

FOSTER CARE AND ADOPTION SERVICES ACT (EXCERPT)
Act 203 of 1994

722.954a Placement of child in supervising agency's care; determination of placement with relative; good cause exception; notification; special consideration and preference to child's relative; placement of siblings; documentation of decision; review hearing.

Sec. 4a.

(1) If a child has been placed in a supervising agency's care under chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32, the supervising agency must comply with this section and sections 4b and 4c.

(2) Upon removal, as part of a child's initial case service plan as required by rules promulgated under 1973 PA 116, MCL 722.111 to 722.128, and by section 18f of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.18f, the supervising agency must, within 30 days, identify, locate, notify, and consult with relatives to determine placement with a fit and appropriate relative who would meet the child's developmental, emotional, and physical needs. Preference shall be given to an adult related to the child within the fifth degree by blood, marriage, or adoption provided the relative meets all relevant state child protection standards. The department may make an exception to this preference only if good cause is shown. As used in this section, "good cause" means any of the following:

- (a) A request by 1 or both of the child's parents to deviate from this preference.
- (b) The child's request, if the child is of sufficient age and capacity to understand the decision that is being made.
- (c) The presence of a sibling attachment that can be maintained through a particular placement.
- (d) The child's physical, mental, or emotional needs, such as specialized treatment services that may be unavailable in the community where families who meet the placement preferences live.
- (e) The distance between the child's home and the proposed family placement would frustrate the reunification goal or otherwise impede permanency.

(3) The notification of relatives required in subsection (2) must do all of the following:

- (a) Specify that the child has been removed from the custody of the child's parent.
- (b) Explain the options the relative has to participate in the child's care and placement, including any option that may be lost by failing to respond to the notification.
- (c) Describe the requirements and benefits, including the amount of monetary benefits, of becoming a licensed foster family home.
- (d) Describe how the relative may subsequently enter into an agreement with the department for guardianship assistance.

(4) Not more than 90 days after the child's removal from his or her home, the supervising agency must do all of the following:

- (a) Make a placement decision and document in writing the reason for the decision.
- (b) Provide written notice of the decision and the reasons for the placement decision to the child's attorney, guardian, guardian ad litem, mother, and father; the attorneys for the child's mother and father; each relative who expresses an interest in caring for the child; the child if the child is old enough to be able to express an opinion regarding placement; and the prosecutor.

(5) Before determining placement of a child in its care, a supervising agency must give special consideration and preference to a child's relative or relatives who are willing to care for the child, are fit to do so, and would meet the child's developmental, emotional, and physical needs. The supervising agency's placement decision must be made in the child's best interests.

(6) Reasonable efforts must be made to do the following:

- (a) Place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the supervising agency documents that a joint placement would be contrary to the safety or well-being of any of the siblings.

(b) In the case of siblings removed from their home who are not jointly placed, provide for at least monthly visitation or other ongoing contact between the siblings, unless the supervising agency documents that at least monthly visitation or other ongoing contact would be contrary to the safety or well-being of any of the siblings.

(7) If siblings cannot be placed together or not all the siblings are being placed in foster care, the supervising agency must make reasonable efforts to facilitate at least monthly visitation or other ongoing contact with siblings unless a court has determined that at least monthly visitation or other ongoing contact with siblings would not be beneficial under section 13a(16) of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.13a.

(8) If the supervising agency discontinues visitation or other ongoing contact with siblings because the supervising agency determines that visitation or other ongoing contact is contrary to the safety or well-being of any of the siblings, the supervising agency must report its determination to the court for consideration at the next

review hearing.

(9) A person who receives a written decision described in subsection (4) may request in writing, within 5 days, documentation of the reasons for the decision, and if the person does not agree with the placement decision, he or she may request that the child's attorney review the decision to determine if the decision is in the child's best interest. If the child's attorney determines the decision is not in the child's best interest, within 14 days after the date of the written decision the attorney must petition the court that placed the child out of the child's home for a review hearing. The court must commence the review hearing not more than 7 days after the date of the attorney's petition and must hold the hearing on the record.

(10) This section does not supersede the placement preferences in the Michigan Indian family preservation act.

(11) As used in this section, "Michigan Indian family preservation act" means chapter XIIB of the probate code of 1939, 1939 PA 288, MCL 712B.1 to 712B.41.

History: Add. 1997, Act 172, Eff. Mar. 31, 1998 ;-- Am. 2010, Act 265, Imd. Eff. Dec. 14, 2010 ;-- Am. 2016, Act 190, Eff. Sept. 19, 2016 ;-- Am. 2022, Act 211, Imd. Eff. Oct. 7, 2022