

FOSTER CARE AND ADOPTION SERVICES ACT (EXCERPT)
Act 203 of 1994

***** 722.958b.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT
OF THE 2024 REGULAR SESSION SINE DIE *****

722.958b.amended 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 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.

History: Add. 2018, Act 489, Eff. Mar. 27, 2019;—Am. 2023, Act 296, Eff. Feb. 13, 2024;—Am. 2024, Act 23, Eff. (sine die).