

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 440**

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending sections 18c and 115j (MCL 400.18c and 400.115j),
section 115j as amended by 2009 PA 17.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 18c. (1) Foster care financed by a county department of
2 ~~social welfare~~ shall be provided by the use of licensed child
3 caring institutions or placement agencies, in accordance with the
4 needs of the child, or if licensed child caring institutions or
5 placement agencies are not available, or there is a religious
6 conflict, foster care shall be provided under the direct
7 supervision of the county department, which care shall meet the
8 following standards of care and service:

1 (A) ~~(1)~~—Personnel engaged in placement and supervision of
 2 children in foster care shall have qualifying training and
 3 experience.

4 (B) ~~(2)~~—Adequate records shall be maintained with information
 5 on the physical and mental health of the child, his OR HER
 6 emotional stability and family background, together with the
 7 reasons for the child's placement away from home to aid in planning
 8 for any child placed by the department, toward the end that the
 9 child may be reunited with his OR HER family as soon as it appears
 10 possible.

11 (C) ~~(3)~~—Family foster homes used by the department shall be
 12 selected with consideration of the religious, racial, and cultural
 13 background of the child to be placed and children thus placed shall
 14 be visited in these homes at least once a month.

15 (2) THE DEPARTMENT MAY PLACE A CHILD WHO IS AT LEAST 16 BUT
 16 LESS THAN 21 YEARS OF AGE IN AN UNLICENSED RESIDENCE TO LIVE
 17 INDEPENDENTLY, OR IN THE UNLICENSED RESIDENCE OF AN ADULT WHO HAS
 18 NO SUPERVISORY RESPONSIBILITY FOR THE CHILD, IF THE DEPARTMENT
 19 MAINTAINS SUPERVISORY RESPONSIBILITY FOR THAT CHILD. IF THE CHILD
 20 IS AT LEAST 18 BUT LESS THAN 21 YEARS OF AGE, HE OR SHE MUST MEET
 21 THE REQUIREMENTS OF THE YOUNG ADULT VOLUNTARY FOSTER CARE ACT.

22 Sec. 115j. (1) ~~Adoption~~—EXCEPT AS PROVIDED IN SUBSECTIONS (2)
 23 TO (4), ADOPTION assistance or a medical subsidy, or both, shall
 24 continue until 1 of the following occurs:

25 (a) The adoptee becomes 18 years of age.

26 (b) The adoptee is emancipated.

27 (c) The adoptee dies.

1 (d) The adoption is terminated.

2 (e) A determination of ineligibility is made by the
3 department.

4 (2) If sufficient funds are appropriated by the legislature in
5 the department's annual budget, adoption support subsidy agreements
6 or adoption medical subsidy agreements, or both, may be extended
7 through state funding for an adoptee under 21 years of age if all
8 of the following criteria are met:

9 (a) The adoptee has not completed high school or a GED
10 program.

11 (b) The adoptee is regularly attending high school or a GED
12 program or a program for children with disabilities on a full-time
13 basis and is progressing toward achieving a high school diploma,
14 certificate of completion, or GED.

15 (c) The adoptee is not eligible for supplemental security
16 income.

17 (3) Adoption support subsidy agreements may be extended
18 through title IV-E funding for an eligible adoptee up to the age of
19 ~~19-21~~ years if the ~~state~~ **DEPARTMENT** determines that the child has a
20 mental or physical disability that warrants continuation of
21 adoption assistance **AND THE CHILD WAS ADOPTED BEFORE 16 YEARS OF**
22 **AGE.**

23 **(4) ADOPTION SUPPORT SUBSIDY AGREEMENTS MAY BE EXTENDED FOR A**
24 **CHILD ADOPTED ON OR AFTER HIS OR HER SIXTEENTH BIRTHDAY IF THE**
25 **DEPARTMENT DETERMINES THAT THE ELIGIBLE ADOPTEE MEETS THE**
26 **REQUIREMENTS SET FORTH IN THE YOUNG ADULT VOLUNTARY FOSTER CARE**
27 **ACT.**

1 (5) ~~(4)~~—Adoption assistance and a medical subsidy shall
2 continue even if the adoptive parent **OR THE ADOPTEE** leaves the
3 state.

4 (6) ~~(5)~~—An adoption support subsidy shall continue during a
5 period in which the adoptee is removed for delinquency from his or
6 her home as a temporary court ward based on proceedings under
7 section 2(a) of chapter XIIIA of the probate code of 1939, 1939 PA
8 288, MCL 712A.2.

9 (7) ~~(6)~~—Upon the death of the adoptive parent, the department
10 shall continue making support subsidy payments or continue medical
11 subsidy eligibility, or both, through state funding to the guardian
12 of the adoptee if a guardian is appointed as provided in section
13 5202 or 5204 of the estates and protected individuals code, 1998 PA
14 386, MCL 700.5202 and 700.5204.

15 Enacting section 1. This amendatory act does not take effect
16 unless Senate Bill No. 435 of the 96th Legislature is enacted into
17 law.