

SUBSTITUTE FOR
SENATE BILL NO. 670

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending section 13b of chapter XIIA (MCL 712A.13b), as amended
by 2004 PA 475.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XIIIA

2 Sec. 13b. (1) If a child under the court's jurisdiction under
3 section 2(b) of this chapter, or under MCI jurisdiction, control,
4 or supervision, is placed in foster care, the agency shall not
5 change the child's placement except under 1 of the following
6 circumstances:

7 (a) The person providing the foster care requests or agrees to
8 the change.

9 (b) Even though the person providing the foster care objects

1 to a proposed change in placement, 1 of the following applies:

2 (i) The court orders the child returned home.

3 (ii) The change in placement is less than 30 days after the
4 child's initial removal from his or her home.

5 (iii) The change in placement is less than 90 days after the
6 child's initial removal from his or her home, and the new placement
7 is with a relative.

8 (iv) The change in placement is in accordance with other
9 provisions of this section.

10 (2) Except as provided in subsections (1) and (7), before a
11 change in foster care placement takes effect, the agency shall do
12 all of the following:

13 (a) Notify the state court administrative office of the
14 proposed change in placement. **NOTICE UNDER THIS SUBDIVISION MAY BE**
15 **GIVEN BY ORDINARY MAIL OR BY ELECTRONIC MEANS AS AGREED BY THE**
16 **DEPARTMENT AND THE STATE COURT ADMINISTRATIVE OFFICE.**

17 (b) Notify the foster parents of the intended change in
18 placement and inform them that, if they disagree with the decision,
19 they may appeal within 3 days to a foster care review board. A
20 foster parent may appeal orally, but must submit the appeal in
21 writing immediately following the oral appeal. The agency shall
22 provide the foster parents with the address and telephone number of
23 a foster care review board with jurisdiction over the child.

24 (c) Maintain the current placement for not less than the time
25 for appeal to the foster care review board and if a foster parent
26 appeals, until the foster care review board determination.

27 **(D) NOTIFY THE COURT WITH JURISDICTION OVER THE CHILD AND**

1 NOTIFY THE CHILD'S LAWYER GUARDIAN AD LITEM OF THE CHANGE IN
2 PLACEMENT. NOTICE TO THE COURT UNDER THIS SUBDIVISION MAY BE GIVEN
3 BY ORDINARY MAIL OR BY ELECTRONIC MEANS AS AGREED BY THE DEPARTMENT
4 AND THE COURT THAT HAS JURISDICTION OVER THE CHILD. THE NOTICE
5 PROVIDED UNDER THIS SUBDIVISION DOES NOT AFFECT THE DEPARTMENT'S
6 PLACEMENT DISCRETION AND SHALL INCLUDE ALL OF THE FOLLOWING
7 INFORMATION:

8 (i) THE REASON FOR THE CHANGE IN PLACEMENT.

9 (ii) THE NUMBER OF TIMES THE CHILD'S PLACEMENT HAS BEEN
10 CHANGED.

11 (iii) WHETHER OR NOT THE CHILD WILL BE REQUIRED TO CHANGE
12 SCHOOLS.

13 (iv) WHETHER OR NOT THE CHANGE WILL SEPARATE OR REUNITE
14 SIBLINGS OR AFFECT SIBLING VISITATION.

15 (3) Upon receipt of an appeal from foster parents under
16 subsection (2) or (7), the foster care review board shall
17 investigate the change in foster care placement within 7 days and
18 shall report its findings and recommendations within 3 days after
19 completion of the investigation to the court or, if the child is
20 under MCI jurisdiction, control, or supervision, the MCI
21 superintendent, to the foster care parents, to the parents, and to
22 the agency.

23 (4) If after investigation the foster care review board
24 determines that the move is in the child's best interests, the
25 agency may move the child.

26 (5) If after investigation the foster care review board
27 determines that the move is not in the child's best interest, the

1 agency shall maintain the current placement until a finding and
2 order by the court or, if the child is under MCI jurisdiction,
3 control, or supervision, a decision by the MCI superintendent. The
4 agency shall not return a child to a placement from which the child
5 was removed under subsection (7) unless the court orders that
6 placement's restoration under subsection (6) or the MCI
7 superintendent approves that placement's restoration under this
8 subsection. The foster care review board shall notify the court, or
9 if the child is under MCI jurisdiction, control, or supervision,
10 the MCI superintendent, about the board's and agency's
11 disagreement. The court shall set a hearing date and provide notice
12 to the foster parents, each interested party, and the prosecuting
13 attorney if the prosecuting attorney has appeared in the case. The
14 court shall set the hearing no sooner than 7 and no later than 14
15 days after receipt of the notice from the foster care review board.
16 The rules of evidence do not apply to a hearing required by this
17 subsection. Within 14 days after notification under this
18 subsection, the MCI superintendent shall make a decision regarding
19 the child's placement and shall inform each interested party what
20 the decision is.

21 (6) After hearing testimony from the agency and any other
22 interested party and considering any other evidence bearing upon
23 the proposed change in placement, the court shall order the
24 continuation or restoration of the placement unless the court finds
25 that the proposed change in placement is in the child's best
26 interests.

27 (7) If the agency has reasonable cause to believe that the

1 child has suffered sexual abuse or nonaccidental physical injury,
2 or that there is substantial risk of harm to the child's emotional
3 well-being, the agency may change the child's foster care placement
4 without complying with subsection (1) or (2)(b) or (c). The agency
5 shall include in the child's file documentation of its
6 justification for action under this subsection. If a foster parent
7 objects to the removal of a child under this subsection, he or she
8 may appeal to the foster care review board within 3 days after the
9 child's removal. The foster parent may appeal orally, but must
10 submit the appeal in writing immediately following the oral appeal.

11 (8) At the time of or immediately following a child's removal
12 under subsection (7), the agency shall inform the foster parents
13 about the removal and that, if they disagree with the decision,
14 they may appeal within 3 days to a foster care review board in the
15 manner provided in subsection (7). The agency shall provide the
16 foster parents with the address and telephone number of a foster
17 care review board with jurisdiction over the child.