
FEDERAL LAWS**42 U.S.C. § 670 et seq.**

The Adoption Assistance and Child Welfare Act, 42 U.S.C § 670 et seq. (1980) amends the Social Security Act and provides the federal legal basis for placement services to children. The intent of this law is to strengthen permanency planning for children.

25 U.S.C. § 1901 et seq.

The Indian Child Welfare Act, 25 U.S.C. § 1901 et seq. (1978) provides the federal legal basis for placement services to American Indian children. The intent of this law is to strengthen permanency planning for American Indian children [25 CFR Part 23].

42, U.S.C. § 5115a, as amended 42 U.S.C § 622;

The Howard M. Metzenbaum Multiethnic Placement Act, 42 U.S.C. § 5115a (1994), as amended by 42 U.S.C. § 622 (1996) prohibits an agency or entity that receives federal funds and is involved in adoption or foster care placements from:

- Denying any person the opportunity to become an adoptive or foster parent on the basis of race, color or national origin.
- Delaying or denying the placement of a child for adoption or into foster care on the basis of race, color or national origin of the foster parent or the child.

42 U.S.C. § 671

The Small Business Job Protection Act, 42 U.S.C. § 671 (1996) clarifies the Howard M. Metzenbaum Multiethnic Placement Act of 1994. Any consideration of race, color or national origin in a foster care placement must be considered **only** on an **individual basis** and if consideration of these factors is in the **child's best interest**.

Violation of this statute subjects the state or other entity in the state involved in adoption and foster care placements to financial penalties.

42 U.S.C. §§ 620-635, 670-679

The Adoption and Safe Families Act (ASFA), 42 U.S.C. §§ 620-635; 670-679 (1997), amends Part B and Part E of the social Security Act. The basic premise of the law is that safety, permanency, and child well-being must be the major concerns of child welfare agencies. The act:

- Redefines when reasonable efforts to reunify a family must be made.
- Requires criminal history record checks for prospective foster and adoptive parents.
- Prohibits placement of children with foster or adoptive parent convicted of certain felonies.
- Requires documentation of efforts to place a child in an adoptive or other permanent home.
- Requires states to file a petition to terminate parental rights and concurrently identify, recruit, process, and approve a qualified adoptive family for an abandoned infant, for a child assaulted by a parent or a child whose parent killed or assaulted another child, and for a child in foster care for 15 of the most recent 22 months, unless a compelling reason exists; see FOM 722-7, Foster Care - Permanency Planning.
- Requires states to use cross-jurisdictional resources to facilitate timely adoptive placements, with financial penalties for states and agencies that (1) deny or delay an adoption when an approved family was available outside the jurisdiction or (2) fail to grant an opportunity for a fair hearing for an approved family who alleges that the state has denied or delayed a cross-jurisdictional adoption.
- Requires states to respond to health care coverage for non-title IV-E eligible children with special health care needs.
- Authorizes continued eligibility for title IV-E adoption subsidy payments when an adoption disrupts or both parents die.

**42 U.S.C. § 16901
et seq.**

The Adam Walsh Child Protection and Safety Act, 42 U.S.C. § 16901 et seq. (2006) requires states to have procedures in place to conduct criminal background and central registry checks on prospective foster and adoptive parents regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the state plan.

In addition to the criminal background check procedures specified in the title IV-E state plan, P. L. 109-248 requires states to submit fingerprint-based checks of prospective foster and adoptive parents to a national crime information database before the prospective foster/adoptive parent may be finally approved for placement of a child.

STATE LAWS**MCL § 710.21 et
seq.**

The Michigan Adoption Code provides legal requirements for all adoptions within the Family Division of Circuit Courts in Michigan.

**MCL § 400.201 et
seq.**

The Michigan Children's Institute (MCI) Act requires the department to accept children up to age 17, and exercise responsibility for them up to age 19, when parental rights have been terminated, and the child has been committed to the department. See ADM 0800, Roles & Responsibilities of Michigan Children's Institute (MCI).

- 1997 PA 171, amended 1935 PA 220, [MCL 400.204(2)]. This amendment requires consultation between the MCI superintendent and the child's attorney for children committed to DHS regarding issues of placement, commitment, and permanency planning.

MCL § 400.209

This Act amended the Michigan Children's Institute (MCI) Act to permit the Michigan Children's Institute (MCI) superintendent to designate his or her authority to consent to the adoption, marriage, guardianship, or emancipation of any child who may have been committed to the MCI.

MCL § 722.131 et seq.

The Foster Care Review Board Act permanently established the State Foster Care Review Board Program in the State Court Administrative Office (SCAO) and requires it to create local foster care review boards. The legislation mandates that the Foster Care Review Board Program review the foster care system and make recommendations concerning the foster care system to appropriate groups and agencies.

The local review boards review the initial placement plan and subsequent progress reports for children placed into foster care. Written findings and recommendations regarding the care, maintenance, supervision, and the plan for permanence for the child in foster care are submitted to the child care organization and the Family Division of the Circuit Court within 30 days of the review.

- 1997 PA 170, amended sections 4, 5, 7 and 9 and adds section 7a to the Foster Care Review Board (FCRB) Act. The Act:
 - Mandates the existence of a FCRB in each county or covering multiple counties.
 - Provides for creation of additional boards by SCAO.
 - Allows for one or more alternate members to serve on review boards.
 - Mandates review by the FCRB of a proposed change in foster care placement upon request of the foster parent.
 - Allows the FCRB to report findings/recommendations to the court regarding change of placement.
 - Mandates review of a sample of permanent wards by the FCRB.
- 2000 PA 46, amended 1984 PA 422. The amendment gives foster parents the opportunity to appeal to a Foster Care Review Board any proposed change of placement of a MCI ward placed in their foster home except under certain circumstances. The findings and recommendations of the FCRB are sent to the MCI superintendent, who shall make a decision within 14 days regarding placement of the child.

MCL § 722.951 et seq.

The Foster Care and Adoption Services Act includes requirements for child placing agencies and adoption attorneys. It also requires DHS to maintain a registry of children available for adoption and a registry of prospective adoptive parents. Michigan's registry is the Michigan Adoption Resource Exchange (MARE).

MCL § 722.952

This provision amended the Foster Care and Adoption Services Act to require specific time frames for registering a child on the adoption resource exchange.

MCL § 722.956

This provision amended the Foster Care and Adoption Services Act to require that prospective adoptive parents be provided information concerning the child, including petitions and initial and updated service plans. It includes a requirement for a conference between the prospective adoptive parents and the adoption worker to discuss the records provided and the adoptee's medical and psychological needs.

MCL § 722.111 et seq.

The Child Care Organization Act includes the standards for the licensing and regulation of child placing agencies and defines the kind of non-public information the department must compile and who may access both public and non-public information.

MCL § 400.1 et seq.

The Social Welfare Act is an Act to protect the welfare of the people of this state, create a state department to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons, to aged persons, the blind, disabled and for the prevention and treatment of delinquency, dependency and neglect of children.

MCL § 710.24

Act 614 of 2012, amended the Probate Code (Act 288 of 1939); to permit a married person to adopt without his or her spouse joining

in the petition for adoption, if failure to join in the petition or to consent to the adoption were excused by the court for good cause shown or were in the best interest of the child.