

Act No. 17  
Public Acts of 2009  
Approved by the Governor  
April 9, 2009  
Filed with the Secretary of State  
April 9, 2009  
EFFECTIVE DATE: April 9, 2009

**STATE OF MICHIGAN  
95TH LEGISLATURE  
REGULAR SESSION OF 2009**

Introduced by Rep. Smith

# **ENROLLED HOUSE BILL No. 4159**

AN ACT to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," by amending sections 115g, 115i, and 115j (MCL 400.115g, 400.115i, and 400.115j), section 115g as amended by 2004 PA 193 and sections 115i and 115j as amended by 2002 PA 648.

*The People of the State of Michigan enact:*

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 contract agreement is signed by the adoptive parent or adoptive parents 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 or parents. 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 difficulty 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 difficulty of care rate, that was paid for the adoptee while the adoptee was in family foster care.

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

Sec. 115i. (1) If adoption assistance is to be paid, the department and the adoptive parent or parents shall enter into an adoption assistance agreement covering all of the following:

- (a) The duration of the adoption assistance to be paid.
- (b) The amount to be paid and, if appropriate, eligibility for medical assistance.
- (c) Conditions for continued payment of the adoption assistance as established by statute.
- (d) Any services and other assistance to be provided under the adoption assistance agreement.

(e) Provisions to protect the interests of the child in cases in which the adoptive parent or adoptive parents move to another state while the adoption assistance agreement is in effect.

(2) If medical subsidy eligibility is certified, the department and the adoptive parent shall enter into a medical subsidy agreement covering all of the following:

- (a) Identification of the physical, mental, or emotional condition covered by the medical subsidy.
- (b) The duration of the medical subsidy agreement.
- (c) Conditions for continued eligibility for the medical subsidy as established by statute.

(3) The department shall give a copy of the adoption assistance agreement or medical subsidy agreement, or both, to the adoptive parent or parents.

(4) Unless the medical condition of the adoptee no longer exists, or an event described in section 115j has occurred, as indicated in a report filed under subsection (6) or as otherwise determined by the department, the department shall not modify or discontinue a medical subsidy.

(5) An adoption assistance agreement or medical subsidy agreement does not affect the legal status of the adoptee or the legal rights and responsibilities of the adoptive parent or parents.

(6) The adoptive parent or parents shall file a report with the department at least once each year as to the location of the adoptee and other matters relating to the continuing eligibility of the adoptee for adoption assistance or a medical subsidy, or both.

Sec. 115j. (1) Adoption assistance or a medical subsidy, or both, shall continue until 1 of the following occurs:

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

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

- (a) The adoptee has not completed high school or a GED program.
- (b) The adoptee is regularly attending high school or a GED program or a program for children with disabilities on a full-time basis and is progressing toward achieving a high school diploma, certificate of completion, or GED.
- (c) The adoptee is not eligible for supplemental security income.

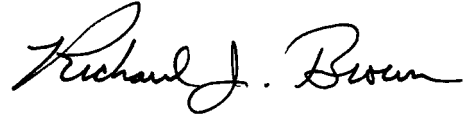
(3) Adoption support subsidy agreements may be extended through title IV-E funding for an eligible adoptee up to the age of 19 years if the state determines that the child has a mental or physical disability that warrants continuation of adoption assistance.

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

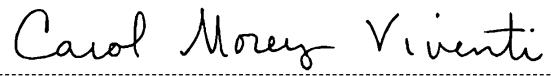
(5) An adoption support subsidy shall continue during a period in which the adoptee is removed for delinquency from his or her home as a temporary court ward based on proceedings under section 2(a) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2.

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

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor