

THE SOCIAL WELFARE ACT (EXCERPT)
Act 280 of 1939

400.115g Support subsidy; payment; requirements; determination of amount; maximum amount; form to be signed by adoptive parent; presentment of first offer by adoptive parent; acceptance or counteroffer by department; completion of certification process.

Sec. 115g.

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

- (a) The department has certified that the adoptee is a child with special needs.
- (b) Certification is made before the adoptee's eighteenth birthday.
- (c) Certification is made and the adoption assistance agreement is signed by the adoptive parent and the department before the adoption is finalized.

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

(3) The department shall, on a separate form, require an adoptive parent to sign that he or she either requests or does not request a support subsidy.

(4) The adoptive parent shall present to the department the first offer of the amount requested for the support subsidy. The department may accept the adoptive parent's offer or present a counteroffer to the adoptive parent for the support subsidy. The department shall consider the prospective adoptive parent's requested rate if that requested rate is consistent with the needs of the child being adopted and the prospective adoptive family's circumstances, unless the requested rate exceeds the maximum foster care rate the child is receiving or would receive if placed in a licensed family foster home.

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

History: Add. 1990, Act 356, Imd. Eff. Dec. 26, 1990 ;-- Am. 1994, Act 238, Eff. July 5, 1994 ;-- Am. 2002, Act 648, Imd. Eff. Dec. 23, 2002 ;-- Am. 2004, Act 193, Imd. Eff. July 8, 2004 ;-- Am. 2009, Act 17, Imd. Eff. Apr. 9, 2009 ;-- Am. 2014, Act 308, Imd. Eff. Oct. 10, 2014

Compiler's Notes: 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