

SENATE BILL NO. 1212

June 11, 1998, Introduced by Senator V. SMITH and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend 1994 PA 203, entitled
"Foster care and adoption services act,"
by amending section 6 (MCL 722.956).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) An adoption facilitator shall do all of the
2 following:
3 (a) Provide ~~clients~~ A CLIENT with needed services related
4 to adoption, including postadoption services, or make referrals
5 to available resources in the community. The adoption facilita-
6 tor shall emphasize the importance and availability of counseling
7 for all parties to an adoption and explain that the prospective
8 adoptive parent is required to pay for counseling for the birth
9 parent or guardian unless the birth parent or guardian waives the
10 counseling.

1 (b) Provide each individual who inquires about services with
2 the pamphlet describing the adoption process prepared by the
3 department under section 115m of the social welfare act, ~~Act~~
4 ~~No. 280 of the Public Acts of 1939, being section 400.115m of the~~
5 ~~Michigan Compiled Laws~~ 1939 PA 280, MCL 400.115M. When provid-
6 ing services to an adoption client, the adoption facilitator
7 shall review the pamphlet with the client and make sure the
8 client understands the various alternatives that are available in
9 the adoption process and how to get access to all of the
10 following:

11 (i) The directory of children produced by the department
12 ~~pursuant to~~ UNDER section 8.

13 (ii) The information contained in the registry of adoptive
14 homes maintained by the department ~~pursuant to~~ UNDER section
15 8.

16 (iii) The public information forms on adoption facilitators
17 maintained by the department pursuant to section 14d of ~~Act~~
18 ~~No. 116 of the Public Acts of 1973, being section 722.124d of the~~
19 ~~Michigan Compiled Laws~~ 1973 PA 116, MCL 722.124D.

20 (c) Prepare and provide to each individual who inquires
21 about services a written document that includes all of the fol-
22 lowing information:

23 (i) Types of adoptions the adoption facilitator handles.

24 (ii) A description of the services that the adoption facili-
25 tator provides.

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

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

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

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

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

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

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

19 (d) Insure that each prospective adoptive parent completes
20 an orientation program consistent with requirements for orienta-
21 tion programs developed under administrative rules by the
22 department.

23 (E) PROVIDE A PROSPECTIVE ADOPTIVE PARENT WITH ALL OF THE
24 FOLLOWING REGARDING THE PROSPECTIVE ADOPTEE:

25 (i) IF NOT ALREADY PROVIDED UNDER SECTION 27 OF CHAPTER 10
26 OF 1939 PA 288, MCL 710.27, THE ADOPTEE'S NONIDENTIFYING

1 INFORMATION AS LISTED AND DESCRIBED BY SECTION 27(1) AND (2) OF
2 CHAPTER X OF 1939 PA 288, MCL 710.27.

3 (ii) THE PETITION OR PETITIONS THAT RESULTED IN EACH PLACE-
4 MENT OF THE CHILD.

5 (iii) INITIAL AND ALL UPDATED CASE SERVICE PLANS CONCERNING
6 THE CHILD THAT WERE COMPILED DURING EACH FOSTER CARE PLACEMENT,
7 WHETHER IN FOSTER CARE, ADOPTION, OR OTHERWISE.

8 (F) NO LATER THAN THE TIME OF THE PREADOPTIVE OR ADOPTIVE
9 PLACEMENT, PREPARE AND PROVIDE TO THE PROSPECTIVE ADOPTIVE PARENT
10 WRITTEN VERIFICATION THAT ALL OF THE INFORMATION DESCRIBED IN
11 SUBDIVISION (E) HAS BEEN PROVIDED TO THE PROSPECTIVE ADOPTIVE
12 PARENT.

13 (G) NOT LATER THAN THE TIME OF THE ADOPTEE'S PREADOPTIVE
14 PLACEMENT WITH THE PROSPECTIVE ADOPTIVE PARENT, HOLD A CONFERENCE
15 WITH THE PROSPECTIVE ADOPTIVE PARENT AND DO ALL OF THE FOLLOWING
16 DURING THAT CONFERENCE:

17 (i) REVIEW AND DISCUSS THE INFORMATION PROVIDED TO THE PRO-
18 SPECTIVE ADOPTIVE PARENT UNDER SUBDIVISION (E).

19 (ii) DISCLOSE TO THE PROSPECTIVE ADOPTIVE PARENT ALL OTHER
20 INFORMATION KNOWN BY OR AVAILABLE TO THE ADOPTION FACILITATOR
21 REGARDING THE ADOPTEE'S MEDICAL AND PSYCHOLOGICAL NEEDS.

22 (iii) PREPARE AND PROVIDE TO THE PROSPECTIVE ADOPTIVE PARENT
23 A LIST OF THE ADOPTEE'S MEDICAL AND PSYCHOLOGICAL NEEDS THAT ARE
24 IDENTIFIED AND DISCUSSED DURING THE CONFERENCE.

25 (iv) PREPARE WRITTEN VERIFICATION FOR THE SIGNATURES OF THE
26 ADOPTION FACILITATOR AND THE PROSPECTIVE ADOPTIVE PARENT THAT THE
27 CONFERENCE WAS HELD AS REQUIRED BY THIS SUBDIVISION, AND PROVIDE

1 A COPY OF THIS WRITTEN VERIFICATION TO THE PROSPECTIVE ADOPTIVE
2 PARENT.

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