

HOUSE BILL NO. 4803

June 15, 2023, Introduced by Reps. Morse and Morgan and referred to the Committee on Government Operations.

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending section 4a (MCL 722.954a), as amended by 2022 PA 211.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

5 (2) Upon removal, as part of a child's initial case service

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

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

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

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

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

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

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

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

29 (b) Explain the options the relative has to participate in the

1 child's care and placement, including any option that may be lost
2 by failing to respond to the notification.

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

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

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

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

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

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

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

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

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

7 (7) If siblings cannot be placed together or not all the
8 siblings are being placed in foster care, the supervising agency
9 must make reasonable efforts to facilitate at least monthly
10 visitation or other ongoing contact with siblings unless a court
11 has determined that at least monthly visitation or other ongoing
12 contact with siblings would not be beneficial under section 13a(16)
13 of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL
14 712A.13a.

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

21 (9) A person who receives a written decision described in
22 subsection (4) may request in writing, within 5 days, documentation
23 of the ~~reasons~~**reason** for the decision, and if the person does not
24 agree with the placement decision, he or she may request that the
25 child's attorney review the decision to determine if the decision
26 is in the child's best interest. If the child's attorney determines
27 the decision is not in the child's best interest, within 14 days
28 after the date of the written decision the attorney must petition
29 the court that placed the child out of the child's home for a

1 review hearing. The court must commence the review hearing not more
2 than 7 days after the date of the attorney's petition and must hold
3 the hearing on the record.

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

6 (11) As used in this section, "Michigan Indian family
7 preservation act" means chapter XIIB of the probate code of 1939,
8 1939 PA 288, MCL 712B.1 to 712B.41.

9 Enacting section 1. This amendatory act does not take effect
10 unless Senate Joint Resolution ____ or House Joint Resolution F
11 (request no. 00367'23) of the 102nd Legislature becomes a part of
12 the state constitution of 1963 as provided in section 1 of article
13 XII of the state constitution of 1963.