

# HOUSE BILL NO. 4643

May 23, 2023, Introduced by Reps. McKinney, Hope, Wilson, Morse, Tsernoglou, Rogers, Paiz, Pohutsky, Miller, Byrnes, Young, Rheingans, Wegela, Dievendorf, Hood, Grant, O'Neal, Breen, Price, Brixie, Tyrone Carter, Hoskins, Morgan, MacDonell, Edwards, Brenda Carter, Arbit, Brabec, Glanville, Scott, Conlin, Skaggs and Aiyash and referred to the Committee on Criminal Justice.

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 or House Bill No. 4638(request no.  
16 01940'23) of the 102nd Legislature is enacted into law.