

# HOUSE BILL No. 4735

May 9, 2007, Introduced by Reps. Polidori, Clack, Rick Jones, Sheen, Garfield, Angerer, Vagnozzi, Constan, Gonzales, Sak, Dean, Farrah, Bennett, Espinoza, Mayes, Miller, Warren, Lahti, Lindberg, Hopgood, Ward, Nofs, Stahl, LaJoy, Hune, Virgil Smith, Meisner, Accavitti, Alma Smith, Meadows, Donigan, Hood, Byrum, McDowell, Melton and Lemmons and referred to the Committee on Families and Children's Services.

A bill to amend 1994 PA 203, entitled

"Foster care and adoption services act,"

by amending section 4a (MCL 722.954a), as added by 1997 PA 172.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 4a. (1) If a child has been placed in a supervising  
2 agency's care under chapter XIIIA of **THE PROBATE CODE OF 1939**, 1939  
3 PA 288, MCL 712A.1 to 712A.32, the supervising agency shall comply  
4 with this section and sections 4b and 4c.

5       (2) Upon removal, as part of a child's initial case service  
6 plan as required by rules promulgated under 1973 PA 116, MCL  
7 722.111 to 722.128, and by section 18f of chapter XIIIA of **THE**  
8 **PROBATE CODE OF 1939**, 1939 PA 288, MCL 712A.18f, the supervising  
9 agency shall, within 30 days, identify, locate, and consult with

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1 relatives to determine placement with a fit and appropriate  
2 relative who would meet the child's developmental, emotional, and  
3 physical needs as an alternative to foster care. Not more than 90  
4 days after the child's removal from his or her home, the  
5 supervising agency shall do all of the following:

6 (a) Make a placement decision and document in writing the  
7 reason for the decision.

8 (b) Provide written notice of the decision and the reasons for  
9 the placement decision to the child's attorney, guardian, guardian  
10 ad litem, mother, and father; the attorneys for the child's mother  
11 and father; each relative who expresses an interest in caring for  
12 the child; the child if the child is old enough to be able to  
13 express an opinion regarding placement; and the prosecutor.

14 (3) BEFORE DETERMINING PLACEMENT OF A CHILD IN ITS CARE, A  
15 SUPERVISING AGENCY SHALL GIVE SPECIAL CONSIDERATION AND PREFERENCE  
16 TO THE CHILD'S RELATIVES. IF A SUPERVISING AGENCY DETERMINES THAT A  
17 CHILD'S RELATIVE IS WILLING TO CARE FOR THE CHILD, [ ] IS FIT TO DO  
18 SO, [AND WOULD MEET THE CHILD'S DEVELOPMENTAL, EMOTIONAL, AND PHYSICAL  
19 NEEDS,] THE CHILD SHALL BE PLACED IN THAT RELATIVE'S HOME UNLESS THAT  
20 PLACEMENT IS DETERMINED TO BE [ ] NOT IN THE CHILD'S BEST  
21 INTERESTS.

21 (4) ~~(3)~~—A person who receives a written decision described in  
22 subsection (2) may request in writing, within 5 days, documentation  
23 of the reasons for the decision, and if the person does not agree  
24 with the placement decision, he or she may request that the child's  
25 attorney review the decision to determine if the decision is in the  
26 child's best interest. If the child's attorney determines the  
27 decision is not in the child's best interest, within 14 days after

1 the date of the written decision the attorney shall petition the  
2 court that placed the child out of the child's home for a review  
3 hearing. The court shall commence the review hearing not more than  
4 7 days after the date of the attorney's petition and shall hold the  
5 hearing on the record.