

HOUSE BILL No. 6552

December 3, 2002, Introduced by Rep. Jansen and referred to the Committee on Family and Children Services.

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 115b, 115f, 115g, and 117e (MCL 400.115b, 400.115f, 400.115g, and 400.117e), section 115b as amended by 1998 PA 516, section 115f as amended by 1998 PA 22, section 115g as amended by 1994 PA 238, and section 117e as amended by 1983 PA 222.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 115b. (1) The department shall assume responsibility
2 for all children committed to it by the juvenile division of the
3 probate court, the family division of circuit court, or the court
4 of general criminal jurisdiction under the youth rehabilitation
5 services act, 1974 PA 150, MCL 803.301 to 803.309, and 1935
6 PA 220, MCL 400.201 to 400.214. The department may provide
7 institutional care, supervision in the community, boarding care,

1 halfway house care, and other children and youth services and
2 programs necessary to meet the needs of those children or may
3 obtain appropriate services from other state agencies, local
4 public agencies, or private agencies, subject to section 115o.
5 If the program of another state agency is considered to best
6 serve the needs of the child, the other state agency shall give
7 priority to the child.

8 (2) The department shall study and act upon a request for
9 service as to, or a report received of, neglect, exploitation,
10 abuse, cruelty, or abandonment of a child by a parent, guardian,
11 custodian, or person serving in loco parentis, or a report con-
12 cerning a child in need of protection. On the basis of the find-
13 ings of the study, the department shall assure, if necessary, the
14 provision of appropriate social services to the child, parent,
15 guardian, custodian, or person serving in loco parentis, to rein-
16 force and supplement the parental capabilities, so that the
17 behavior or situation causing the problem is corrected or the
18 child is otherwise protected. In assuring the provision of serv-
19 ices and providing the services, the department shall encourage
20 participation by other existing governmental units or licensed
21 agencies and may contract with those agencies for the purchase of
22 any service within the scope of this subsection. The department
23 shall initiate action in an appropriate court if the conduct of a
24 parent, guardian, or custodian requires. The department shall
25 promulgate rules necessary for implementing the services autho-
26 rized in this subsection. The rules shall include provision for
27 local citizen participation in the program to assure local

1 understanding, coordination, and cooperative action with other
2 community resources. In the provision of services, there shall
3 be maximum utilization of other public, private, and voluntary
4 resources available within a community.

5 (3) ~~When~~ IF an agency or organization proposes to place
6 for adoption, with a person domiciled in this state, a child who
7 is a citizen of or resides in ~~—~~ a country other than the United
8 States or Canada, the department shall conduct, within 180 days
9 after receipt of the request from the agency or organization, the
10 investigation prescribed by section 46 of chapter X of THE PRO-
11 BATE CODE OF 1939, 1939 PA 288, MCL 710.46. In a county in which
12 the department determines it to be more feasible both geograph-
13 ically and economically, the department may purchase the adoption
14 services up to the actual cost of providing those services. The
15 department shall charge parent fees prescribed by the
16 legislature.

17 (4) The office ~~shall be~~ IS responsible for the develop-
18 ment, interpretation, and dissemination of policy regarding
19 departmental investigations requested or ordered by the probate
20 court OR THE FAMILY DIVISION OF CIRCUIT COURT under section 55(h)
21 and the provision of foster care services authorized by this
22 act. Foster care services shall include foster care of state
23 wards, aid to dependent children foster care, foster care of
24 wards of the family division of circuit court placed under the
25 care and supervision of the department by order of the court, and
26 voluntary parental placement of children in foster care.

1 (5) ALL RIGHTS TO CURRENT, PAST DUE, AND FUTURE SUPPORT
2 PAYABLE ON BEHALF OF A CHILD COMMITTED TO OR UNDER THE
3 SUPERVISION OF THE DEPARTMENT AND FOR WHOM THE DEPARTMENT IS
4 MAKING STATE OR FEDERALLY FUNDED FOSTER CARE MAINTENANCE PAYMENTS
5 ARE ASSIGNED TO THE DEPARTMENT WHILE THE CHILD IS RECEIVING OR
6 BENEFITING FROM THOSE PAYMENTS. WHEN THE DEPARTMENT CEASES
7 MAKING FOSTER CARE MAINTENANCE PAYMENTS FOR THE CHILD, BOTH OF
8 THE FOLLOWING APPLY:

9 (A) PAST DUE SUPPORT THAT ACCRUED UNDER THE ASSIGNMENT
10 REMAINS ASSIGNED TO THE DEPARTMENT.

11 (B) THE ASSIGNMENT OF CURRENT AND FUTURE SUPPORT RIGHTS TO
12 THE DEPARTMENT CEASES.

13 (6) THE MAXIMUM AMOUNT OF SUPPORT THE DEPARTMENT MAY RETAIN
14 TO REIMBURSE THE STATE, THE FEDERAL GOVERNMENT, OR BOTH FOR THE
15 COST OF CARE SHALL NOT EXCEED THE AMOUNT OF FOSTER CARE MAINTENANCE
16 PAYMENTS MADE FROM STATE OR FEDERAL MONEY, OR BOTH.

17 Sec. 115f. As used in this section and sections 115g to
18 115m:

19 (a) "Adoptee" means the child who is to be adopted or who is
20 adopted.

21 (b) "Adoption code" means the Michigan adoption code,
22 chapter X of THE PROBATE CODE OF 1939, 1939 PA 288, MCL 710.21 to
23 710.70.

24 (c) "Adoption subsidy" means a support subsidy or a medical
25 subsidy or both.

26 (d) "Adoptive parent" means the parent or parents who adopt
27 a child ~~pursuant to~~ UNDER the adoption code.

1 (e) "Agreement" means an adoption assistance agreement
2 between the department and the adoptive parent.

3 (f) "Certification" means a determination of eligibility by
4 the department that an adoptee is eligible for a support subsidy
5 or a medical subsidy or both.

6 (g) "Child placing agency" means that term as defined in
7 section 1 of 1973 PA 116, MCL 722.111.

8 (h) "Child with special needs" means an individual under the
9 age of 18 years for whom the state has determined all of the
10 following:

11 (i) ~~The~~ THERE IS A JUDICIAL FINDING THAT THE child cannot
12 or should not be returned to the home of the child's parents.

13 (ii) A specific factor or condition exists with respect to
14 the child so that it is reasonable to conclude that the child
15 cannot be placed with an adoptive parent without an adoption sub-
16 subsidy under this act. The factors or conditions to be considered
17 include ethnic background, age, membership in a minority or sib-
18 ling group, medical condition, physical, mental, or emotional
19 disability, or length of time the child has been waiting for an
20 adoptive home.

21 (iii) A reasonable but unsuccessful effort was made to place
22 the adoptee with appropriate adoptive parents without providing
23 an adoption subsidy under this act or a prospective placement is
24 the only placement in the best interest of the child.

25 (i) "Court" means the ~~juvenile~~ FAMILY division of ~~the~~
26 ~~probate~~ CIRCUIT court. ~~in this state.~~

1 (j) "Department" means the family independence agency.

2 (k) "Foster care" means placement of a child outside the
3 child's parental home by and under the supervision of a child
4 placing agency, the court, the department, or the department of
5 community health.

6 (l) "Medical subsidy" means payment for medical, surgical,
7 hospital, and related expenses necessitated by a specified physi-
8 cal, mental, or emotional condition of a child who has been
9 placed for adoption.

10 (m) "Nonrecurring adoption expenses" means reasonable and
11 necessary adoption fees, court costs, attorney fees, and other
12 expenses that are directly related to the legal adoption of a
13 child with special needs. Nonrecurring adoption expenses do not
14 include costs or expenses incurred in violation of state or fed-
15 eral law or that have been reimbursed from other sources or
16 funds.

17 (n) "Other expenses that are directly related to the legal
18 adoption of a child with special needs" means adoption costs
19 incurred by or on behalf of the adoptive parent and for which the
20 adoptive parent carries the ultimate liability for payment,
21 including the adoption study, health and psychological examina-
22 tions, supervision of the placement before adoption, and trans-
23 portation and reasonable costs of lodging and food for the child
24 or adoptive parent if necessary to complete the adoption or
25 placement process.

26 (o) "PLACEMENT" MEANS A PLACEMENT OR COMMITMENT, INCLUDING
27 THE NECESSITY OF REMOVING THE CHILD FROM HIS OR HER PARENTAL

1 HOME, AS APPROVED BY THE COURT UNDER AN ORDER OF DISPOSITION
2 ISSUED UNDER SECTION 18(1)(C) OR (D) OF CHAPTER XIIIA OF THE PRO-
3 BATE CODE OF 1939, 1939 PA 288, MCL 712A.18.

4 (P) ~~(o)~~ "Support subsidy" means payment for support of a
5 child who has been placed for adoption.

6 Sec. 115g. (1) The department may pay a support subsidy to
7 the adoptive parent or parents of an adoptee who is placed in the
8 home of the adoptive parent or parents ~~pursuant to~~ UNDER the
9 adoption code or under the adoption laws of ~~any other~~ ANOTHER
10 state or a tribal government, if all of the following require-
11 ments are met:

12 (a) The department has certified that the adoptee is A CHILD
13 WITH SPECIAL NEEDS. ~~eligible for a support subsidy, based on~~
14 ~~both of the following:~~

15 ~~(i) A reasonable but unsuccessful effort was made to place~~
16 ~~the adoptee with an appropriate adoptive parent or parents with-~~
17 ~~out providing an adoption subsidy under this act or a prospective~~
18 ~~placement is the only placement in the best interest of the child~~
19 ~~and the adoptive parent or parents are requesting a support~~
20 ~~subsidy.~~

21 ~~(ii) The adoptee was in foster care for not less than 4~~
22 ~~months before certification for the support subsidy.~~

23 (b) Certification was made before the adoptee's eighteenth
24 birthday.

25 (c) Certification was made before the petition for adoption
26 was filed.

1 (d) The adoptive parent or parents request the support
2 subsidy not later than the date of confirmation of the adoption.

3 (2) The department shall determine the amount of the support
4 subsidy without regard to the income of the adoptive parent or
5 parents. The amount shall not exceed the family foster care rate
6 that was paid for the adoptee while the adoptee was in foster
7 care, except that the amount shall be increased to reflect
8 increases made in the foster care rate paid by the department.
9 The amount shall not be less than the intensive care rate that
10 was paid for the adoptee while in foster care.

11 (3) The department shall complete the certification process
12 within 30 days after it receives a request for a support
13 subsidy.

14 Sec. 117e. (1) A county having a population of less than
15 75,000 ~~shall be~~ IS eligible to receive an annual basic grant of
16 state ~~funds amounting to~~ MONEY OF \$15,000.00.

17 (2) To be eligible to receive state financial support under
18 subsection (1), a county shall meet the requirements of this
19 act. A county shall not be required to contribute matching funds
20 to receive state financial support under subsection (1).

21 (3) A basic grant may be used only to supplement added juve-
22 nile justice service costs and shall not be used to replace
23 county money currently being expended on juvenile justice
24 services.

25 (4) The office shall establish qualifying criteria for
26 awarding the basic grants and may specify conditions for each
27 grant.

1 (5) To provide for early intervention to treat problems of
2 delinquency and neglect within the child's home and to expedite a
3 child's return to his or her home, the office may expend ~~funds~~
4 MONEY from the child care fund ~~, not to exceed 20% of the moneys~~
5 ~~appropriated,~~ or from other sources authorized in legislative
6 appropriations for new or expanded programs, if the office deter-
7 mines that the programs are alternatives to out-of-home institu-
8 tional or foster care. The office shall establish criteria for
9 the approval of expenditures made under this subsection. The
10 office shall submit to the legislature and the governor a report
11 summarizing and evaluating the implementation of this subsection
12 and containing recommendations for its future use.