

**THE SOCIAL WELFARE ACT (EXCERPT)**  
**Act 280 of 1939**

**400.115f Definitions.**

Sec. 115f.

As used in this section and sections 115g to 115t:

- (a) "Adoptee" means the child who is to be adopted or who is adopted.
- (b) "Adoption assistance" means a support subsidy or a support subsidy with medical assistance.
- (c) "Adoption assistance agreement" means an agreement between the department and an adoptive parent regarding adoption assistance.
- (d) "Adoption code" means the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70.
- (e) "Adoptive parent" means the parent or parents who adopt a child under the adoption code.
- (f) "Certification" means a determination of eligibility by the department that an adoptee is eligible for a support subsidy or a medical subsidy, or both, or redetermined adoption assistance.
- (g) "Child with special needs" means an individual under the age of 18 years for whom the state has determined all of the following:
  - (i) There is a specific judicial finding that the child cannot or should not be returned to the home of the child's parents.
  - (ii) A specific factor or condition, or a combination of factors and conditions, exists before the adoption is finalized so that it is reasonable to conclude that the child cannot be placed with an adoptive parent without providing adoption assistance under this act. The factors or conditions to be considered may include ethnic or family background, age, membership in a minority or sibling group, medical condition, physical, mental, or emotional disability, or length of time the child has been waiting for an adoptive home.
  - (iii) A reasonable but unsuccessful effort was made to place the adoptee with an appropriate adoptive parent without providing adoption assistance under this act or a prospective placement is the only placement in the best interest of the child.
- (h) "Compact" means the interstate compact on adoption and medical assistance as enacted in sections 115r and 115s.
- (i) "Court" means the family division of circuit court.
- (j) "Department" means the department of human services.
- (k) "Determination of care rate" means a supplemental payment to the standard age appropriate foster care rate that may be justified when extraordinary care or expense is required. The supplemental payment shall be based on 1 or more of the following for which extraordinary care is required of the foster care provider or an extraordinary expense exists:
  - (i) A physically disabled child for whom the foster care provider must provide measurably greater supervision and care.
  - (ii) A child with special psychological or psychiatric needs that require extra time and a measurably greater amount of care and attention by the foster care provider.
  - (iii) A child requiring a special diet that is more expensive than a normal diet and that requires extra time and effort by the foster care provider to obtain and prepare.
  - (iv) A child whose severe acting out or antisocial behavior requires a measurably greater amount of care and attention of the foster care provider.
  - (v) Any other condition for which the department determines that extraordinary care is required of the foster care provider or an extraordinary expense exists.
- (l) "Foster care" means placement of a child outside the child's parental home under the department's supervision by a court of competent jurisdiction.
- (m) "Medical assistance" means the federally aided medical assistance program under title XIX.
- (n) "Medical subsidy" means a reimbursement program that assists in paying for services for an adopted child who has an identified physical, mental, or emotional condition that existed, or the cause of which existed, before the adoption is finalized.
- (o) "Medical subsidy agreement" means an agreement between the department and an adoptive parent regarding a medical subsidy.
- (p) "Nonrecurring adoption expenses" means reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are directly related to the legal adoption of a child with special needs. Nonrecurring adoption expenses do not include costs or expenses incurred in violation of state or federal law or that have been reimbursed from other sources or funds.
- (q) "Other expenses that are directly related to the legal adoption of a child with special needs" means adoption

costs incurred by or on behalf of the adoptive parent and for which the adoptive parent carries the ultimate liability for payment, including the adoption study, health and psychological examinations, supervision of the placement before adoption, and transportation and reasonable costs of lodging and food for the child or adoptive parent if necessary to complete the adoption or placement process.

(r) "Party state" means a state that becomes a party to the interstate compact on adoption and medical assistance.

(s) "Placement" means a placement or commitment, including the necessity of removing the child from his or her parental home, as approved by the court under an order of disposition issued under section 2 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2.

(t) "Redetermined adoption assistance" means a payment as determined by a certification that may be justified when extraordinary care or expense is required for a condition that existed or the cause of which existed before the adoption from foster care was finalized.

(u) "Redetermined adoption assistance agreement" means a written agreement regarding redetermined adoption assistance between the department and the adoptive parent of a child.

(v) "Residence state" means the state in which the child is a resident by virtue of the adoptive parent's residency.

(w) "Standard age appropriate foster care rate" means the approved maintenance payment rate that is paid for a child in foster family care.

(x) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or a territory or possession of the United States.

(y) "Support subsidy" means payment for support of a child who has been placed for adoption from foster care.

**History:** Add. 1980, Act 292, Eff. Nov. 18, 1980 ;-- Am. 1992, Act 40, Eff. June 28, 1992 ;-- Am. 1994, Act 238, Eff. July 5, 1994 ;-- Am. 1998, Act 22, Imd. Eff. Mar. 12, 1998 ;-- Am. 2002, Act 648, Imd. Eff. Dec. 23, 2002 ;-- Am. 2004, Act 193, Imd. Eff. July 8, 2004 ;-- Am. 2014, Act 308, Imd. Eff. Oct. 10, 2014

**Compiler's Notes:** Act 288 of 1939, referred to in this section, was repealed by Act 34 of 1952, Act 143 of 1970, Act 543 of 1978, and Act 642 of 1978. For transfer of powers and duties of the Office of Children and Youth Services as a single-purpose entity within the Department of Social Services to the Department of Social Services, see E.R.O. No. 1991-8, compiled at MCL 400.221 of the Michigan Compiled Laws.

**Popular Name:** Act 280