THE DEPARTMENT'S OFFICE OF FAMILY ADVOCATE, ON A FORM APPROVED BY THE DEPARTMENT.

CHILD DOES NOT AGREE WITH THE FINDINGS IN THE WRITTEN RESPONSE, THE
FOSTER CHILD MAY CONTACT THE DEPARTMENT'S OFFICE OF FAMILY
ADVOCATE.

(6) IF THE GRIEVANCE IS NOT RESOLVED WITH THE ASSISTANCE OF
THE DEPARTMENT'S OFFICE OF FAMILY ADVOCATE, THE FOSTER CHILD MAY
REQUEST THAT HIS OR HER LAWYER-GUARDIAN AD LITEM PETITION THE COURT
FOR THE APPROPRIATE RELIEF.

(7) THE SOLE REMEDY THAT MAY BE PROVIDED UNDER THIS SECTION IS
LIMITED TO INJUNCTIVE RELIEF.

(8) THE DEPARTMENT SHALL IMPLEMENT THE CHILDREN'S ASSURANCE OF
QUALITY FOSTER CARE POLICY NO LATER THAN 90 DAYS AFTER THE
EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

Enacting section 1. This amendatory act does not take effect
unless all of the following bills of the 98th Legislature are
enacted into law:

(a) House Bill No. 4977.
(b) House Bill No. 4978.