

SUBSTITUTE FOR  
HOUSE BILL NO. 4409

A bill to amend 1973 PA 116, entitled

"An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,"

by amending section 14a (MCL 722.124a), as amended by 1984 PA 396.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 14a. (1) A probate court, a child placing agency, or the  
2 department may consent to routine, nonsurgical medical care, or  
3 emergency medical and surgical treatment of a minor child placed in  
4 out-of-home care ~~pursuant to Act No. 280 of the Public Acts of~~  
5 ~~1939, as amended, being sections 400.1 to 400.121 of the Michigan~~  
6 ~~Compiled Laws, Act No. 288 of the Public Acts of 1939, as amended,~~  
7 ~~being sections 710.21 to 712A.28 of the Michigan Compiled Laws~~  
8 **UNDER THE SOCIAL WELFARE ACT, 1939 PA 280, MCL 400.1 TO 400.119B,**  
9 **THE PROBATE CODE OF 1939, 1939 PA 288, MCL 710.21 TO 712A.32,** or  
10 this act. If the minor child is placed in a child care

1 organization, then the probate court, the child placing agency, or  
2 the department making the placement shall execute a written  
3 instrument investing that organization with authority to consent to  
4 emergency medical and surgical treatment of the child. ~~The~~**EXCEPT**  
5 **AS PROVIDED IN THIS SUBSECTION, THE** department may also execute a  
6 written instrument investing a child care organization with  
7 authority to consent to routine, nonsurgical medical care of the  
8 child. **THE DEPARTMENT SHALL EXECUTE A WRITTEN INSTRUMENT INVESTING**  
9 **A FOSTER PARENT WITH AUTHORITY TO CONSENT TO ROUTINE, NONSURGICAL**  
10 **MEDICAL CARE OF THE CHILD IN HIS OR HER CARE.** If the minor child is  
11 placed in a child care institution, the probate court, the child  
12 placing agency, or the department making the placement shall in  
13 addition execute a written instrument investing that institution  
14 with authority to consent to the routine, nonsurgical medical care  
15 of the child.

16 (2) A parent or guardian of a minor child who voluntarily  
17 places the child in a child care organization shall execute a  
18 written instrument investing that organization with authority to  
19 consent to emergency medical and surgical treatment of the child.  
20 The parent or guardian shall consent to routine, nonsurgical  
21 medical care.

22 (3) Only the minor child's parent or legal guardian shall  
23 consent to nonemergency, elective surgery for a child in foster  
24 care. If parental rights have been permanently terminated by court  
25 action, consent for nonemergency, elective surgery shall be given  
26 by the probate court or the agency having jurisdiction over the  
27 child.

1           (4) As used in this section, "routine, nonsurgical medical  
2 care" does not include contraceptive treatment, services,  
3 medication or devices **OR PSYCHOTROPIC MEDICATIONS.**