

HOUSE BILL No. 5121

October 17, 2017, Introduced by Reps. Sabo, Yanez, Chirkun, Cochran, Liberati, Wittenberg, Zemke, Elder, Brinks, Durhal, Gay-Dagnogo, Moss, Geiss, Lasinski, Hoadley, Greig, Guerra, Sowerby, Crawford, Lucido, Tedder, Vaupel, Marino, Greimel, Green, Dianda, Faris, Victory, Iden, McCready, Kelly, Bellino, Pagel, Lilly, Kesto and Kosowski and referred to the Committee on Judiciary.

A bill to amend 1994 PA 203, entitled
"Foster care and adoption services act,"
by amending section 3 (MCL 722.953), as amended by 2014 PA 524, and
by adding section 8b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. The purposes of this act are all of the following:

2 (a) To assist foster parents to provide a stable, loving
3 family environment for children who are placed outside of their
4 homes on a temporary basis.

5 (b) To help eliminate barriers to the adoption of children and
6 to promote the provision of a stable and loving family environment
7 to children who are without permanent families.

8 (c) To promote the well-being and safety of all children who
9 receive foster care or are adopted under the laws of this state.

10 (d) To protect and assist prospective adoptive families as

1 they negotiate the adoption process.

2 (e) To regulate child placing agencies who certify foster
3 parents and serve adoptees and adoptive families in this state.

4 (f) To regulate adoption attorneys who facilitate direct
5 placement adoptions.

6 (g) To ensure foster parents and prospective adoptive parents
7 receive all applicable resources as described in section 8a.

8 (H) TO ENSURE THAT THE DEPARTMENT DEVELOPS AND MAINTAINS A
9 SPECIFIC POLICY OF THE PROVISIONS DESCRIBED IN SECTIONS 8B, 8C, AND
10 8D TO PROVIDE TO CHILDREN PLACED IN FOSTER CARE. THE SPECIFIC
11 POLICY DESCRIBED IN SECTIONS 8B, 8C, AND 8D SHALL BE KNOWN AS THE
12 CHILDREN'S ASSURANCE OF QUALITY FOSTER CARE POLICY.

13 SEC. 8B. (1) THE DEPARTMENT SHALL ENSURE THAT THE CHILDREN'S
14 ASSURANCE OF QUALITY FOSTER CARE POLICY IS DEVELOPED, IMPLEMENTED
15 BY THE SUPERVISING AGENCY, AND MADE AVAILABLE TO THE PUBLIC.

16 (2) THE DEPARTMENT SHALL PROMOTE THE PARTICIPATION OF CURRENT
17 AND FORMER CHILDREN IN FOSTER CARE IN DEVELOPING THE CHILDREN'S
18 ASSURANCE OF QUALITY FOSTER CARE POLICY.

19 (3) THE CHILDREN'S ASSURANCE OF QUALITY FOSTER CARE POLICY
20 SHALL ENSURE THAT CHILDREN PLACED IN FOSTER CARE ARE PROVIDED WITH
21 THE FOLLOWING:

22 (A) FAIR, EQUAL, AND RESPECTFUL TREATMENT, INCLUDING TREATMENT
23 THAT DOES NOT VIOLATE STATE AND FEDERAL LAW.

24 (B) PLACEMENT WITH RELATIVES AND SIBLINGS, WHEN APPROPRIATE,
25 AS PROVIDED IN SECTION 4A(5).

26 (C) INVENTORY AND SECURITY OF THE CHILD IN FOSTER CARE'S
27 PERSONAL BELONGINGS.

1 (D) TRANSITION PLANNING, INCLUDING HOUSING, WORKFORCE
2 PREPARATION, FINANCIAL EDUCATION, ACCESS TO PERSONAL DOCUMENTS,
3 INFORMATION REGARDING SECONDARY EDUCATION AND POSTSECONDARY
4 EDUCATION, AND INDEPENDENT LIVING PREPARATION, AS AGE-APPROPRIATE.

5 (E) ONGOING CONTACT AND VISITS WITH PARENTS, RELATIVES, AND
6 FRIENDS, IF PERMITTED BY THE COURT.

7 (F) ACCESS TO ADVOCACY SERVICES FOR CHILDREN IN FOSTER CARE
8 WITH DISABILITIES.

9 (G) TIMELY ENROLLMENT IN SCHOOL WITH CONSISTENT PLACEMENT IN
10 THE SAME SCHOOL, WHEN POSSIBLE.

11 (H) PARTICIPATION IN EXTRACURRICULAR ACTIVITIES CONSISTENT
12 WITH THE CHILD IN FOSTER CARE'S AGE AND DEVELOPMENTAL LEVEL, AS
13 ALLOWED BY THE SUPERVISING AGENCY'S RESOURCES, TAKING INTO
14 CONSIDERATION THE FOSTER PARENT'S SCHEDULE AND RESOURCES.

15 (I) PLACEMENT IN THE LEAST RESTRICTIVE SETTING, APPROPRIATE TO
16 THE CHILD IN FOSTER CARE'S NEEDS IN ACCORDANCE WITH R 400.12313 OF
17 THE MICHIGAN ADMINISTRATIVE CODE. IF DISCIPLINE IS REQUIRED, AND
18 PHYSICAL RESTRAINT HAS BEEN USED BY A CHILD CARING INSTITUTION AS
19 THAT TERM IS DEFINED IN SECTION 1 OF 1973 PA 116, MCL 722.111, THE
20 CHILD CARING INSTITUTION SHALL PROVIDE A DETAILED REPORT OF THE
21 INCIDENT TO THE DEPARTMENT.

22 (J) ACCESS TO AND RECEIPT OF INFORMATION AND SERVICES,
23 INCLUDING NECESSARY MEDICAL, EMOTIONAL, PSYCHOLOGICAL, PSYCHIATRIC,
24 AND EDUCATIONAL EVALUATIONS AND TREATMENT, AS SOON AS PRACTICABLE
25 AFTER IDENTIFYING THE NEED FOR SERVICES BY THE SCREENING AND
26 ASSESSMENT PROCESS.

27 (K) ACCESS TO AND PARTICIPATION IN RELIGIOUS ACTIVITIES,

1 CULTURAL ACTIVITIES, OR BOTH, TAKING INTO CONSIDERATION THE FOSTER
2 PARENT'S SCHEDULE AND RESOURCES.

3 (I) ADEQUATE FOOD, NECESSITIES, AND SHELTER, INCLUDING SPECIAL
4 DIETARY NEEDS, SCHOOL SUPPLIES, CLOTHING, AND HYGIENE PRODUCTS.

5 (M) INFORMATION REGARDING PROPOSED PLACEMENT, AS AGE-
6 APPROPRIATE.

7 (N) A PERMANENCY PLAN, AS REQUIRED BY STATE AND FEDERAL LAW,
8 THAT IS DESIGNED TO FACILITATE THE PERMANENT PLACEMENT OR RETURN
9 HOME OF A CHILD IN FOSTER CARE IN A TIMELY MANNER.

10 (4) THE DEPARTMENT SHALL MAINTAIN A WRITTEN POLICY DESCRIBING
11 THE GRIEVANCE PROCEDURE FOR A CHILD IN FOSTER CARE TO ADDRESS ANY
12 PERCEIVED NONCOMPLIANCE WITH THE ITEMS LISTED IN THE CHILDREN'S
13 ASSURANCE OF QUALITY FOSTER CARE POLICY. THE GRIEVANCE PROCEDURE
14 SHALL INCLUDE INFORMATION ON HOW AND WHERE TO FILE A GRIEVANCE,
15 INCLUDING CONTACT INFORMATION FOR THE OFFICE OF THE CHILDREN'S
16 OMBUDSMAN AND THE DEPARTMENT'S OFFICE OF FAMILY ADVOCATE, ON A FORM
17 APPROVED BY THE DEPARTMENT.

18 (5) A CHILD IN FOSTER CARE MAY FILE A GRIEVANCE WITH THE
19 SUPERVISING AGENCY REGARDING THE PERCEIVED NONCOMPLIANCE WITH ANY
20 OF THE ITEMS LISTED IN THE CHILDREN'S ASSURANCE OF QUALITY FOSTER
21 CARE POLICY AS OUTLINED IN THE SUPERVISING AGENCY'S GRIEVANCE
22 POLICY DESCRIBED IN SUBSECTION (4). WITHIN 30 DAYS AFTER RECEIVING
23 THE GRIEVANCE, THE SUPERVISING AGENCY SHALL RESPOND WITH A WRITTEN
24 STATEMENT OF HOW THE CHILD IN FOSTER CARE'S GRIEVANCE WILL BE
25 ADDRESSED. IF THE SUPERVISING AGENCY DOES NOT PROVIDE A WRITTEN
26 RESPONSE WITHIN 30 DAYS AFTER THE GRIEVANCE IS FILED WITH THE
27 SUPERVISING AGENCY OR IF THE CHILD IN FOSTER CARE DOES NOT AGREE

1 WITH THE FINDINGS IN THE WRITTEN RESPONSE, THE CHILD IN FOSTER CARE
2 MAY CONTACT THE DEPARTMENT'S OFFICE OF FAMILY ADVOCATE.

3 (6) IF THE GRIEVANCE IS NOT RESOLVED WITH THE ASSISTANCE OF
4 THE DEPARTMENT'S OFFICE OF FAMILY ADVOCATE, THE CHILD IN FOSTER
5 CARE MAY REQUEST THAT HIS OR HER LAWYER-GUARDIAN AD LITEM PETITION
6 THE COURT FOR THE APPROPRIATE RELIEF.

7 (7) THE SOLE REMEDY THAT MAY BE PROVIDED UNDER THIS SECTION IS
8 LIMITED TO INJUNCTIVE RELIEF.

9 (8) THE DEPARTMENT SHALL IMPLEMENT THE CHILDREN'S ASSURANCE OF
10 QUALITY FOSTER CARE POLICY NO LATER THAN 90 DAYS AFTER THE
11 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

12 Enacting section 1. This amendatory act does not take effect
13 unless all of the following bills of the 99th Legislature are
14 enacted into law:

15 (a) Senate Bill No. ____ or House Bill No. 5122 (request no.
16 00466'17 ***).

17 (b) Senate Bill No. ____ or House Bill No. 5123 (request no.
18 00467'17 ***).