

SENATE BILL No. 983

February 12, 2004, Introduced by Senators HAMMERSTROM, GOSCHKA, LELAND, SCHAUER and HARDIMAN and referred to the Committee on Health Policy.

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:

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

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

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

12 (a) Age, nationality, race or ethnicity, and any religious
13 preference.

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

17 (c) Physical and mental health, including any history of
18 substance abuse.

19 (d) Educational and employment history and any special skills
20 and interests.

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

24 (f) Reason for wanting to adopt.

25 (g) Any previous request for an assessment or involvement in
26 an adoptive placement and the outcome of the assessment or
27 placement.

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

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

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

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

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

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

3 (7) A child placing agency shall request an individual
4 seeking a preplacement assessment to undergo a physical
5 examination conducted by a physician or a certified nurse
6 practitioner to determine that the individual is free from any
7 known condition that would affect his or her ability to care for
8 an adoptee. If an individual has had a physical examination
9 within the 12 months immediately preceding his or her request for
10 a preplacement assessment, he or she may submit a medical
11 statement that is signed and dated by the physician or certified
12 nurse practitioner verifying that he or she has had a physical
13 examination within the previous 12-month period and is free from
14 any known condition that would affect his or her ability to care
15 for an adoptee.

16 (8) ~~-(7)-~~ A preplacement assessment shall contain a list of
17 the sources of information on which it is based. If the child
18 placing agency determines that the information assessed does not
19 raise a specific concern, the child placing agency shall find
20 that the individual is suited to be an adoptive parent. If the
21 child placing agency determines that the information assessed
22 does raise a specific concern, the child placing agency shall
23 find that the individual is not suitable to be an adoptive
24 parent. The conclusion shall be supported by a written account
25 of how 1 or more specific concerns pose a risk to the physical or
26 psychological well-being of any child or a particular child. If
27 the conclusion of a preplacement assessment regarding the

1 suitability of the individual differs from the conclusion in a
2 prior assessment, the child placing agency shall explain and
3 justify the difference.

4 (9) ~~—(8)—~~ An individual who receives a preplacement
5 assessment with a conclusion of unsuitability may seek a review
6 of the assessment by the court after filing an adoption
7 petition. The court may order an agent or employee of the court
8 to make an investigation and report to the court before the
9 hearing. If, at the hearing, the court finds by clear and
10 convincing evidence that the conclusion of unsuitability is not
11 justified, the person with legal custody of the child may place
12 the child with that individual. If the court determines that the
13 conclusion of unsuitability is justified, it shall order that the
14 child shall not be placed with the individual.