

SENATE BILL NO. 437

June 28, 2023, Introduced by Senators CHANG, BAYER, IRWIN, SHINK, WOJNO, GEISS and SANTANA and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending sections 5, 8a, 8b, and 8d (MCL 722.955, 722.958a, 722.958b, and 722.958d), section 8a as added by 2014 PA 524, section 8b as added by 2018 PA 489, and section 8d as added by 2018 PA 632.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. Before providing services in a direct placement
2 adoption as provided under the adoption code, an attorney shall
3 register with the ~~children's ombudsman~~ **child advocate** by filing

1 with the ~~children's ombudsman~~ **child advocate** a verified statement
2 that the attorney is in compliance with all the requirements for an
3 adoption attorney prescribed by section 22 of the adoption code,
4 being ~~section 710.22 of the Michigan Compiled Laws.~~ **MCL 710.22.** An
5 attorney who wishes to continue providing adoption services shall
6 reregister with the ~~children's ombudsman~~ **child advocate** as provided
7 in this section at least once every 5 years. An adoption attorney
8 may request to be removed from the registry at any time.

9 Sec. 8a. (1) This section ~~shall~~ **may** be known ~~and may be cited~~
10 as the "foster parent's bill of rights law".

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

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

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

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

29 (d) Necessary training to enable the foster parent to provide

1 quality services to children who are or will be in his or her care
2 that includes information on the policies developed by the
3 supervising agency designed to support and aid foster, kinship, and
4 adoptive families relative to foster care and prospective adoptive
5 placement.

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

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

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

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

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

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

27 (h) Timely investigation of complaints concerning the foster
28 parent's licensure, the right to have a person of the foster
29 parent's choosing present during a licensing investigation, and the

1 right to file a grievance when the foster parent disagrees with a
2 finding in a licensing investigation. As used in this subdivision,
3 "timely investigation" means an investigation is completed within
4 45 calendar days after receipt of the information. If additional
5 time is required, the supervising agency shall inform the foster
6 parent, in writing, of the basis for the extension. Any extensions
7 under this subdivision shall not exceed a cumulative total of 90
8 days.

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

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

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

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

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

28 (n) Information through the supervising agency regarding the
29 number of times a child has been moved, the reason for the move,

1 and names and telephone numbers of previous foster parents, if the
2 previous foster parent has authorized release of that information.

3 (o) Advance notice of a child's move from a foster home in
4 order to prepare the child and foster family members. The advance
5 notice required in this subdivision does not apply in a case of an
6 emergency situation when there is evidence of mistreatment as
7 provided in section 13b(7) of chapter XIIIA of the probate code of
8 1939, 1939 PA 288, MCL 712A.13b, or when the court orders a child
9 to be moved from a foster home but does not allow for advance
10 notice.

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

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

27 (r) Timely and complete written notice from the supervising
28 agency of all court proceedings, including notice of the hearing
29 date, time, location, the name of the judge or hearing officer

1 assigned, the court docket number, and the option to submit factual
2 written statements to the court as provided by state or federal
3 law. As used in this subdivision, "timely notice" means
4 notification of a hearing within 7 days after the supervising
5 agency receives notice from the court.

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

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

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

28 (5) If the grievance is not resolved by filing a complaint
29 with the department's bureau of children and adult licensing, the

1 foster parent may request that a hearing be conducted under chapter
2 4 of the administrative procedures act of 1969, 1969 PA 306, MCL
3 24.271 to 24.287.

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

6 (7) In accordance with ~~the provisions set forth in section 5~~
7 of the ~~children's ombudsman~~ **office of the child advocate** act, 1994
8 PA 204, MCL 722.925, a foster parent may file a complaint with the
9 office of the ~~children's ombudsman~~ **child advocate** to investigate
10 the supervising agency's alleged violation of law, rule, or policy.

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

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

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

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

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

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

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

6 (9) The ~~children's ombudsman's~~ **child advocate's** investigations
7 of the violations under this section are subject to an
8 appropriation of funds for those investigations.

9 Sec. 8b. (1) The department shall ensure that the children's
10 assurance of quality foster care policy is developed, implemented
11 by the supervising agency, and made available to the public.

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

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

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

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

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

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

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

1 (f) Timely enrollment in school with consistent placement in
2 the same school, when possible.

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

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

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

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

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

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

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

29 (4) The department shall maintain a written policy describing

1 the grievance procedure for a child in foster care to address any
2 perceived noncompliance with the items listed in the children's
3 assurance of quality foster care policy. The grievance procedure
4 shall include information on how and where to file a grievance,
5 including contact information for the office of the ~~children's~~
6 ~~ombudsman~~ **child advocate** and the department's office of family
7 advocate, on a form approved by the department.

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

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

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

26 (8) The department shall implement the children's assurance of
27 quality foster care policy no later than ~~90 days after the~~
28 ~~effective date of the amendatory act that added this section.~~ **June**
29 **25, 2019.**

1 Sec. 8d. (1) The department shall prepare and distribute to
2 each child placed in foster care, as age-appropriate, information
3 describing the children's assurance of quality foster care policy
4 and the process to follow if the child in foster care has concerns
5 regarding a violation of the children's assurance of quality foster
6 care policy. This information shall include information regarding
7 the child in foster care's caseworker, lawyer guardian ad litem,
8 the office of the ~~children's ombudsman,~~ **child advocate**, the
9 department's office of family advocate, and the foster care review
10 board.

11 (2) The department shall implement ~~the provisions of this~~
12 section by no later than ~~90 days after the effective date of the~~
13 ~~amendatory act that added this section.~~ **June 26, 2019.**

14 Enacting section 1. This amendatory act does not take effect
15 unless Senate Bill No. 432 of the 102nd Legislature is enacted into
16 law.