

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

722.958a Section to be cited as "foster parent's bill of rights law"; rights; grievance procedure; hearing; remedy; complaint; report; investigations subject to appropriation of funds.

Sec. 8a. (1) This section shall be known and may be cited as the "foster parent's bill of rights law".

(2) To ensure that each foster parent is treated with dignity, respect, trust, and consideration, the supervising agency shall ensure that each foster parent has access to or receives the following:

(a) Explanation and clarification regarding the supervising agency's role and expectations, information concerning the supervising agency's policies and procedures, and changes to those policies or procedures relative to the role as a foster parent or the children in the foster parent's care within 30 days after those changes are made.

(b) Treatment by the supervising agency that does not violate the provisions of the Elliott-Larsen civil rights act, 1976 PA 453, MCL 37.2101 to 37.2804.

(c) Evaluation and feedback regarding the foster parent's provision of care role. As used in this subdivision, "feedback" means providing a copy of the written annual assessment of rule compliance and the written special evaluation report upon completion of the report to the foster parent.

(d) Necessary training to enable the foster parent to provide quality services to children who are or will be in his or her care that includes information on the policies developed by the supervising agency designed to support and aid foster, kinship, and adoptive families relative to foster care and prospective adoptive placement.

(e) Necessary support for the foster parent that includes all of the following:

(i) Reasonable relief and respite as allowed by the supervising agency's resources. As used in this subparagraph, "respite" means substitute care that is provided to a foster child when the foster parent is not present or not available as defined in the supervising agency's substitute care policy or as facilitated by the supervising agency.

(ii) Access to the supervising agency staff for assistance dealing with family loss and separation when a child leaves the foster parent's home.

(iii) Access to information about local and statewide support groups that includes local and statewide foster, kinship, and adoptive parent associations.

(f) Access to the appropriate supervising agency 24 hours a day, 7 days a week, for emergency information and assistance for children in the foster parent's care.

(g) Timely financial reimbursement for foster children in the foster parent's care. As used in this subdivision, "timely financial reimbursement" means payment issued within 30 days after submission of accurate and complete documentation.

(h) Timely investigation of complaints concerning the foster parent's licensure, the right to have a person of the foster parent's choosing present during a licensing investigation, and the right to file a grievance when the foster parent disagrees with a finding in a licensing investigation. As used in this subdivision, "timely investigation" means an investigation is completed within 45 calendar days after receipt of the information. If additional time is required, the supervising agency shall inform the foster parent, in writing, of the basis for the extension. Any extensions under this subdivision shall not exceed a cumulative total of 90 days.

(i) A hearing regarding licensing as provided in section 11(2) of 1973 PA 116, MCL 722.121.

(j) Decisions concerning a licensing corrective action plan that are specifically tied to the applicable licensing rules regarding the licensing violation.

(k) To the extent permitted by state and federal law, copies of information relative to the foster family and services contained in the personal foster home or foster parent records.

(l) Information before placement of the child regarding the child's behavior, individual or special needs, background, health history, or other issues relative to the child that may jeopardize the health and safety of the foster family or alter the manner in which foster care should be provided. In an emergency situation, the supervising agency shall provide information as soon as the information is available.

(m) The option to refuse placement of a child into the foster home or to request, upon reasonable notice, the removal of a child from the foster home, without adverse effect on assignments of future foster children or prospective adoptive placements.

(n) Information through the supervising agency regarding the number of times a child has been moved, the reason for the move, and names and telephone numbers of previous foster parents, if the previous foster parent has authorized release of that information.

(o) Advance notice of a child's move from a foster home in order to prepare the child and foster family

members. The advance notice required in this subdivision does not apply in a case of an emergency situation when there is evidence of mistreatment as provided in section 13b(7) of chapter XIII A of the probate code of 1939, 1939 PA 288, MCL 712A.13b, or when the court orders a child to be moved from a foster home but does not allow for advance notice.

(p) Notification and the option to participate in writing or in person, depending on the case, in meetings concerning the child, to be informed of decisions made by the court or the supervising agency concerning the child, and to provide input concerning the case service plan for the child and to have that input considered by the supervising agency.

(q) The option to receive a copy of the supervising agency's placement and case service plan concerning the child's care in the foster parent's home and to participate in and receive case service plan revisions as well as any other information relevant to the child's care, including subsequent revisions to the case service plan as allowed by state and federal law in a timely manner. Foster parents are to be meaningful participants in the development or revision, or both, of the case service plan for the child in that foster parent's home. Case service plans must be provided within 10 days after a foster parent's written request.

(r) Timely and complete written notice from the supervising agency of all court proceedings, including notice of the hearing date, time, location, the name of the judge or hearing officer assigned, the court docket number, and the option to submit factual written statements to the court as provided by state or federal law. As used in this subdivision, "timely notice" means notification of a hearing within 7 days after the supervising agency receives notice from the court.

(s) The option to be considered as a foster parent when a child formerly placed with the foster parent is reentering foster care and the option to be considered when a child previously placed in the foster parent's home becomes available for adoption, if relative placement is not available and the placement is consistent with the best interest of the child and other children in the foster parent's home.

(3) The supervising agency shall maintain a written policy describing the grievance procedure for foster parents and prospective adoptive parents to address any noncompliance with the items listed in subsection (2). The procedure shall include information on how and where to file a grievance.

(4) A foster parent may file a grievance with the supervising agency regarding any of the items listed in subsection (2) as outlined in the supervising agency's written policy described in subsection (3). Within 30 days after receiving the grievance, the supervising agency shall respond with a written statement of how the foster parent's grievance will be addressed. If the supervising agency does not provide a written response within 30 days after the grievance is filed with the supervising agency, the foster parent may file a complaint with the department's bureau of children and adult licensing.

(5) If the grievance is not resolved by filing a complaint with the department's bureau of children and adult licensing, the foster parent may request that a hearing be conducted under chapter 4 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287.

(6) The sole remedy that may be provided under this section is limited to injunctive relief.

(7) In accordance with the provisions set forth in section 5 of the children's ombudsman act, 1994 PA 204, MCL 722.925, a foster parent may file a complaint with the office of the children's ombudsman to investigate the supervising agency's alleged violation of law, rule, or policy.

(8) The supervising agencies shall provide the information regarding the grievances and administrative hearings received under this section to the department for compilation and submission of a report to the appropriations subcommittees for the department's budget and the senate and house of representatives standing committees having jurisdiction over issues involving human services. The department shall provide the report described in this section beginning October 1, 2015, and each October 1 after that. The report shall include, at a minimum, all of the following:

(a) The total number of grievances filed for the reporting period.

(b) The total number of grievances resolved within 30 days.

(c) The total number of grievances that were not resolved within 30 days.

(d) The total number of complaints filed with the department's bureau of children and adult licensing, including the number of licensing actions that resulted from those complaints.

(e) A summary of any policy changes that were initiated in response to the grievances filed.

(f) The total number of grievances that resulted in an administrative hearing process, including the number of actions where the administrative law judge denied or dismissed the action, agreed with the supervising agency, or agreed with the foster parent.

(9) The children's ombudsman's investigations of the violations under this section are subject to an appropriation of funds for those investigations.

History: Add. 2014, Act 524, Eff. Apr. 1, 2015.