

Act No. 41
Public Acts of 2006
Approved by the Governor
March 2, 2006
Filed with the Secretary of State
March 2, 2006
EFFECTIVE DATE: March 2, 2006

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2006**

Introduced by Reps. Vander Veen, Newell, Mortimer, Acciavatti, Emmons, Jones, Amos, Stahl and Wojno

ENROLLED HOUSE BILL No. 5247

AN ACT to amend 1939 PA 288, entitled "An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties," by amending section 23f of chapter X (MCL 710.23f), as amended by 1994 PA 373.

The People of the State of Michigan enact:

CHAPTER X

Sec. 23f. (1) In a direct placement, an individual seeking to adopt may request, at any time, that a preplacement assessment be prepared by a child placing agency.

(2) An individual requesting a preplacement assessment does not need to have located a prospective adoptee when the request is made or when the assessment is completed.

(3) An individual may request more than 1 preplacement assessment or may request that an assessment, once initiated, not be completed.

(4) If an individual is seeking to adopt a child from a particular child placing agency, the agency may require the individual to be assessed by its own employee, even if the individual has already had a favorable preplacement assessment completed by another child placing agency.

(5) A preplacement assessment is based upon personal interviews and visits at the residence of the individual being assessed, interviews of others who know the individual, and reports received under this subsection. The assessment shall contain all of the following information about the individual being assessed:

(a) Age, nationality, race or ethnicity, and any religious preference.

(b) Marital and family status and history, including the presence of other children or adults in the household and the relationship of those individuals to the adoptive parent.

(c) Physical and mental health, including any history of substance abuse.

(d) Educational and employment history and any special skills and interests.

(e) Property and income, including outstanding financial obligations as indicated in a current financial report provided by the individual.

(f) Reason for wanting to adopt.

(g) Any previous request for an assessment or involvement in an adoptive placement and the outcome of the assessment or placement.

(h) Whether the individual has ever been the respondent in a domestic violence proceeding or a proceeding concerning a child who was allegedly abused, dependent, deprived, neglected, abandoned, or delinquent, and the outcome of the proceeding.

(i) Whether the individual has ever been convicted of a crime.

(j) Whether the individual has located a parent interested in placing a child with the individual for adoption and a brief description of the parent and the child.

(k) Any fact or circumstance that raises a specific concern about the suitability of the individual as an adoptive parent, including the quality of the environment in the home, the functioning of other children in the household, and any aspect of the individual's familial, social, psychological, or financial circumstances that may be relevant to a determination that the individual is not suitable. A specific concern is one that suggests that placement of any child, or a particular child, in the home of the individual would pose a risk of harm to the physical or psychological well-being of the child.


(6) A child placing agency shall request an individual seeking a preplacement assessment to provide a document from the Michigan state police and the federal bureau of investigation describing all of the individual's criminal convictions as shown by that agency's records, or stating that the agency's records indicate that the individual has not been convicted of a crime. Upon request of the individual and receipt of a signed authorization, the child placing agency shall obtain the criminal record from the law enforcement agency on the individual's behalf.

(7) A child placing agency shall request an individual seeking a preplacement assessment to undergo a physical examination conducted by a licensed physician, a licensed physician's assistant, or a certified nurse practitioner to determine that the individual is free from any known condition that would affect his or her ability to care for an adoptee. If an individual has had a physical examination within the 12 months immediately preceding his or her request for a preplacement assessment, he or she may submit a medical statement that is signed and dated by the licensed physician, licensed physician's assistant, or certified nurse practitioner verifying that he or she has had a physical examination within the previous 12-month period and is free from any known condition that would affect his or her ability to care for an adoptee. This subsection does not require new or additional third party reimbursement or worker's compensation benefits for services rendered.

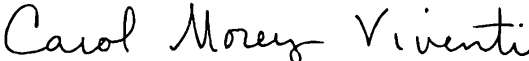
(8) A preplacement assessment shall contain a list of the sources of information on which it is based. If the child placing agency determines that the information assessed does not raise a specific concern, the child placing agency shall find that the individual is suited to be an adoptive parent. If the child placing agency determines that the information assessed does raise a specific concern, the child placing agency shall find that the individual is not suitable to be an adoptive parent. The conclusion shall be supported by a written account of how 1 or more specific concerns pose a risk to the physical or psychological well-being of any child or a particular child. If the conclusion of a preplacement assessment regarding the suitability of the individual differs from the conclusion in a prior assessment, the child placing agency shall explain and justify the difference.

(9) An individual who receives a preplacement assessment with a conclusion of unsuitability may seek a review of the assessment by the court after filing an adoption petition. The court may order an agent or employee of the court to make an investigation and report to the court before the hearing. If, at the hearing, the court finds by clear and convincing evidence that the conclusion of unsuitability is not justified, the person with legal custody of the child may place the child with that individual. If the court determines that the conclusion of unsuitability is justified, it shall order that the child shall not be placed with the individual.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor