

S.B. 355

A bill to amend 1939 PA 280, entitled  
"The social welfare act,"  
by amending section 115f (MCL 400.115f), as amended by 1994  
PA 238.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 115f. As used in this section and sections 115g to  
2 115m:

3       (a) "Adoptee" means the child who is to be adopted or who is  
4 adopted.

5       (b) "Adoption code" means THE MICHIGAN ADOPTION CODE, chap-  
6 ter X of ~~Act No. 288 of the Public Acts of 1939, being sections~~  
7 ~~710.21 to 710.70 of the Michigan Compiled Laws~~ 1939 PA 288,  
8 MCL 710.21 TO 710.70.

9       (c) "Adoption subsidy" means a support subsidy or a medical  
10 subsidy or both.

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1 (d) "Adoptive parent" means the parent or parents who adopt  
2 a child pursuant to the adoption code.

3 (e) "Agreement" means an adoption assistance agreement  
4 between the department and the adoptive parent.

5 (f) "Certification" means a determination of eligibility by  
6 the department that an adoptee is eligible for a support subsidy  
7 or a medical subsidy or both.

8 (g) "Child placing agency" means that term as defined in  
9 section 1 of ~~Act No. 116 of the Public Acts of 1973, being sec-~~  
10 ~~tion 722.111 of the Michigan Compiled Laws~~ 1973 PA 116,  
11 MCL 722.111.

12 (h) "Child with special needs" means an individual under the  
13 age of 18 years for whom the state has determined all of the  
14 following:

15 (i) The child cannot or should not be returned to the home  
16 of the child's parents.

17 (ii) A specific factor or condition exists with respect to  
18 the child so that it is reasonable to conclude that the child  
19 cannot be placed with an adoptive parent without an adoption sub-  
20 sidy under this act. The factors or conditions to be considered  
21 include ethnic background, age, membership in a minority or sib-  
22 ling group, medical condition, physical, mental, or emotional  
23 ~~handicap~~ DISABILITY, or length of time the child has been wait-  
24 ing for an adoptive home.

25 (iii) A reasonable but unsuccessful effort was made to place  
26 the adoptee with appropriate adoptive parents without providing

1 an adoption subsidy under this act or a prospective placement is  
2 the only placement in the best interest of the child.

3 (i) "Court" means the juvenile division of the probate court  
4 in this state.

5 (j) "Department" means the ~~department of social services~~  
6 FAMILY INDEPENDENCE AGENCY.

7 (k) "Foster care" means placement of a child outside the  
8 child's parental home by and under the supervision of a child  
9 placing agency, the court, the department, or the department of  
10 ~~mental~~ COMMUNITY health.

11 (l) "Medical subsidy" means payment for medical, surgical,  
12 hospital, and related expenses necessitated by a specified physi-  
13 cal, mental, or emotional condition of a child who has been  
14 placed for adoption.

15 (m) "Nonrecurring adoption expenses" means reasonable and  
16 necessary adoption fees, court costs, attorney fees, and other  
17 expenses that are directly related to the legal adoption of a  
18 child with special needs. Nonrecurring adoption expenses do not  
19 include costs or expenses incurred in violation of state or fed-  
20 eral law or that have been reimbursed from other sources or  
21 funds.

22 (n) "Other expenses that are directly related to the legal  
23 adoption of a child with special needs" means adoption costs  
24 incurred by or on behalf of the adoptive parent and for which the  
25 adoptive parent carries the ultimate liability for payment,  
26 including the adoption study, health and psychological  
27 examinations, supervision of the placement before adoption, and

1 transportation and reasonable costs of lodging and food for the  
2 child or adoptive parent if necessary to complete the adoption or  
3 placement process.

4 (o) "Support subsidy" means payment for support of a child  
5 who has been placed for adoption.