

HOUSE BILL NO. 6025

October 15, 2024, Introduced by Rep. Young and referred to the Committee on Families, Children and Seniors.

A bill to amend 2008 PA 260, entitled "Guardianship assistance act," by amending sections 2 and 4 (MCL 722.872 and 722.874), as amended by 2023 PA 69.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Certification" means a determination of eligibility by
3 the department that a foster child is eligible for guardianship
4 assistance or a medical subsidy, or both.

5 (b) "Child" means an individual less than 18 years of age.

1 (c) "Child placing agency" means that term as defined in
2 section 1 of 1973 PA 116, MCL 722.111.

3 (d) "Department" means the department of health and human
4 services.

5 (e) "Eligible child" means a child who meets the eligibility
6 criteria under section 3 for receiving guardianship assistance.

7 (f) "Guardian" means a person appointed by the court to act as
8 a legal guardian for a child under section 19a or 19c of chapter
9 XIIIA of the probate code, MCL 712A.19a and 712A.19c, another
10 state's law or code, or applicable tribal law or code.

11 (g) "Guardianship assistance agreement" means a negotiated
12 binding agreement regarding financial support as described in
13 section 5 for children who meet the qualifications for guardianship
14 assistance as specified in this act or in the department's
15 administrative rules.

16 ~~(h) "Legal custodian" means an individual who is at least 18~~
17 ~~years of age in whose care a child remains or is placed after a~~
18 ~~court makes a finding under section 13a of chapter XIIIA of the~~
19 ~~probate code, MCL 712A.13a, another state's law or code, or tribal~~
20 ~~law or code.~~

21 (h) ~~(i)~~ "Probate code" means the probate code of 1939, 1939 PA
22 288, MCL 710.21 to 712B.41.

23 (i) ~~(j)~~ "Prospective guardian" means an individual seeking
24 guardianship of a child if an order appointing that guardianship
25 has not been finalized by the court.

26 (j) ~~(k)~~ "Relative" means ~~that term as defined in section 13a~~
27 ~~of chapter XIIIA of the probate code, MCL 712A.13a.~~ **an individual who**
28 **meets all of the following conditions:**

29 (i) **Is at least 18 years of age and is either of the following:**

1 (A) Related to the child within the fifth degree by blood,
 2 marriage, or adoption, including the spouse of an individual
 3 related to the child within the fifth degree, even after the
 4 marriage has ended by death or divorce, the parent who shares
 5 custody of a half-sibling, and the parent of a man whom the court
 6 has found probable cause to believe is the putative father if there
 7 is no man with legally established rights to the child.

8 (B) Not related to a child within the fifth degree by blood,
 9 marriage, or adoption but who has a strong positive emotional tie
 10 or role in the child's life or the child's parent's life if the
 11 child is an infant, as determined by the department or, if the
 12 child is an Indian child, as determined solely by the Indian
 13 child's tribe. As used in this sub-subparagraph, "Indian child" and
 14 "Indian child's tribe" mean those terms as defined in section 3 of
 15 chapter XIIB of the probate code, MCL 712B.3.

16 (ii) Has been approved for foster care placement.

17 (k) ~~(l)~~—"Successor guardian" means a person appointed by the
 18 court to act as a legal guardian when the preceding guardian is no
 19 longer able to act, as a result of ~~his or her~~ death or
 20 incapacitation, under section 19a or 19c of chapter XIIIA of the
 21 probate code, MCL 712A.19a and 712A.19c, another state's law or
 22 code, or tribal law or code. Successor guardian does not include an
 23 individual appointed as a guardian if that individual's parental
 24 rights to the child have been terminated or suspended.

25 (l) ~~(m)~~—"Title IV-E" refers to the federal assistance provided
 26 through the United States Department of Health and Human Services
 27 to reimburse states for foster care, adoption assistance payments,
 28 and guardianship assistance payments.

29 Sec. 4. (1) Subject to subsection ~~(2)~~, **(3)**, a **prospective**

1 guardian ~~who meets all of the following criteria may receive be~~
2 **approved by the department for** guardianship assistance on behalf of
3 an eligible child **if the eligible child has resided with the**
4 **prospective guardian in the prospective guardian's residence for a**
5 **minimum of 6 months before the application for guardianship**
6 **assistance is received by the department and either of the**
7 **following criteria is met:**

8 (a) The **prospective** guardian is the eligible child's relative.
9 ~~or legal custodian.~~

10 (b) The **prospective** guardian is a licensed foster parent. ~~and~~
11 ~~approved for guardianship assistance by the department. The~~
12 ~~approval process must include criminal record checks and child~~
13 ~~abuse and child neglect central registry checks on the guardian,~~
14 ~~all successor guardians, and all adults living in the guardian's or~~
15 ~~successor guardian's home as well as submission of the guardian's~~
16 ~~or successor guardian's fingerprints to the department of state~~
17 ~~police and the Federal Bureau of Investigation for a criminal~~
18 ~~history check.~~

19 (c) ~~The eligible child has resided with the prospective~~
20 ~~guardian in the prospective guardian's residence for a minimum of 6~~
21 ~~months before the application for guardianship assistance is~~
22 ~~received by the department.~~

23 (2) **The approval process described under subsection (1) must**
24 **include criminal record checks and child abuse and child neglect**
25 **central registry checks on the guardian, all successor guardians,**
26 **and all adults living in the guardian's or successor guardian's**
27 **home as well as submission of the guardian's or successor**
28 **guardian's fingerprints to the department of state police and the**
29 **Federal Bureau of Investigation for a criminal history check.**

1 (3) ~~(2) Only a~~ **A** relative who ~~is a licensed foster parent~~
 2 ~~earing~~ **cares** for a ~~an~~ **eligible title IV-E-funded** child who ~~is~~
 3 ~~eligible to receive title IV-E-funded foster care payments in an~~
 4 **approved or licensed foster parent home** for 6 consecutive months
 5 after **relative approval or** licensure ~~of the family~~ is eligible for
 6 federal funding under title IV-E for guardianship assistance **when**
 7 **the eligibility criteria are met.** A child who is not eligible for
 8 title IV-E funding who is placed with a **relative or a child placed**
 9 **with a** licensed foster parent, ~~related or unrelated,~~ **regardless of**
 10 **title IV-E eligibility,** and who meets the requirements of section
 11 3(1) (a) to (e) may be eligible for state-funded guardianship
 12 assistance.

13 (4) ~~(3)~~ If a child is eligible for title IV-E-funded
 14 guardianship assistance under section 3 but has a sibling who is
 15 not eligible under section 3, both of the following apply:

16 (a) The child and any of the child's siblings may be placed in
 17 the same relative guardianship arrangement in accordance with
 18 chapter XIIIA of the probate code, MCL 712A.1 to 712A.32, another
 19 state's law or code, or tribal law or code, if the department and
 20 the relative agree on the appropriateness of the arrangement for
 21 the sibling.

22 (b) Title IV-E-funded relative guardianship assistance
 23 payments may be paid on behalf of each sibling placed in accordance
 24 with this subsection.

25 (5) ~~(4)~~ A successor guardian may receive guardianship
 26 assistance payments if the eligibility criteria set forth in
 27 section 3 are met.