

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2011**

Introduced by Senators Proos, Jansen, Caswell, Nofs, Emmons and Moolenaar

ENROLLED SENATE BILL No. 440

AN ACT to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," 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:

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

(a) Personnel engaged in placement and supervision of children in foster care shall have qualifying training and experience.

(b) Adequate records shall be maintained with information on the physical and mental health of the child, his or her emotional stability and family background, together with the reasons for the child's placement away from home to aid in planning for any child placed by the department, toward the end that the child may be reunited with his or her family as soon as it appears possible.

(c) Family foster homes used by the department shall be selected with consideration of the religious, racial, and cultural background of the child to be placed and children thus placed shall be visited in these homes at least once a month.

(2) The department may place a child who is at least 16 but less than 21 years of age in an unlicensed residence to live independently, or in the unlicensed residence of an adult who has no supervisory responsibility for the child, if the department maintains supervisory responsibility for that child. If the child is at least 18 but less than 21 years of age, he or she must meet the requirements of the young adult voluntary foster care act.

Sec. 115j. (1) Except as provided in subsections (2) to (4), adoption assistance or a medical subsidy, or both, shall continue until 1 of the following occurs:

- (a) The adoptee becomes 18 years of age.
- (b) The adoptee is emancipated.
- (c) The adoptee dies.
- (d) The adoption is terminated.
- (e) A determination of ineligibility is made by the department.

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

- (a) The adoptee has not completed high school or a GED program.
- (b) The adoptee is regularly attending high school or a GED program or a program for children with disabilities on a full-time basis and is progressing toward achieving a high school diploma, certificate of completion, or GED.
- (c) The adoptee is not eligible for supplemental security income.

(3) Adoption support subsidy agreements may be extended through title IV-E funding for an eligible adoptee up to the age of 21 years if the department determines that the child has a mental or physical disability that warrants continuation of adoption assistance and the child was adopted before 16 years of age.

(4) Adoption support subsidy agreements may be extended for a child adopted on or after his or her sixteenth birthday if the department determines that the eligible adoptee meets the requirements set forth in the young adult voluntary foster care act.

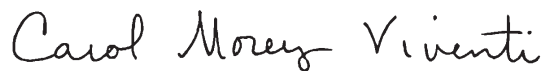
(5) Adoption assistance and a medical subsidy shall continue even if the adoptive parent or the adoptee leaves the state.

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

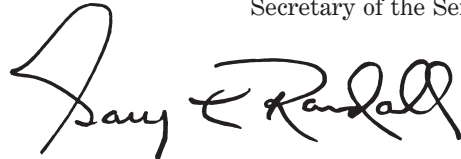
(7) Upon the death of the adoptive parent, the department shall continue making support subsidy payments or continue medical subsidy eligibility, or both, through state funding to the guardian of the adoptee if a guardian is appointed as provided in section 5202 or 5204 of the estates and protected individuals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

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

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor