

# HOUSE BILL No. 4933

September 13, 2017, Introduced by Rep. Kosowski and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending sections 2 and 4a (MCL 722.952 and 722.954a), as amended by 2016 PA 190, and by adding section 4f.

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

1           Sec. 2. As used in this act:

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

4           (b) "Adoption attorney" means that term as defined in section  
5 22 of the adoption code, MCL 710.22.

6           (c) "Adoption code" means the Michigan adoption code, chapter  
7 X of 1939 PA 288, MCL 710.21 to 710.70.

8           (d) "Adoption facilitator" means a child placing agency or an

1 adoption attorney.

2 (e) "Adoptive parent" means the parent or parents who adopt a  
3 child in accordance with the adoption code.

4 (f) "Agency placement" means that term as defined in section  
5 22 of the adoption code, MCL 710.22.

6 (g) "Child placing agency" means that term as defined in  
7 section 1 of 1973 PA 116, MCL 722.111.

8 (h) "Department" means the department of health and human  
9 services.

10 (i) "Direct placement" means that term as defined in section  
11 22 of the adoption code, MCL 710.22.

12 **(J) "EDUCATIONAL STABILITY" MEANS MAINTAINING ENROLLMENT IN**  
13 **THE SCHOOL IN WHICH THE CHILD WAS ENROLLED AT THE TIME OF PLACEMENT**  
14 **TO THE EXTENT POSSIBLE OR, WHEN A CHILD'S BEST INTERESTS INDICATE A**  
15 **CHANGE IN SCHOOLS IS NECESSARY, ENSURING A CHILD EXPERIENCES A**  
16 **MINIMAL LAPSE IN ENROLLMENT IN SCHOOL WHILE TRANSITIONING TO A**  
17 **DIFFERENT PLACEMENT OR LIVING ARRANGEMENT.**

18 **(K)** ~~(j)~~—"Foster care" means a child's placement outside the  
19 child's parental home by and under the supervision of a child  
20 placing agency, the court, or the department.

21 **(L)** ~~(k)~~—"Preplacement assessment" means an assessment of a  
22 prospective adoptive parent as described in section 23f of the  
23 adoption code, MCL 710.23f.

24 **(M)** ~~(l)~~—"Sibling" means a child who is related through birth  
25 or adoption by at least 1 common parent. Sibling includes that term  
26 as defined by the American Indian or Alaskan native child's tribal  
27 code or custom.

1           **(N)** ~~(m)~~—"Supervising agency" means the department if a child  
2 is placed in the department's care for foster care, or a child  
3 placing agency in whose care a child is placed for foster care.

4           Sec. 4a. (1) If a child has been placed in a supervising  
5 agency's care under chapter XIIIA of the probate code of 1939, 1939  
6 PA 288, MCL 712A.1 to 712A.32, the supervising agency shall comply  
7 with this section and sections 4b, ~~and 4c~~, **AND 4F**.

8           (2) Upon removal, as part of a child's initial case service  
9 plan as required by rules promulgated under 1973 PA 116, MCL  
10 722.111 to 722.128, and by section 18f of chapter XIIIA of the  
11 probate code of 1939, 1939 PA 288, MCL 712A.18f, the supervising  
12 agency shall, within 30 days, identify, locate, notify, and consult  
13 with relatives to determine placement with a fit and appropriate  
14 relative who would meet the child's developmental, emotional, and  
15 physical needs.

16           (3) The notification of relatives required in subsection (2)  
17 shall do all of the following:

18           (a) Specify that the child has been removed from the custody  
19 of the child's parent.

20           (b) Explain the options the relative has to participate in the  
21 care and placement of the child, including any option that may be  
22 lost by failing to respond to the notification.

23           (c) Describe the requirements and benefits, including the  
24 amount of monetary benefits, of becoming a licensed foster family  
25 home.

26           (d) Describe how the relative may subsequently enter into an  
27 agreement with the department for guardianship assistance.

1 (4) Not more than 90 days after the child's removal from his  
2 or her home, the supervising agency shall do all of the following:

3 (a) Make a placement decision and document in writing the  
4 reason for the decision.

5 (b) Provide written notice of the decision and the reasons for  
6 the placement decision to the child's attorney, guardian, guardian  
7 ad litem, mother, and father; the attorneys for the child's mother  
8 and father; each relative who expresses an interest in caring for  
9 the child; the child if the child is old enough to be able to  
10 express an opinion regarding placement; and the prosecutor.

11 (5) Before determining placement of a child in its care, a  
12 supervising agency shall give special consideration and preference  
13 to a child's relative or relatives who are willing to care for the  
14 child, are fit to do so, and would meet the child's developmental,  
15 emotional, and physical needs. The supervising agency's placement  
16 decision shall be made in the best interests of the child.

17 (6) Reasonable efforts shall be made to do the following:

18 (a) Place siblings removed from their home in the same foster  
19 care, kinship guardianship, or adoptive placement, unless the  
20 supervising agency documents that a joint placement would be  
21 contrary to the safety or well-being of any of the siblings.

22 (b) In the case of siblings removed from their home who are  
23 not jointly placed, provide for at least monthly visitation or  
24 other ongoing contact between the siblings, unless the supervising  
25 agency documents that at least monthly visitation or other ongoing  
26 contact would be contrary to the safety or well-being of any of the  
27 siblings.

1 (7) If siblings cannot be placed together or not all the  
2 siblings are being placed in foster care, the supervising agency  
3 shall make reasonable efforts to facilitate at least monthly  
4 visitation or other ongoing contact with siblings unless a court  
5 has determined that at least monthly visitation or other ongoing  
6 contact with siblings would not be beneficial under section 13a(16)  
7 of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL  
8 712A.13a.

9 (8) If the supervising agency discontinues visitation or other  
10 ongoing contact with siblings because the supervising agency  
11 determines that visitation or other ongoing contact is contrary to  
12 the safety or well-being of any of the siblings, the supervising  
13 agency shall report its determination to the court for  
14 consideration at the next review hearing.

15 (9) A person who receives a written decision described in  
16 subsection (4) may request in writing, within 5 days, documentation  
17 of the reasons for the decision, and if the person does not agree  
18 with the placement decision, he or she may request that the child's  
19 attorney review the decision to determine if the decision is in the  
20 child's best interest. If the child's attorney determines the  
21 decision is not in the child's best interest, within 14 days after  
22 the date of the written decision the attorney shall petition the  
23 court that placed the child out of the child's home for a review  
24 hearing. The court shall commence the review hearing not more than  
25 7 days after the date of the attorney's petition and shall hold the  
26 hearing on the record.

27 **SEC. 4F. (1) IN DETERMINING PLACEMENT OF A CHILD, IN ADDITION**

1 TO THE REQUIREMENTS IN SECTIONS 4A, 4B, AND 4C, THE SUPERVISING  
2 AGENCY SHALL, IF PRACTICABLE, LOCATE A PLACEMENT WITHIN THE SAME  
3 SCHOOL DISTRICT WHERE THE CHILD WAS MOST RECENTLY ENROLLED THAT  
4 ALLOWS THE CHILD TO CONTINUE ENROLLMENT IN THE SAME SCHOOL.

5 (2) AFTER DETERMINING PLACEMENT OF THE CHILD, THE SUPERVISING  
6 AGENCY SHALL MAKE A DETERMINATION AS TO WHETHER IT IS IN THE  
7 CHILD'S BEST INTERESTS TO REMAIN IN THE SAME SCHOOL THAT HE OR SHE  
8 ATTENDS AT THE TIME OF PLACEMENT. IN MAKING THIS DETERMINATION, THE  
9 SUPERVISING AGENCY SHALL CONSIDER THE REASONABLE PREFERENCE OF THE  
10 CHILD IF THE SUPERVISING AGENCY CONSIDERS THE CHILD TO BE OF  
11 SUFFICIENT AGE TO EXPRESS PREFERENCE.

12 (3) IF THE SUPERVISING AGENCY DETERMINES THAT THE SCHOOL IN  
13 WHICH THE CHILD IS ENROLLED AT THE TIME OF PLACEMENT IS NOT IN THE  
14 BEST INTERESTS OF THE CHILD, THE SUPERVISING AGENCY AND THE SCHOOL  
15 ADMINISTRATION SHALL WORK TOGETHER TO ENSURE IMMEDIATE AND  
16 APPROPRIATE ENROLLMENT IN A NEW SCHOOL, TAKING INTO CONSIDERATION  
17 THE CHILD'S REASONABLE PREFERENCE IF THE SUPERVISING AGENCY  
18 CONSIDERS THE CHILD TO BE OF SUFFICIENT AGE TO EXPRESS PREFERENCE.  
19 THE SUPERVISING AGENCY AND THE SCHOOL ADMINISTRATION SHALL WORK  
20 TOGETHER TO PROVIDE ALL OF THE CHILD'S EDUCATION RECORDS TO THE NEW  
21 SCHOOL, IN A MANNER CONSISTENT WITH CURRENT STATUTE, INCLUDING, BUT  
22 NOT LIMITED TO, SECTION 1135 OF THE REVISED SCHOOL CODE, 1976 PA  
23 451, MCL 380.1135.

24 (4) IN A SCHOOL CHANGE REQUIRED UNDER THIS SECTION, THE  
25 ADMINISTRATION OF THE NEW SCHOOL SHALL IMMEDIATELY ENROLL A CHILD  
26 IN THAT SCHOOL, EVEN IF THE CHILD IS UNABLE TO PRODUCE REQUIRED  
27 RECORDS, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

1 (A) ACADEMIC RECORDS.

2 (B) MEDICAL RECORDS.

3 (C) PROOF OF RESIDENCY.

4 (5) THE ADMINISTRATION OF THE NEW SCHOOL SHALL IMMEDIATELY  
5 REQUEST THE CHILD'S RECORDS FROM THE CHILD'S PREVIOUS SCHOOL. THE  
6 ADMINISTRATION OF THE PREVIOUS SCHOOL SHALL PROVIDE THE FOLLOWING:

7 (A) ALL RELEVANT AND ESSENTIAL RECORDS WITHIN 3 WORKING DAYS  
8 OF RECEIPT OF ANY REQUEST MADE UNDER THIS SECTION.

9 (B) ALL RELEVANT AND NONESSENTIAL SCHOOL RECORDS TO THE NEW  
10 SCHOOL WITHIN 10 WORKING DAYS OF RECEIPT OF ANY REQUEST MADE UNDER  
11 THIS SECTION.

12 (6) SUBJECT TO THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT,  
13 20 USC 1232G, THE SUPERVISING AGENCY RESPONSIBLE FOR THE CHILD  
14 SHALL BE ALLOWED ACCESS TO ALL EDUCATIONAL RECORDS IN ORDER TO  
15 ALLOW FOR PROPER TRANSFER.

16 Enacting section 1. This amendatory act takes effect 90 days  
17 after the date it is enacted into law.

18 Enacting section 2. This amendatory act does not take effect  
19 unless all of the following bills of the 99th Legislature are  
20 enacted into law:

21 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4934 (request no.  
22 03625'17 a).

23 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4935 (request no.  
24 03625'17 b).