FOSTER CARE AND ADOPTION SERVICES ACT

Act 203 of 1994

AN ACT to establish certain standards for foster care and adoption services for children and their families; and to prescribe powers and duties of certain state agencies and departments and adoption facilitators.

History: 1994, Act 203, Eff. Jan. 1, 1995

The People of the State of Michigan enact:

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722.951 Short title.

Sec. 1.

This act shall be known and may be cited as the "foster care and adoption services act".

History: 1994, Act 203, Eff. Jan. 1, 1995

722.952 Definitions.

Sec. 2.

As used in this act:

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

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

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

(d) "Adoption facilitator" means a child placing agency or an adoption attorney.

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

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

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

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

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

(j) "Foster care" means a child's placement outside the child's parental home by and under the supervision of a child placing agency, the court, or the department. Foster care does not include the delegation of a parent's or guardian's powers regarding care, custody, or property of a child or ward under a properly executed power of attorney under the safe families for children act.

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

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

(m) "Supervising agency" means the department if a child is placed in the department's care for foster care, or a child placing agency in whose care a child is placed for foster care.

History: 1994, Act 203, Eff. Jan. 1, 1995 ;-- Am. 1997, Act 172, Eff. Mar. 31, 1998 ;-- Am. 2016, Act 190, Eff. Sept. 19, 2016 ;-- Am. 2018, Act 432, Eff. Mar. 20, 2019

722.953 Purpose of act.

Sec. 3.

The purposes of this act are all of the following:

(a) To assist foster parents to provide a stable, loving family environment for children who are placed outside of their homes on a temporary basis.

(b) To help eliminate barriers to the adoption of children and to promote the provision of a stable and loving family environment to children who are without permanent families.

(c) To promote the well-being and safety of all children who receive foster care or are adopted under the laws of this state.

(d) To protect and assist prospective adoptive families as they negotiate the adoption process.

(e) To regulate child placing agencies who certify foster parents and serve adoptees and adoptive families in this state.

(f) To regulate adoption attorneys who facilitate direct placement adoptions.

(g) To ensure foster parents and prospective adoptive parents receive all applicable resources as described in section 8a.

(h) To ensure that the department develops and maintains a specific policy of the provisions described in sections 8b, 8c, and 8d to provide to children placed in foster care. The specific policy described in sections 8b, 8c, and 8d shall be known as the children's assurance of quality foster care policy.

History: 1994, Act 203, Eff. Jan. 1, 1995 ;-- Am. 2014, Act 524, Eff. Apr. 1, 2015 ;-- Am. 2018, Act 489, Eff. Mar. 27, 2019

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722.953a Annual report; reduction cost savings.

Sec. 3a.

(1) Beginning January 1, 2023, and annually each January 1 after that, the department must submit an annual report to the legislature and the house of representatives and senate appropriation committees on the department budget, that identifies the cost savings that occur due to reductions in foster youth in the foster care program and compares that number with the cost when the highest number of foster youth have been in the foster care system for the immediately preceding 10 years. The report must also include details of the department's efforts to reinvest the cost savings identified in the report.

(2) The details of the department's efforts required under subsection (1) must include, but are not limited to, information on all of the following reinvestment efforts:

(a) Prevention services.

(b) Permanency services.

(c) Adoption assistance.

(d) Safety assessments.

(e) Adoptive and foster family recruitment.

(f) Training.

(g) Caseworker bonuses.
(h) Wage increases.

History: Add. 2022, Act 202, Imd. Eff. Oct. 7, 2022

722.953b Family finding engagement services.

Sec. 3b.

(1) Upon appropriation and by not later than October 1, 2022, the department must work in conjunction with entities that perform family finding and engagement services to help foster youth who are separated from their family to connect to family and friends who may assist in the foster youth's care.

(2) By December 31, 2022, the department must make efforts in family finding and engagement services on behalf of all foster youth currently in the foster care program. The department must incorporate family finding and engagement services in all current and future child abuse and child neglect investigations.

History: Add. 2022, Act 204, Imd. Eff. Oct. 7, 2022

722.954 Licensure as foster parent; orientation as condition to certification; written information to be provided foster parents before placement; confidentiality.

Sec. 4.

(1) Before certifying an individual for licensure as a foster parent, a child placing agency shall conduct an orientation designed to ensure the individual's understanding of the purposes of foster care, including the temporary nature of foster care and the ultimate goal of returning the child to his or her permanent family or preparing the child for adoption.

(2) Before placing a child with foster parents, a child placing agency shall provide the foster parents with written information including all of the following:

(a) Any history of abuse or neglect of the child.

(b) All known emotional and psychological problems of the child.

(c) All behavior problems of the child that might present any risk to the foster family.

(d) Any other information necessary to enable the foster family to provide a stable, safe, and healthy environment for the foster child and for other members of the foster family.

(3) The child placing agency shall explain to the foster parents that the information provided under subsection (2) about the child and the child's family is confidential.

History: 1994, Act 203, Eff. Jan. 1, 1995

722.954a Placement of child in supervising agency's care; determination of placement with relative; good cause exception; notification; special consideration and preference to child's relative; placement of siblings; documentation of decision; review hearing.

Sec. 4a.

(1) If a child has been placed in a supervising agency's care under chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32, the supervising agency must comply with this section and sections 4b and 4c.

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(2) Upon removal, as part of a child's initial case service plan as required by rules promulgated under 1973 PA 116, MCL 722.111 to 722.128, and by section 18f of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18f, the supervising agency must, within 30 days, identify, locate, notify, and consult with relatives to determine placement with a fit and appropriate relative who would meet the child's developmental, emotional, and physical needs. Preference shall be given to an adult related to the child within the fifth degree by blood, marriage, or adoption provided the relative meets all relevant state child protection standards. The department may make an exception to this preference only if good cause is shown. As used in this section, "good cause" means any of the following:

(a) A request by 1 or both of the child's parents to deviate from this preference.

(b) The child's request, if the child is of sufficient age and capacity to understand the decision that is being made.

(c) The presence of a sibling attachment that can be maintained through a particular placement.

(d) The child's physical, mental, or emotional needs, such as specialized treatment services that may be unavailable in the community where families who meet the placement preferences live.

(e) The distance between the child's home and the proposed family placement would frustrate the reunification goal or otherwise impede permanency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) This section does not supersede the placement preferences in the Michigan Indian family preservation act.

(11) As used in this section, "Michigan Indian family preservation act" means chapter XIIB of the probate code of 1939, 1939 PA 288, MCL 712B.1 to 712B.41.

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History: Add. 1997, Act 172, Eff. Mar. 31, 1998 ;-- Am. 2010, Act 265, Imd. Eff. Dec. 14, 2010 ;-- Am. 2016, Act 190, Eff. Sept. 19, 2016 ;-- Am. 2022, Act 211, Imd. Eff. Oct. 7, 2022

722.954b Permanent placement; 12-month goal; inclusion in directory of children; in-home visits.

Sec. 4b.

(1) A supervising agency shall strive to achieve a permanent placement for each child in its care, including either a safe return to the child's home or implementation of a permanency plan, no more than 12 months after the child is removed from his or her home. This 12-month goal shall not be extended or delayed for reasons such as a change or transfer of staff or worker at the supervising agency.

(2) If an adoptive family for a child has not been identified within 90 days after entry of an order of termination of parental rights, the supervising agency shall submit the necessary information for inclusion of the child in the directory of children described in section 8.

(3) The supervising agency shall require that its worker make monthly visits to the home or facility in which each child is placed. The supervising agency shall also require its worker to monitor and assess in-home visitation between the child and his or her parents. To ensure the occurrence of in-home visits required under this subsection, the supervising agency shall institute a flexible schedule to provide a number of hours outside of the traditional workday to accommodate the schedules of the individuals involved.

History: Add. 1997, Act 172, Eff. Mar. 31, 1998

722.954c Release of child's medical records; medical passport; contents; transfer; performance of assessment or psychological evaluation; medical examination; indication that child may have been victim of human trafficking; counseling.

Sec. 4c.

(1) The supervising agency shall obtain from the parent, guardian, or custodian of each child who is placed in its care the name and address of the child's medical provider and a signed document for the release of the child's medical records. The supervising agency shall require that a child's medical provider remain constant while the child is in foster care, unless the child's current primary medical provider is a managed care health plan or unless doing so would create an unreasonable burden for the relative, foster parent, or other custodian.

(2) The supervising agency shall develop a medical passport for each child who comes under its care. The medical passport must contain all of the following:

(a) All medical information required by policy or law to be provided to foster parents.

(b) Basic medical history.

(c) A record of all immunizations.

(d) Any other information concerning the child's physical and mental health, including information that the child may be a victim of human trafficking.

(3) Each foster care worker who transfers a child's medical passport to another foster care worker shall sign and date the passport, verifying that he or she has sought and obtained the necessary information required under subsection (2) and any additional information required under department policy. The supervising agency shall provide a copy of each medical passport and updates as required by the department for maintenance in a central location.

(4) If a child under the care of a supervising agency has suffered sexual abuse, serious physical abuse, mental illness, or is alleged to be the victim of human trafficking, the supervising agency shall have an experienced and licensed mental health professional as defined under section 100b(18)(a), (b), or (d) of the mental health code, 1974 PA 258, MCL 330.1100b, who is trained in children's psychological assessments perform an assessment or psychological evaluation of the child. The costs of the assessment or evaluation must be borne by the supervising agency.

(5) A child's supervising agency shall ensure that the child receives a medical examination when the child is first placed in foster care. One objective of this examination is to provide a record of the child's medical and physical status upon entry into foster care.

(6) If an assessment or psychological evaluation required under subsection (4) indicates that a child may have been a victim of human trafficking, the supervising agency shall provide, in addition to any reunification, adoption, or other services provided to a child under the supervising agency's care, counseling services appropriate for minor victims of human trafficking.

History: Add. 1997, Act 172, Eff. Mar. 31, 1998 ;-- Am. 2014, Act 337, Eff. Jan. 14, 2015 ;-- Am. 2020, Act 56, Imd. Eff. Mar. 3, 2020

722.954d Annual report card.

Sec. 4d.

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The department shall publish an annual report card for each supervising agency that evaluates the achievements of that agency in obtaining permanency for children and making recommendations for the removal of barriers to permanency.

History: Add. 1997, Act 172, Eff. Mar. 31, 1998

722.954e Child as victim of human trafficking; placement in setting providing mental health services, counseling, or other specialized services.

Sec. 4e.

Before determining placement of a child in its care, a supervising agency shall give special consideration to information that a child may be the victim of human trafficking. If a supervising agency finds that a child is or may be a victim of human trafficking, the supervising agency shall place the child in a setting that provides mental health services, counseling, or other specialized services that are necessary or appropriate for a victim of human trafficking.

History: Add. 2014, Act 338, Eff. Jan. 14, 2015

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722.955 Registration of attorney with child advocate; filing of compliance; reregistration; request for removal.

Sec. 5.

Before providing services in a direct placement adoption as provided under the adoption code, an attorney shall register with the child advocate by filing with the child advocate a verified statement that the attorney is in compliance with all the requirements for an adoption attorney prescribed by section 22 of the adoption code, MCL 710.22. An attorney who wishes to continue providing adoption services shall reregister with the child advocate as provided in this section at least once every 5 years. An adoption attorney may request to be removed from the registry at any time.

History: 1994, Act 203, Eff. Jan. 1, 1995 ;-- Am. 2023, Act 296, Eff. Feb. 13, 2024

722.956 Adoption facilitator; duties; cost.

Sec. 6.

(1) An adoption facilitator shall do all of the following:

(a) Provide a client with needed services related to adoption, including postadoption services, or make referrals to available resources in the community. The adoption facilitator shall emphasize the importance and availability of counseling for all parties to an adoption and explain that the prospective adoptive parent is required to pay for counseling for the birth parent or guardian unless the birth parent or guardian waives the counseling.

(b) Provide each individual who inquires about services with the pamphlet describing the adoption process prepared by the department under section 115m of the social welfare act, 1939 PA 280, MCL 400.115m. When providing services to an adoption client, the adoption facilitator shall review the pamphlet with the client and make sure the client understands the

various alternatives that are available in the adoption process and how to get access to all of the following:

(i) The directory of children produced by the department under section 8.

(ii) The information contained in the registry of adoptive homes maintained by the department under section 8.

(iii) The public information forms on adoption facilitators maintained by the department pursuant to section 14d of 1973 PA 116, MCL 722.124d.

(c) Prepare and provide to each individual who inquires about services a written document that includes all of the following information:

(i) Types of adoptions the adoption facilitator handles.

(ii) A description of the services that the adoption facilitator provides.

(iii) A description of services that are available by referral.

(iv) Eligibility requirements the adoption facilitator has for adoptive families, if any.

(v) If the adoption facilitator is a child placing agency, the procedure used, or range of options the agency offers, for selecting a prospective adoptive parent for a child, including the role of the child's parent or guardian in the selection process.

(vi) The extent to which the adoption facilitator permits or encourages the exchange of identifying information or contact between biological and adoptive parents.

(vii) A description of postfinalization services that the adoption facilitator provides, if any.

(viii) A schedule of all fees that the adoption facilitator charges for adoption services.

(ix) A statement that each party to an adoption has a right to independent representation by an attorney and that 1 attorney may not represent both the biological parents or guardian and the prospective adoptive parents.

(d) Insure that each prospective adoptive parent completes an orientation program consistent with requirements for orientation programs developed under administrative rules by the department.

(e) Provide a prospective adoptive parent with written copies, other than those portions made confidential by state or federal law, of all of the following regarding the prospective adoptee:

(i) If not already provided under section 27 of chapter 10 of 1939 PA 288, MCL 710.27, the adoptee's nonidentifying information as listed and described by section 27(1) and (2) of chapter X of 1939 PA 288, MCL 710.27.

(ii) The petition or petitions that resulted in each placement of the child.

(iii) Initial and all updated case service plans concerning the child that were compiled during each foster care placement, whether in foster care, adoption, or otherwise.

(f) No later than the time of the preadoptive or adoptive placement, prepare and provide to the prospective adoptive parent written verification that all of the information described in subdivision (e) has been provided to the prospective adoptive parent.

(g) Not later than the time of the adoptee's preadoptive placement with the prospective adoptive parent, hold a conference with the prospective adoptive parent and do all of the following during that conference:

(i) Review and discuss the information provided to the prospective adoptive parent under subdivision (e).

(ii) Disclose to the prospective adoptive parent all other information known by or available to the adoption facilitator regarding the adoptee's medical and psychological needs.

(iii) Prepare and provide to the prospective adoptive parent a list of the adoptee's medical and psychological needs that are identified and discussed during the conference.

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(iv) Prepare written verification for the signatures of the adoption facilitator and the prospective adoptive parent that the conference was held as required by this subdivision, and provide a copy of this written verification to the prospective adoptive parent.

(2) The information required under subsection (1) shall be provided without cost to the biological parent or guardian or prospective adoptive parent.

History: 1994, Act 203, Eff. Jan. 1, 1995 ;-- Am. 1998, Act 495, Eff. Mar. 1, 1999

722.957 Adoption facilitator; placement based on age, race, religious affiliation, disability, or income level; participation of parent or guardian in selection of adoptive parent.

Sec. 7.

(1) Except as provided in subsection (2), an adoption facilitator shall not refuse to provide services to a potential adoptive parent based solely on age, race, religious affiliation, disability, or income level. A child placing agency shall not make placement decisions based solely on age, race, religious affiliation, disability, or income level.

(2) Subsection (1), as related to religious affiliation, does not apply to a private child placing agency operated, supervised, or controlled by a religious institution or organization that limits services or gives preference to an applicant of the same religion.

(3) In an adoption in which a parent or guardian selects or participates in the selection of the adoptive parent, an adoption facilitator shall allow the parent or guardian the option of selecting from the adoption facilitator's entire pool of potential adoptive parents who have been determined suitable to be adoptive parents of adoptees.

History: 1994, Act 203, Eff. Jan. 1, 1995

722.958 Rules; training; directory of children available for adoption; registry of adoptive homes; foster parent resource centers; pilot project.

Sec. 8.

(1) The department shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to ensure the comprehensive, high-quality training of foster care and adoption workers. The department shall consult and may contract with colleges and universities, child placing agencies, and professional organizations for the design and implementation of the training. The training shall stress cultural sensitivity, interagency cooperation, and respect for individuals and families.

(2) The department shall maintain a directory of children under the jurisdiction of the department who are available for adoption. The department shall ensure that interested individuals have reasonable access to the directory.

(3) The department shall maintain a registry of adoptive homes to be used as a central clearinghouse for information about prospective adoptive parents. The department shall accept information from a prospective adoptive parent who has received a preplacement assessment with a finding that the individual is suitable to be the parent of an adoptee. The information shall be filed in a form and manner that will permit it to be readily accessible to biological parents or child placing agencies seeking adoptive homes for children. The department shall provide information in the registry without charge to biological parents or child placing agencies who request it.

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(4) The department may establish as pilot projects foster parent resource centers. Each resource center shall provide at least support for and coordination of respite care and assistance to foster parents in obtaining child care. Resource center staff shall pursue other activities designed to promote permanency for children, particularly children with special needs, such as support aimed at retaining foster parents. The department may fund the pilot foster parent resource centers using money appropriated to the department for the current fiscal year. After the pilot project has been in operation for 2 years, the department shall evaluate the pilot project on its organization, effectiveness, and success.

History: 1994, Act 203, Eff. Jan. 1, 1995 ;-- Am. 2002, Act 646, Imd. Eff. Dec. 23, 2002 ;-- Am. 2015, Act 106, Eff. Sept. 28, 2015 ;-- Am. 2018, Act 287, Eff. Sept. 27, 2018

722.958a Section to be cited as "foster parent's bill of rights law"; rights; grievance procedure; hearing; remedy; complaint; report; investigations subject to appropriation of funds.

Sec. 8a.

(1) This section may be known as the "foster parent's bill of rights law".

(2) To ensure that each foster parent is treated with dignity, respect, trust, and consideration, the supervising agency shall ensure that each foster parent has access to or receives the following:

(a) Explanation and clarification regarding the supervising agency's role and expectations, information concerning the supervising agency's policies and procedures, and changes to those policies or procedures relative to the role as a foster parent or the children in the foster parent's care within 30 days after those changes are made.

(b) Treatment by the supervising agency that does not violate the Elliott-Larsen civil rights act, 1976 PA 453, MCL 37.2101 to 37.2804.

(c) Evaluation and feedback regarding the foster parent's provision of care role. As used in this subdivision, "feedback" means providing a copy of the written annual assessment of rule compliance and the written special evaluation report upon completion of the report to the foster parent.

(d) Necessary training to enable the foster parent to provide quality services to children who are or will be in his or her care that includes information on the policies developed by the supervising agency designed to support and aid foster, kinship, and adoptive families relative to foster care and prospective adoptive placement.

(e) Necessary support for the foster parent that includes all of the following:

(i) Reasonable relief and respite as allowed by the supervising agency's resources. As used in this subparagraph, "respite" means substitute care that is provided to a foster child when the foster parent is not present or not available as defined in the supervising agency's substitute care policy or as facilitated by the supervising agency.

(ii) Access to the supervising agency staff for assistance dealing with family loss and separation when a child leaves the foster parent's home.

(iii) Access to information about local and statewide support groups that includes local and statewide foster, kinship, and adoptive parent associations.

(f) Access to the appropriate supervising agency 24 hours a day, 7 days a week, for emergency information and assistance for children in the foster parent's care.

(g) Timely financial reimbursement for foster children in the foster parent's care. As used in this subdivision, "timely financial reimbursement" means payment issued within 30 days after submission of accurate and complete documentation.

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(h) Timely investigation of complaints concerning the foster parent's licensure, the right to have a person of the foster parent's choosing present during a licensing investigation, and the right to file a grievance when the foster parent disagrees with a finding in a licensing investigation. As used in this subdivision, "timely investigation" means an investigation is completed within 45 calendar days after receipt of the information. If additional time is required, the supervising agency shall inform the foster parent, in writing, of the basis for the extension. Any extensions under this subdivision shall not exceed a cumulative total of 90 days.

(i) A hearing regarding licensing as provided in section 11(2) of 1973 PA 116, MCL 722.121.

(j) Decisions concerning a licensing corrective action plan that are specifically tied to the applicable licensing rules regarding the licensing violation.

(k) To the extent permitted by state and federal law, copies of information relative to the foster family and services contained in the personal foster home or foster parent records.

(l) Information before placement of the child regarding the child's behavior, individual or special needs, background, health history, or other issues relative to the child that may jeopardize the health and safety of the foster family or alter the manner in which foster care should be provided. In an emergency situation, the supervising agency shall provide information as soon as the information is available.

(m) The option to refuse placement of a child into the foster home or to request, upon reasonable notice, the removal of a child from the foster home, without adverse effect on assignments of future foster children or prospective adoptive placements.

(n) Information through the supervising agency regarding the number of times a child has been moved, the reason for the move, and names and telephone numbers of previous foster parents, if the previous foster parent has authorized release of that information.

(o) Advance notice of a child's move from a foster home in order to prepare the child and foster family members. The advance notice required in this subdivision does not apply in a case of an emergency situation when there is evidence of mistreatment as provided in section 13b(7) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.13b, or when the court orders a child to be moved from a foster home but does not allow for advance notice.

(p) Notification and the option to participate in writing or in person, depending on the case, in meetings concerning the child, to be informed of decisions made by the court or the supervising agency concerning the child, and to provide input concerning the case service plan for the child and to have that input considered by the supervising agency.

(q) The option to receive a copy of the supervising agency's placement and case service plan concerning the child's care in the foster parent's home and to participate in and receive case service plan revisions as well as any other information relevant to the child's care, including subsequent revisions to the case service plan as allowed by state and federal law in a timely manner. Foster parents are to be meaningful participants in the development or revision, or both, of the case service plan for the child in that foster parent's home. Case service plans must be provided within 10 days after a foster parent's written request.

(r) Timely and complete written notice from the supervising agency of all court proceedings, including notice of the hearing date, time, location, the name of the judge or hearing officer assigned, the court docket number, and the option to submit factual written statements to the court as provided by state or federal law. As used in this subdivision, "timely notice" means notification of a hearing within 7 days after the supervising agency receives notice from the court.

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(s) The option to be considered as a foster parent when a child formerly placed with the foster parent is reentering foster care and the option to be considered when a child previously placed in the foster parent's home becomes available for adoption, if relative placement is not available and the placement is consistent with the best interest of the child and other children in the foster parent's home.

(3) The supervising agency shall maintain a written policy describing the grievance procedure for foster parents and prospective adoptive parents to address any noncompliance with the items listed in subsection (2). The procedure shall include information on how and where to file a grievance.

(4) A foster parent may file a grievance with the supervising agency regarding any of the items listed in subsection (2) as outlined in the supervising agency's written policy described in subsection (3). Within 30 days after receiving the grievance, the supervising agency shall respond with a written statement of how the foster parent's grievance will be addressed. If the supervising agency does not provide a written response within 30 days after the grievance is filed with the supervising agency, the foster parent may file a complaint with the department's bureau of children and adult licensing.

(5) If the grievance is not resolved by filing a complaint with the department's bureau of children and adult licensing, the foster parent may request that a hearing be conducted under chapter 4 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287.

(6) The sole remedy that may be provided under this section is limited to injunctive relief.

(7) In accordance with section 5 of the office of the child advocate act, 1994 PA 204, MCL 722.925, a foster parent may file a complaint with the office of the child advocate to investigate the supervising agency's alleged violation of law, rule, or policy.

(8) The supervising agencies shall provide the information regarding the grievances and administrative hearings received under this section to the department for compilation and submission of a report to the appropriations subcommittees for the department's budget and the senate and house of representatives standing committees having jurisdiction over issues involving human services. The department shall provide the report described in this section beginning October 1, 2015, and each October 1 after that. The report shall include, at a minimum, all of the following:

(a) The total number of grievances filed for the reporting period.

(b) The total number of grievances resolved within 30 days.

(c) The total number of grievances that were not resolved within 30 days.

(d) The total number of complaints filed with the department's bureau of children and adult licensing, including the number of licensing actions that resulted from those complaints.

(e) A summary of any policy changes that were initiated in response to the grievances filed.

(f) The total number of grievances that resulted in an administrative hearing process, including the number of actions where the administrative law judge denied or dismissed the action, agreed with the supervising agency, or agreed with the foster parent.

(9) The child advocate's investigations of the violations under this section are subject to an appropriation of funds for those investigations.

History: Add. 2014, Act 524, Eff. Apr. 1, 2015 ;-- Am. 2023, Act 296, Eff. Feb. 13, 2024

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722.958b Children's assurance of quality foster care policy; requirements; written grievance procedure policy; grievance procedures; remedy; implementation.

Sec. 8b.

(1) The department shall ensure that the children's assurance of quality foster care policy is developed, implemented by the supervising agency, and made available to the public.

(2) The department shall promote the participation of current and former children in foster care in developing the children's assurance of quality foster care policy.

(3) The children's assurance of quality foster care policy must ensure that children placed in foster care are provided with the following:

(a) Fair, equal, and respectful treatment, including treatment that does not violate state and federal law.

(b) Placement with relatives and siblings, when appropriate, as provided in section 4a(5).

(c) Transition planning, including housing, workforce preparation, financial education, access to personal documents, information regarding secondary education and postsecondary education, and independent living preparation, as age-appropriate.

(d) Ongoing contact and visits with parents, relatives, and friends, if permitted by the court.

(e) Access to advocacy services for children in foster care with disabilities.

(f) Enrollment in school within 5 school days after an initial placement or any placement change, unless extenuating circumstances exist, with consistent placement in the same school, when possible.

(g) Participation in extracurricular activities consistent with the child in foster care's age and developmental level, as allowed by the supervising agency's resources, taking into consideration the foster parent's schedule and resources.

(h) Placement in the least restrictive setting, appropriate to the child in foster care's needs in accordance with R 400.12313 of the Michigan Administrative Code. If discipline is required, and physical restraint has been used by a child caring institution as that term is defined in section 1 of 1973 PA 116, MCL 722.111, the child caring institution must provide a detailed report of the incident to the department.

(i) Access to and receipt of information and services, including necessary medical, emotional, psychological, psychiatric, and educational evaluations and treatment, as soon as practicable after identifying the need for services by the screening and assessment process.

(j) Access to and participation in religious activities, cultural activities, or both, taking into consideration the foster parent's schedule and resources.

(k) Adequate food, necessities, and shelter, including special dietary needs, school supplies, clothing, and hygiene products.

(l) Information regarding proposed placement, as age-appropriate.

(m) A permanency plan, as required by state and federal law, that is designed to facilitate the permanent placement or return home of a child in foster care in a timely manner.

(n) An education that prioritizes meeting the graduation requirements of the Michigan merit curriculum content standards and the ability to receive educational records to the same extent as all students who are not in foster care. As used in this subdivision, "Michigan merit curriculum" means the requirements for a high school diploma identified in sections 1278a and 1278b of the revised school code, 1976 PA 451, MCL 380.1278a and 380.1278b.

(4) The department must maintain a written policy describing the grievance procedure for a child in foster care to address any perceived noncompliance with the items listed in the children's assurance of quality foster care policy. The grievance procedure must include information on how and where to file a grievance, including contact information for the office

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of the child advocate and the department's office of family advocate, on a form approved by the department.

(5) A child in foster care may file a grievance with the supervising agency regarding the perceived noncompliance with any of the items listed in the children's assurance of quality foster care policy as outlined in the supervising agency's grievance policy described in subsection (4). Within 30 days after receiving the grievance, the supervising agency must respond with a written statement of how the child in foster care's grievance will be addressed. If the supervising agency does not provide a written response within 30 days after the grievance is filed with the supervising agency or if the child in foster care does not agree with the findings in the written response, the child in foster care may contact the department's office of family advocate.

(6) If the grievance is not resolved with the assistance of the department's office of family advocate, the child in foster care may request that the child in foster care's lawyer-guardian ad litem petition the court for the appropriate relief.

(7) The sole remedy that may be provided under this section is limited to injunctive relief.

(8) The department shall implement the children's assurance of quality foster care policy no later than June 25, 2019.

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History: Add. 2018, Act 489, Eff. Mar. 27, 2019 ;-- Am. 2023, Act 296, Eff. Feb. 13, 2024 ;-- Am. 2024, Act 23, Eff. Apr. 2, 2025

722.958c Children's assurance of quality foster care; specific policy regarding access to certain services and information.

Sec. 8c.

In addition to the specific policy described in sections 8b and 8d, the department shall draft and maintain a specific policy for children in foster care as provided in this section. This specific policy shall be implemented by no later than 90 days after the effective date of the amendatory act that added this section and shall, in addition to the provisions of sections 8b and 8d, address the child in foster care's access to the following as age-appropriate and as mandated by the court:

(a) Regular contact with all of the child in foster care's caseworkers, attorneys, and advocates.

(b) Relevant information regarding a change in the child in foster care's caseworker or attorney.

(c) Reasonable notification of hearings.

(d) At 14 years of age or older, involvement in the child in foster care's own case plan development and development of a plan for his or her future and aging out of the foster care system.

(e) Help with understanding the services available to children in foster care and how to access those services.

(f) A permanent plan for placement and the child in foster care's participation in the development of that plan.

(g) Protection of the child in foster care's privacy and confidentiality regarding his or her case.

History: Add. 2018, Act 490, Eff. Mar. 27, 2019

722.958d Children's assurance of quality foster care policy; prepare and distribute information.

Sec. 8d.

(1) The department shall prepare and distribute to each child placed in foster care, as age-appropriate, information describing the children's assurance of quality foster care policy and the process to follow if the child in foster care has concerns regarding a violation of the children's assurance of quality foster care policy. This information shall include information regarding the child in foster care's caseworker, lawyer guardian ad litem, the office of the child advocate, the department's office of family advocate, and the foster care review board.

(2) The department shall implement this section by no later than June 26, 2019.

History: Add. 2018, Act 632, Eff. Mar. 28, 2019 ;-- Am. 2023, Act 296, Eff. Feb. 13, 2024

722.958e Annual report on foster children in the education system.

Sec. 8e.

(1) Beginning September 30, 2024, and annually each September 30 after that, the department, in collaboration with the department of education and the center for educational performance and information, must provide a report to the house and senate appropriation committees for the department budget, the house and senate standing committees on human services, and the house and senate fiscal agencies that must include all of the following:

(a) The total number of children in foster care identified by grade of instruction.

(b) The number of children in foster care transferred to a different school district during the academic school year.

(c) The number of children in foster care who were suspended or expelled from school during the academic school year.

(d) The number of children in foster care who are identified by chronic absenteeism, truancy, or as drop-outs.

(e) The following broken down by public schools, public school academies, private schools, and schools at child caring institutions:

(i) Percentage of children in foster care who meet academic standards on state standardized assessments.

(ii) Percentage of children in foster care who are enrolled in an alternative education school receiving special education services.

(iii) Percentage of children in foster care who are assigned to advanced placement, early middle college, or dual enrollment.

(iv) Percentage of children in foster care who are assigned to career and technical education.

(v) Percentage of children in foster care, or who engaged in foster care in the last 5 years, who graduated or obtained a high school equivalency diploma.

(2) As used in this section, "child caring institution" means that term as defined in section 1 of 1973 PA 116, MCL 722.111.

History: Add. 2024, Act 10, Eff. Apr. 2, 2025

***** 722.958f.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2026 *****

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722.958f.added Youth in foster care; screening for benefits eligibility; requirements.

Sec. 8f.

(1) This section and section 8g apply to children in foster care.

(2) As used in this section and section 8g, "benefits" means all of the following:

(a) Federal Supplemental Security Income.

(b) Social Security benefits.

(c) State Supplemental Security Income.

(d) United States Department of Veterans Affairs benefits.

(e) If identified by the department, other applicable benefits for which the child in foster care is eligible.

(3) Within 60 days after a child enters foster care and annually thereafter while a child in foster care is in foster care, the department shall screen a child in foster care for potential eligibility for benefits and apply for benefits for which a child in foster care may be eligible and is not already receiving. When applying for benefits under this section and section 8g for a child in foster care, the department shall, in cooperation with the child in foster care's guardian ad litem, if one has been appointed, identify a representative payee or fiduciary in accordance with the requirements of 20 CFR 404.2021 and 416.621, as applicable, and shall apply to become the representative payee only if no other suitable candidate is available to be a representative payee.

(4) Consistent with federal law, when the department serves as the representative payee or in any other fiduciary capacity for a child in foster care receiving benefits, the department shall do all the following:

(a) Use or conserve the benefits of a child in foster care in the best interests of the child in foster care, including using the benefits for services for special needs not otherwise provided by the department or conserving the benefits for the child in foster care's reasonably foreseeable future needs. The department shall not use any benefits of the child in foster care to reimburse this state for the cost of care for the child in foster care.

(b) Ensure that when the child in foster care is 14 years through age 17, and until the department no longer serves as the representative payee or fiduciary, at least 50% of the benefits of the child in foster care is conserved.

(c) For the benefits or resources of the child in foster care that are below or not subject to any federal asset or resource limit, exercise discretion in accordance with federal law and in the best interests of the child in foster care to conserve the funds or use the funds for services for special needs not otherwise provided by the department, including choosing 1 or more of the options listed under subdivision (d).

(d) Appropriately monitor any federal asset or resource limits for the benefits and ensure that the best interests of the child in foster care are served by using or conserving the benefits in a way that avoids violating any federal asset or resource limits that would affect the eligibility of the child in foster care to receive the benefits, including, but not limited to, all the following:

(i) Applying to the Social Security Administration to establish a plan for achieving self-support (PASS) account for the child in foster care under the social security act, 42 USC 301 to 1397mm, and determining whether it is in the best interests of the child in foster care to conserve all or part of the benefits in the PASS account.

(ii) Establishing a plan under section 529A of the internal revenue code of 1986, 26 USC 529A, for the child in foster care and conserving the benefits of the child in foster care in that account in a manner that appropriately avoids any federal asset or resource limits.

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(iii) Establishing an individual development account for the child in foster care and conserving the benefits of the child in foster care in that account in a manner that appropriately avoids any federal asset or resource limits.

(iv) Establishing a special needs trust for the child in foster care and conserving the benefits of the child in foster care in the trust in a manner that is consistent with federal requirements for special needs trusts and that appropriately avoids any federal asset or resource limits.

(v) If the department determines that using the benefits for services for current special needs not already provided by the department is in the best interests of the child in foster care, using the benefits for those services.

(vi) Applying any other exclusions from federal asset or resource limits available under federal law and using or conserving the benefits of the child in foster care in a manner that appropriately avoids any federal asset or resource limits.

(e) Provide an annual accounting to the child in foster care, the appropriate contact at the supervising child placement agency, and the child in foster care's guardian ad litem, if one has been appointed, of how the resources of the child in foster care, including benefits, have been used or conserved in accordance with this section and section 8g.

(f) If appropriate, as determined by the department, provide the child in foster care with financial literacy training when the child in foster care has attained the age of 14 years through the teaching of personal financial management skills and the basic principles involved with earning, spending, saving, borrowing, and investing. The financial literacy training required under this subdivision must include an exploration and evaluation of the options for financing postsecondary education, including, but not limited to, an evaluation of the Free Application for Federal Student Aid (FAFSA) requirements to apply for postsecondary financial aid, and identification of strategies for reducing the overall cost of postsecondary education. The evaluation described under this subdivision must also discuss the impact of scholarships, grants, work study, and other forms of assistance and the application processes for each.

(g) Make monthly payments from the benefits of the child to the child in foster care for allowable expenses. The department shall establish a process for reviewing and approving allowable expenses requested by the child in foster care. Notwithstanding this subdivision, the department shall approve the payment of allowable expenses requested by the child in foster care unless the department determines that the expenses are not in the best interests of the child in foster care. As used in this subdivision, "allowable expenses" means expenses incurred or needed by the child in foster care that are related to any of the following:

(i) Education.

(ii) Medicaid or health insurance co-pays or deductibles or out-of-pocket expenses for medical treatment received by the child in foster care.

(iii) Job training.

(iv) Transportation.

(v) Immediate living expenses.

(5) The department shall do all of the following if another person serves as the representative payee for a child in foster care:

(a) Keep track of the activities of the representative payee.

(b) Provide guidance, as needed, for the representative payee.

(c) Require the representative payee to provide an annual accounting report to the department and the child in foster care.

History: Add. 2026, Act 51, Eff. Oct. 1, 2026

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***** 722.958g.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2026 *****

722.958g.added Youth in foster care; notification of benefits.

Sec. 8g.

(1) The department shall, on complying with the requirements of section 8f, immediately notify the child in foster care through the child in foster care's guardian ad litem, if one has been appointed, and the appropriate contact at the supervising child placement agency of any of the following:

(a) An application for benefits made on behalf of the child in foster care or any application to become a representative payee for those benefits on behalf of the child in foster care.

(b) A decision or communication from this state or the federal government regarding an application for benefits.

(c) An appeal or other action requested by the department regarding an application for benefits.

(2) If the department serves as the representative payee or otherwise receives benefits on behalf of the child in foster care, the department must provide notice to the child in foster care through the child in foster care's guardian ad litem, if one has been appointed, and the appropriate contact at the supervising child placement agency of both of the following before each permanency planning hearing regarding the child in foster care:

(a) The date and the amount of benefit funds received on behalf of the child in foster care since any previous notification to the child in foster care's guardian ad litem, if one has been appointed.

(b) Information regarding all of the child in foster care's assets and resources, including the child in foster care's benefits, insurance, cash assets, trust accounts, earnings, and other resources.

(3) All payments from benefits received under this section and section 8f are the property of the child in foster care. Notwithstanding any provision of law to the contrary, on termination of the department's responsibility for the child in foster care under this section and section 8f, the department shall release any funds remaining to the child's credit under the requirements of the funding source or, in the absence of any requirements, release the remaining funds as follows:

(a) To the child, if the child is at least 18 years of age or is emancipated.

(b) To the person responsible for the child in foster care if the child is under 18 years of age and is not emancipated.

(c) To the heirs of the child in foster care, if the child in foster care dies.

(4) This section and section 8f do not affect any additional notice required by a court of this state.

History: Add. 2026, Act 52, Eff. Oct. 1, 2026

722.959 Effective date.

Sec. 9.

This act shall take effect January 1, 1995.

History: 1994, Act 203, Eff. Jan. 1, 1995

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722.960 Conditional effective date.

Sec. 10.

This act shall not take effect unless all of the following bills of the 87th Legislature are enacted into law:

(a) Senate Bill No. 299.
(b) Senate Bill No. 721.
(c) Senate Bill No. 723.
(d) Senate Bill No. 724.
(e) Senate Bill No. 725.
(f) House Bill No. 4201.
(g) House Bill No. 4428.
(h) House Bill No. 4614.
(i) House Bill No. 4638.

History: 1994, Act 203, Eff. Jan. 1, 1995

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