

HOUSE BILL No. 5247

September 29, 2005, Introduced by Reps. Vander Veen, Newell, Mortimer, Acciavatti, Emmons, Jones, Amos, Stahl and Wojno and referred to the Committee on Health Policy.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 23f of chapter X (MCL 710.23f), as amended by 1994 PA 373.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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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 ~~not~~ **TO** have located a prospective adoptee when the request is made or when the assessment is completed.

(3) An individual may ~~have~~ **REQUEST** more than 1 preplacement assessment or may request that an assessment, once initiated, not

1 be completed.

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

7 (5) A preplacement assessment ~~shall be~~ **IS** based upon
8 personal interviews and visits at the residence of the individual
9 being assessed, interviews of others who know the individual, and
10 reports received under this subsection. The assessment shall
11 contain all of the following information about the individual being
12 assessed:

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

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

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

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

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

25 (f) Reason for wanting to adopt.

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

1 placement.

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

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

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

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

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

1 agency on the individual's behalf.

2 (7) A CHILD PLACING AGENCY SHALL REQUEST AN INDIVIDUAL SEEKING
3 A PREPLACEMENT ASSESSMENT TO UNDERGO A PHYSICAL EXAMINATION
4 CONDUCTED BY A LICENSED PHYSICIAN OR A CERTIFIED NURSE PRACTITIONER
5 TO DETERMINE THAT THE INDIVIDUAL IS FREE FROM ANY KNOWN CONDITION
6 THAT WOULD AFFECT HIS OR HER ABILITY TO CARE FOR AN ADOPTEE. IF AN
7 INDIVIDUAL HAS HAD A PHYSICAL EXAMINATION WITHIN THE 12 MONTHS
8 IMMEDIATELY PRECEDING HIS OR HER REQUEST FOR A PREPLACEMENT
9 ASSESSMENT, HE OR SHE MAY SUBMIT A MEDICAL STATEMENT THAT IS SIGNED
10 AND DATED BY THE LICENSED PHYSICIAN OR CERTIFIED NURSE PRACTITIONER
11 VERIFYING THAT HE OR SHE HAS HAD A PHYSICAL EXAMINATION WITHIN THE
12 PREVIOUS 12-MONTH PERIOD AND IS FREE FROM ANY KNOWN CONDITION THAT
13 WOULD AFFECT HIS OR HER ABILITY TO CARE FOR AN ADOPTEE.

14 (8) ~~(7)~~ A preplacement assessment shall contain a list of
15 the sources of information on which it is based. If the child
16 placing agency determines that the information assessed does not
17 raise a specific concern, the child placing agency shall find that
18 the individual is suited to be an adoptive parent. If the child
19 placing agency determines that the information assessed does raise
20 a specific concern, the child placing agency shall find that the
21 individual is not suitable to be an adoptive parent. The conclusion
22 shall be supported by a written account of how 1 or more specific
23 concerns pose a risk to the physical or psychological well-being of
24 any child or a particular child. If the conclusion of a
25 preplacement assessment regarding the suitability of the individual
26 differs from the conclusion in a prior assessment, the child
27 placing agency shall explain and justify the difference.

1 (9) ~~—(8)—~~ An individual who receives a preplacement assessment
2 with a conclusion of unsuitability may seek a review of the
3 assessment by the court after filing an adoption petition. The
4 court may order an agent or employee of the court to make an
5 investigation and report to the court before the hearing. If, at
6 the hearing, the court finds by clear and convincing evidence that
7 the conclusion of unsuitability is not justified, the person with
8 legal custody of the child may place the child with that
9 individual. If the court determines that the conclusion of
10 unsuitability is justified, it shall order that the child shall not
11 be placed with the individual.