

# HOUSE BILL No. 4409

February 24, 2009, Introduced by Reps. Spade, Polidori, Switalski, Clemente, Lahti,  
Gonzales and Booher and referred to the Committee on Families and Children's Services.

A bill to amend 1973 PA 116, entitled

"An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,"

by amending section 14a (MCL 722.124a), as amended by 1984 PA 396.

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

1           Sec. 14a. (1) A probate court, a child placing agency, or the  
2 department may consent to routine, nonsurgical medical care, or  
3 emergency medical and surgical treatment of a minor child placed in  
4 out-of-home care ~~pursuant to Act No. 280 of the Public Acts of~~  
5 ~~1939, as amended, being sections 400.1 to 400.121 of the Michigan~~  
6 ~~Compiled Laws, Act No. 288 of the Public Acts of 1939, as amended,~~  
7 ~~being sections 710.21 to 712A.28 of the Michigan Compiled Laws~~  
8 **UNDER THE SOCIAL WELFARE ACT, 1939 PA 280, MCL 400.1 TO 400.119B,**

1 **THE PROBATE CODE OF 1939, 1939 PA 288, MCL 710.21 TO 712A.32**, or  
2 this act. If the minor child is placed in a child care  
3 organization, then the probate court, the child placing agency, or  
4 the department making the placement shall execute a written  
5 instrument investing that organization with authority to consent to  
6 emergency medical and surgical treatment of the child. ~~The~~**EXCEPT**  
7 **AS PROVIDED IN THIS SUBSECTION, THE** department may also execute a  
8 written instrument investing a child care organization with  
9 authority to consent to routine, nonsurgical medical care of the  
10 child. **THE DEPARTMENT SHALL EXECUTE A WRITTEN INSTRUMENT INVESTING**  
11 **A FOSTER PARENT WITH AUTHORITY TO CONSENT TO ROUTINE, NONSURGICAL**  
12 **MEDICAL CARE OF THE CHILD IN HIS OR HER CARE.** If the minor child is  
13 placed in a child care institution, the probate court, the child  
14 placing agency, or the department making the placement shall in  
15 addition execute a written instrument investing that institution  
16 with authority to consent to the routine, nonsurgical medical care  
17 of the child.

18 (2) A parent or guardian of a minor child who voluntarily  
19 places the child in a child care organization shall execute a  
20 written instrument investing that organization with authority to  
21 consent to emergency medical and surgical treatment of the child.  
22 The parent or guardian shall consent to routine, nonsurgical  
23 medical care.

24 (3) Only the minor child's parent or legal guardian shall  
25 consent to nonemergency, elective surgery for a child in foster  
26 care. If parental rights have been permanently terminated by court  
27 action, consent for nonemergency, elective surgery shall be given

1 by the probate court or the agency having jurisdiction over the  
2 child.

3 (4) As used in this section, "routine, nonsurgical medical  
4 care" does not include contraceptive treatment, services,  
5 medication or devices.