YOUNG ADULT VOLUNTARY FOSTER CARE ACT

Act 225 of 2011

AN ACT to establish a program for youths at least 18 years of age who choose to remain under certain state care up to 21 years of age; and to prescribe the powers and duties of certain state departments and agencies.

History: 2011, Act 225, Imd. Eff. Nov. 22, 2011

The People of the State of Michigan enact:

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ARTICLE I

400.641 Short title.

Sec. 1.

This act shall be known and may be cited as the "young adult voluntary foster care act".

History: 2011, Act 225, Imd. Eff. Nov. 22, 2011

400.643 Definitions.

Sec. 3.

As used in this act:

(a) "Court" means the family division of the circuit court.

(b) "Department" means the department of human services.

(c) "Youth" means an individual who is at least 18 years of age but less than 21 years of age.

History: 2011, Act 225, Imd. Eff. Nov. 22, 2011

ARTICLE II

400.645 Young adult voluntary foster care act; implementation.

Sec. 5.

The department shall implement the young adult voluntary foster care act in accordance with the state's approved title IV-E state plan.

History: 2011, Act 225, Imd. Eff. Nov. 22, 2011

400.647 Foster care; reentry; extended foster care services.

Sec. 7.

A youth who exited foster care after reaching 18 years of age but before reaching 21 years of age may reenter foster care and receive extended foster care services.

History: 2011, Act 225, Imd. Eff. Nov. 22, 2011

400.649 Extended foster care services; conditions; eligibility.

Sec. 9.

The department may provide extended foster care services if the youth meets 1 of the following conditions for eligibility:

(a) The youth is completing secondary education or a program leading to an equivalent credential.

(b) The youth is enrolled in an institution that provides postsecondary or vocational education.

(c) The youth is participating in a program or activity designed to promote employment or remove barriers to employment.

(d) The youth is employed for at least 80 hours per month.

(e) The youth is incapable of doing any part of the activities in subdivisions (a) to (d) due to a medical condition. This assertion of incapacity must be supported by regularly updated information in the youth's case plan.

History: 2011, Act 225, Imd. Eff. Nov. 22, 2011

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400.651 Voluntary foster care agreement; information to be included.

Sec. 11.

If a youth chooses to participate in extended foster care services and meets the eligibility criteria set forth in section 9, the department and the youth shall sign a voluntary foster care agreement that shall include, at a minimum, information regarding all of the following:

(a) The obligation for the youth to continue to meet the conditions for eligibility described in section 9 for the duration of the voluntary foster care agreement.

(b) Any obligation considered necessary by the department for the youth to continue to receive extended foster care services.

(c) Any obligation considered necessary by the department to facilitate the youth's continued success in the program.

(d) Termination of a voluntary foster care agreement and program participation as described in section 23.

(e) The voluntary nature of the youth's participation in receiving extended foster care services.

History: 2011, Act 225, Imd. Eff. Nov. 22, 2011

400.653 Providing foster care services; determination of eligibility; signing agreement.

Sec. 13.

As soon as the department determines that a youth is eligible under section 9 and the youth signs the voluntary foster care agreement described in section 11, the department may provide extended foster care services to the youth in accordance with this act.

History: 2011, Act 225, Imd. Eff. Nov. 22, 2011

400.655 Written report; filing with court; contents.

Sec. 15.

Within 150 days after the voluntary foster care agreement is signed, the department shall file with the court in the county where the youth resides a written report that shall contain all of the following:

(a) The youth's name, date of birth, race, gender, and current address.

(b) A statement of facts that supports the voluntary foster care agreement and includes both of the following:

(i) The reasonable efforts made to achieve permanency for the youth.

(ii) The reasons why it remains in the youth's best interests to continue in voluntary foster care.

(c) A copy of the signed voluntary foster care agreement.

(d) Any other information the department or the youth wants the court to consider.

History: 2011, Act 225, Imd. Eff. Nov. 22, 2011

400.657 Court jurisdiction; review; opening of young adult voluntary foster care case; purpose; determination.

Sec. 17.

The court has the jurisdiction to review the voluntary foster care agreement signed by the department and the youth in section 11. Upon the filing of a report under section 15, the court shall open a young adult voluntary foster care case for the purpose of determining whether continuing in voluntary foster care is in the youth's best interests. The court shall make that determination not later than 21 days after the date the report was filed as described in section 15.

History: 2011, Act 225, Imd. Eff. Nov. 22, 2011

400.659 Young adult voluntary foster care case; closure.

Sec. 19.

Following the court's determination in section 17, the court shall close the young adult voluntary foster care case and the department shall provide extended foster care services to the youth in accordance with this act.

History: 2011, Act 225, Imd. Eff. Nov. 22, 2011

400.661 Periodic case reviews.

Sec. 21.

The department shall conduct periodic case reviews not less than once every 180 days to address the status of the youth's safety, continuing necessity and appropriateness of placement, extent of compliance with the case plan, and projected date by which the youth may no longer require extended foster care services.

History: 2011, Act 225, Imd. Eff. Nov. 22, 2011

400.663 Voluntary foster care agreement; termination.

Sec. 23.

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(1) A youth may choose to terminate the voluntary foster care agreement and stop receiving extended foster care services at any time.

(2) If, at any time, the department determines that the youth is not in compliance with the voluntary foster care agreement or any program requirements, the department may terminate the voluntary foster care agreement with the youth and stop providing extended foster care services to the youth. The department shall provide written or electronic notice to the youth regarding termination of the voluntary foster care agreement and the youth's participation in the program.

History: 2011, Act 225, Imd. Eff. Nov. 22, 2011

ARTICLE III

400.665 Extended guardianship assistance; initial and subsequent eligibility; determination.

Sec. 25.

(1) The department may provide extended guardianship assistance for a youth, who is at least 18 years of age but less than 21 years of age, if the youth began receiving guardianship assistance at 16 years of age or older.

(2) The department shall determine a youth's initial and subsequent eligibility for extended guardianship assistance in accordance with the state's approved title IV-E plan.

History: 2011, Act 225, Imd. Eff. Nov. 22, 2011

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400.667 Extended guardianship assistance; conditions for eligibility.

Sec. 27.

The department may provide extended guardianship assistance in accordance with this article if the youth meets 1 of the following conditions for eligibility:

(a) The youth is completing secondary education or a program leading to an equivalent credential.

(b) The youth is enrolled in an institution that provides postsecondary or vocational education.

(c) The youth is participating in a program or activity designed to promote employment or remove barriers to employment.

(d) The youth is employed for at least 80 hours per month.

(e) The youth is incapable of doing any part of the activities in subdivisions (a) to (d) due to a medical condition. This assertion of incapacity must be supported by regularly updated information.

History: 2011, Act 225, Imd. Eff. Nov. 22, 2011

400.669 Court jurisdiction; duration; hearing.

Sec. 29.

(1) The court shall retain jurisdiction of a youth receiving, or a youth for whom the department is determining eligibility for receiving, extended guardianship assistance until that youth no longer receives guardianship assistance.

(2) The court shall hold a hearing regarding the youth's continued participation in extended guardianship assistance not less than 1 time every 12 months. A hearing held under this section may be combined with a hearing held under section 19(2) to (4) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.19, section 19a(1) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.19a, or section 19c(1) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.19c.

History: 2011, Act 225, Imd. Eff. Nov. 22, 2011 ;-- Am. 2014, Act 534, Imd. Eff. Jan. 14, 2015

ARTICLE IV

400.671 Extended adoption assistance; conditions.

Sec. 31.

(1) In accordance with the provisions of section 115j(4) of the social welfare act, 1939 PA 280, MCL 400.115j, the department may provide extended adoption assistance for an adoptee who is at least 18 years of age but less than 21 years of age if the department determines that the adoptee first received adoption assistance at age 16 years or older and 1 of the following exists:

(a) The youth has a mental or physical disability that warrants continuation of adoption assistance.

(b) The youth is completing secondary education or a program leading to an equivalent credential.

(c) The youth is enrolled in an institution that provides postsecondary or vocational education.

(d) The youth is participating in a program or activity designed to promote employment or remove barriers to employment.

(e) The youth is employed for at least 80 hours per month.

(f) The youth is incapable of doing any part of the activities in subdivisions (b) to (e) due to a medical condition. This incapacity must be supported by regularly updated information.

(2) The department shall provide extended adoption assistance for an adoptee in accordance with the state's approved title IV-E plan.

History: 2011, Act 225, Imd. Eff. Nov. 22, 2011

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