

# SENATE BILL No. 440

June 14, 2011, Introduced by Senators PROOS, JANSEN, CASWELL, NOFS, EMMONS and MOOLENAAR and referred to the Committee on Appropriations.

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 18c, 115g, and 115j (MCL 400.18c, 400.115g, and 400.115j), sections 115g and 115j as amended by 2009 PA 17.

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

1           Sec. 18c. (1) Foster care financed by a county department of  
2 ~~social welfare~~ shall be provided by the use of licensed child  
3 caring institutions or placement agencies, in accordance with the  
4 needs of the child, or if licensed child caring institutions or  
5 placement agencies are not available, or there is a religious  
6 conflict, foster care shall be provided under the direct  
7 supervision of the county department, which care shall meet the  
8 following standards of care and service:

1           (A) ~~(1)~~—Personnel engaged in placement and supervision of  
2 children in foster care shall have qualifying training and  
3 experience.

4           (B) ~~(2)~~—Adequate records shall be maintained with information  
5 on the physical and mental health of the child, his OR HER  
6 emotional stability and family background, together with the  
7 reasons for the child's placement away from home to aid in planning  
8 for any child placed by the department, toward the end that the  
9 child may be reunited with his OR HER family as soon as it appears  
10 possible.

11           (C) ~~(3)~~—Family foster homes used by the department shall be  
12 selected with consideration of the religious, racial, and cultural  
13 background of the child to be placed and children thus placed shall  
14 be visited in these homes at least once a month.

15           (2) THE DEPARTMENT MAY PLACE A CHILD WHO IS AT LEAST 16 BUT  
16 LESS THAN 21 YEARS OF AGE IN HIS OR HER OWN UNLICENSED RESIDENCE,  
17 OR IN THE UNLICENSED RESIDENCE OF AN ADULT WHO HAS NO SUPERVISORY  
18 RESPONSIBILITY FOR THE CHILD, IF THE DEPARTMENT MAINTAINS  
19 SUPERVISORY RESPONSIBILITY FOR THAT CHILD. IF THE CHILD IS AT LEAST  
20 18 BUT LESS THAN 21 YEARS OF AGE, HE OR SHE MUST MEET THE  
21 REQUIREMENTS OF THE YOUNG ADULT VOLUNTARY FOSTER CARE ACT.

22           Sec. 115g. (1) The department may pay a support subsidy to an  
23 adoptive parent of an adoptee who is placed in the home of the  
24 adoptive parent under the adoption code or under the adoption laws  
25 of another state or a tribal government, if all of the following  
26 requirements are met:

27           (a) The department has certified that the adoptee is a child

1 with special needs.

2 (b) Certification is made before the adoptee's eighteenth  
3 birthday **OR, IF THE ADOPTEE MEETS THE ELIGIBILITY REQUIREMENTS**  
4 **PROVIDED FOR UNDER THE YOUNG ADULT VOLUNTARY FOSTER CARE ACT,**  
5 **CERTIFICATION IS MADE BEFORE THE ADOPTEE'S TWENTY-FIRST BIRTHDAY.**

6 (c) Certification is made and the contract agreement is signed  
7 by the adoptive parent or adoptive parents and the department  
8 before the adoption is finalized.

9 (2) The department shall determine eligibility for the support  
10 subsidy without regard to the income of the adoptive parent or  
11 parents. The maximum amount shall be equal to the rate that the  
12 child received in the family foster care placement or the rate the  
13 child would have received if he or she had been in a family foster  
14 care placement at the time of adoption. This rate includes the  
15 difficulty of care rate that was paid or would have been paid for  
16 the adoptee in a family foster care placement, except that the  
17 amount shall be increased to reflect increases made in the standard  
18 age appropriate foster care rate paid by the department. The  
19 department shall not implement policy to limit the maximum amount  
20 at an amount less than the family foster care rate, including the  
21 difficulty of care rate, that was paid for the adoptee while the  
22 adoptee was in family foster care.

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

25 Sec. 115j. (1) ~~Adoption~~ **EXCEPT AS PROVIDED IN SUBSECTION (3),**  
26 **ADOPTION** assistance or a medical subsidy, or both, shall continue  
27 until 1 of the following occurs:

- 1 (a) The adoptee becomes 18 years of age.  
2 (b) The adoptee is emancipated.  
3 (c) The adoptee dies.  
4 (d) The adoption is terminated.  
5 (e) A determination of ineligibility is made by the  
6 department.

7 (2) If sufficient funds are appropriated by the legislature in  
8 the department's annual budget, adoption support subsidy agreements  
9 or adoption medical subsidy agreements, or both, may be extended  
10 through state funding for an adoptee under 21 years of age if all  
11 of the following criteria are met:

12 (a) The adoptee has not completed high school or a GED  
13 program.

14 (b) The adoptee is regularly attending high school or a GED  
15 program or a program for children with disabilities on a full-time  
16 basis and is progressing toward achieving a high school diploma,  
17 certificate of completion, or GED.

18 (c) The adoptee is not eligible for supplemental security  
19 income.

20 (3) Adoption support subsidy agreements may be extended  
21 ~~through title IV-E funding~~ for an eligible adoptee up to the age of  
22 ~~19-21 years if the state determines that the child has a mental or~~  
23 ~~physical disability that warrants continuation of adoption~~  
24 ~~assistance.~~ **ELIGIBLE ADOPTEE MEETS THE ELIGIBILITY REQUIREMENTS**  
25 **PROVIDED FOR UNDER THE YOUNG ADULT VOLUNTARY FOSTER CARE ACT.**

26 (4) Adoption assistance and a medical subsidy shall continue  
27 even if the adoptive parent leaves the state.

1           (5) An adoption support subsidy shall continue during a period  
2 in which the adoptee is removed for delinquency from his or her  
3 home as a temporary court ward based on proceedings under section  
4 2(a) of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL  
5 712A.2.

6           (6) Upon the death of the adoptive parent, the department  
7 shall continue making support subsidy payments or continue medical  
8 subsidy eligibility, or both, through state funding to the guardian  
9 of the adoptee if a guardian is appointed as provided in section  
10 5202 or 5204 of the estates and protected individuals code, 1998 PA  
11 386, MCL 700.5202 and 700.5204.

12           Enacting section 1. This amendatory act does not take effect  
13 unless Senate Bill No. 435

14                   of the 96th Legislature is enacted into law.