

SUBSTITUTE FOR
HOUSE BILL NO. 5247

A bill to amend 1939 PA 288, entitled
"Probate code of 1939,"
by amending section 23f of chapter X (MCL 710.23f), as amended by
1994 PA 373.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER X

Sec. 23f. (1) In a direct placement, an individual seeking to
adopt may request, at any time, that a preplacement assessment be
prepared by a child placing agency.

(2) An individual requesting a preplacement assessment **DOES**
NOT need ~~not~~ **TO** have located a prospective adoptee when the
request is made or when the assessment is completed.

(3) An individual may ~~have~~ **REQUEST** more than 1 preplacement

1 assessment or may request that an assessment, once initiated, not
2 be completed.

3 (4) If an individual is seeking to adopt a child from a
4 particular child placing agency, the agency may require the
5 individual to be assessed by its own employee, even if the
6 individual has already had a favorable preplacement assessment
7 completed by another child placing agency.

8 (5) A preplacement assessment ~~shall be~~ **IS** based upon
9 personal interviews and visits at the residence of the individual
10 being assessed, interviews of others who know the individual, and
11 reports received under this subsection. The assessment shall
12 contain all of the following information about the individual being
13 assessed:

14 (a) Age, nationality, race or ethnicity, and any religious
15 preference.

16 (b) Marital and family status and history, including the
17 presence of other children or adults in the household and the
18 relationship of those individuals to the adoptive parent.

19 (c) Physical and mental health, including any history of
20 substance abuse.

21 (d) Educational and employment history and any special skills
22 and interests.

23 (e) Property and income, including outstanding financial
24 obligations as indicated in a current financial report provided by
25 the individual.

26 (f) Reason for wanting to adopt.

27 (g) Any previous request for an assessment or involvement in

1 an adoptive placement and the outcome of the assessment or
2 placement.

3 (h) Whether the individual has ever been the respondent in a
4 domestic violence proceeding or a proceeding concerning a child who
5 was allegedly abused, dependent, deprived, neglected, abandoned, or
6 delinquent, and the outcome of the proceeding.

7 (i) Whether the individual has ever been convicted of a crime.

8 (j) Whether the individual has located a parent interested in
9 placing a child with the individual for adoption and a brief
10 description of the parent and the child.

11 (k) Any fact or circumstance that raises a specific concern
12 about the suitability of the individual as an adoptive parent,
13 including the quality of the environment in the home, the
14 functioning of other children in the household, and any aspect of
15 the individual's familial, social, psychological, or financial
16 circumstances that may be relevant to a determination that the
17 individual is not suitable. A specific concern is one that suggests
18 that placement of any child, or a particular child, in the home of
19 the individual would pose a risk of harm to the physical or
20 psychological well-being of the child.

21 (6) A child placing agency shall request an individual seeking
22 a preplacement assessment to provide a document from the Michigan
23 state police and the federal bureau of investigation describing all
24 of the individual's criminal convictions as shown by that agency's
25 records, or stating that the agency's records indicate that the
26 individual has not been convicted of a crime. Upon request of the
27 individual and receipt of a signed authorization, the child placing

1 agency shall obtain the criminal record from the law enforcement
2 agency on the individual's behalf.

3 (7) A CHILD PLACING AGENCY SHALL REQUEST AN INDIVIDUAL SEEKING
4 A PREPLACEMENT ASSESSMENT TO UNDERGO A PHYSICAL EXAMINATION
5 CONDUCTED BY A LICENSED PHYSICIAN, A LICENSED PHYSICIAN'S
6 ASSISTANT, OR A CERTIFIED NURSE PRACTITIONER TO DETERMINE THAT THE
7 INDIVIDUAL IS FREE FROM ANY KNOWN CONDITION THAT WOULD AFFECT HIS
8 OR HER ABILITY TO CARE FOR AN ADOPTEE. IF AN INDIVIDUAL HAS HAD A
9 PHYSICAL EXAMINATION WITHIN THE 12 MONTHS IMMEDIATELY PRECEDING HIS
10 OR HER REQUEST FOR A PREPLACEMENT ASSESSMENT, HE OR SHE MAY SUBMIT
11 A MEDICAL STATEMENT THAT IS SIGNED AND DATED BY THE LICENSED
12 PHYSICIAN, LICENSED PHYSICIAN'S ASSISTANT, OR CERTIFIED NURSE
13 PRACTITIONER VERIFYING THAT HE OR SHE HAS HAD A PHYSICAL
14 EXAMINATION WITHIN THE PREVIOUS 12-MONTH PERIOD AND IS FREE FROM
15 ANY KNOWN CONDITION THAT WOULD AFFECT HIS OR HER ABILITY TO CARE
16 FOR AN ADOPTEE. THIS SUBSECTION DOES NOT REQUIRE NEW OR ADDITIONAL
17 THIRD PARTY REIMBURSEMENT OR WORKER'S COMPENSATION BENEFITS FOR
18 SERVICES RENDERED.

19 (8) ~~—(7)—~~ A preplacement assessment shall contain a list of
20 the sources of information on which it is based. If the child
21 placing agency determines that the information assessed does not
22 raise a specific concern, the child placing agency shall find that
23 the individual is suited to be an adoptive parent. If the child
24 placing agency determines that the information assessed does raise
25 a specific concern, the child placing agency shall find that the
26 individual is not suitable to be an adoptive parent. The conclusion
27 shall be supported by a written account of how 1 or more specific

1 concerns pose a risk to the physical or psychological well-being of
2 any child or a particular child. If the conclusion of a
3 preplacement assessment regarding the suitability of the individual
4 differs from the conclusion in a prior assessment, the child
5 placing agency shall explain and justify the difference.

6 (9) ~~—(8)—~~ An individual who receives a preplacement assessment
7 with a conclusion of unsuitability may seek a review of the
8 assessment by the court after filing an adoption petition. The
9 court may order an agent or employee of the court to make an
10 investigation and report to the court before the hearing. If, at
11 the hearing, the court finds by clear and convincing evidence that
12 the conclusion of unsuitability is not justified, the person with
13 legal custody of the child may place the child with that
14 individual. If the court determines that the conclusion of
15 unsuitability is justified, it shall order that the child shall not
16 be placed with the individual.