

Act No. 68
Public Acts of 2023
Approved by the Governor
July 11, 2023
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July 12, 2023
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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Senators Damoose, Irwin, Cavanagh, McMorrow, Chang, Santana, Bayer, Wojno, Polehanki, Klinefelt, Geiss, Shink and Cherry

ENROLLED SENATE BILL No. 137

AN ACT to amend 2008 PA 260, entitled “An act to provide for assistance payments to certain guardians of minors; and to provide for duties and responsibilities of certain state departments and agencies,” by amending sections 5, 5a, 5b, and 6 (MCL 722.875, 722.875a, 722.875b, and 722.876), section 5 as amended by 2009 PA 15 and sections 5a, 5b, and 6 as amended by 2015 PA 227.

The People of the State of Michigan enact:

Sec. 5. (1) Subject to the provisions of this act, the department may pay guardianship assistance to an eligible guardian on behalf of an eligible child.

(2) The guardian must apply for guardianship assistance under this act to the department.

(3) For a child who is eligible under section 3 and a guardian who is eligible under section 4, the department must negotiate and enter into a written, binding guardianship assistance agreement with the child’s prospective guardian and must provide the prospective guardian a signed copy of the guardianship assistance agreement.

(4) The guardianship assistance agreement must specify all of the following:

(a) The additional services and assistance the child and the guardian are eligible for under the guardianship assistance agreement.

(b) The procedure by which the guardian may apply for additional services, if needed.

(c) That the department will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of an eligible child, to the extent the total cost does not exceed \$2,000.00.

(5) The guardianship assistance agreement must remain in effect without regard to the state residency of the guardian.

(6) The department must determine eligibility for the guardianship assistance without regard to the income of the prospective guardian. A guardianship assistance payment on a child's behalf may not exceed the foster care maintenance payment that would have been paid on that child's behalf if that child had remained in a foster family home. The payment includes the determination of care rate that was paid or would have been paid for the child in a foster care placement, except that the amount must be increased to reflect the increase made in the standard age-appropriate foster care rate paid by the department.

(7) The department must review the eligibility of the guardian and the child for continuation of guardianship assistance annually. The guardian must provide the eligibility information requested by the department for purposes of the annual review.

(8) The department must make an eligibility determination within 30 days after receipt of a complete application for guardianship assistance.

Sec. 5a. For a child whose permanency plan includes placement with a guardian and will include receiving guardianship assistance payments, the department, child placing agency, or tribal child welfare agency must include in the case service plan for the child all of the following:

(a) The steps that the department, child placing agency, or tribal child welfare agency has taken to determine that reunification and placing the child for adoption have been determined not to be in the child's best interest and ruled out as appropriate permanency options.

(b) The reason for any separation of siblings during placement.

(c) The reason a permanent placement through guardianship until the child reaches 18 years of age is in the child's best interest.

(d) The reason why reunification and adoption have or have not been ruled out.

(e) The efforts the department, child placing agency, or tribal child welfare agency has made to discuss adoption by the prospective guardian as a permanent alternative to legal guardianship and documentation of the reason the prospective guardian has chosen not to pursue adoption.

(f) In cases where the parental rights have not been terminated, the efforts the department, the child placing agency, or the tribal child welfare agency has made to discuss with the child's birth parent or parents the guardianship assistance arrangement, or the reasons why the efforts were not made.

Sec. 5b. The legal guardianship must be a judicially created relationship as provided for under sections 19a and 19c of chapter XIII of the probate code, MCL 712A.19a and 712A.19c, another state's law or code, or tribal law or code when the child is a ward of this state, between the child and the child's guardian that is intended to be permanent and self-sustaining as evidenced by the transfer to the guardian of the following parental rights with respect to the child:

(a) Protection.

(b) Education.

(c) Care and control of the individual.

(d) Custody of the individual.

(e) Decision making.

Sec. 6. (1) Except as provided in subsection (2), the department may not provide guardianship assistance after 1 of the following occurs:

(a) The child reaches 18 years of age.

(b) The department determines that the guardian is no longer legally responsible for support of the child.

(c) The department determines that the child is no longer receiving any support from the relative guardian.

(d) The death of the child.

(e) The child is adopted by the guardian or another individual under the Michigan adoption code, chapter X of the probate code, MCL 710.21 to 710.70, or the adoption laws of any other state or tribal government.

(f) The guardianship is terminated by order of the court having jurisdiction in the guardianship proceeding.

(g) The death of the guardian unless a successor guardian has been appointed by the court.

(2) The department may provide extended guardianship assistance until the youth reaches 21 years of age if the youth meets the requirements set forth in the young adult voluntary foster care act, 2011 PA 225, MCL 400.641 to 400.671.

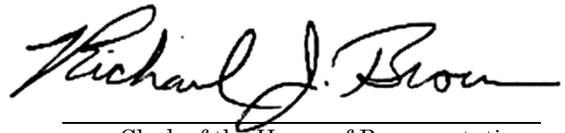
(3) The department must send notice of termination of guardianship assistance under this section by mail to the guardian at the guardian's current or last known address and to the court with jurisdiction over the guardianship case. Notice mailed under this subsection must include a statement of the department's reason for termination.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 138 of the 102nd Legislature is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor