

## DEPARTMENT OF SOCIAL SERVICES

### GENERAL RULES

(By authority conferred on the department of social services by section 6 of Act No. 280 of the Public Acts of 1939, as amended, being S400.6 of the Michigan Compiled Laws)

#### PART 7. PROTECTION OF CHILDREN

##### INTERSTATE PLACEMENTS

R 400.400 Definition.

Rule 400. For the purpose of administering subdivision (d) of section 14 of the social welfare act, when the placement in Michigan is made by an individual, a child shall be defined as a person under 17 years of age; when the placement is made by a court or an agency in another state a child shall be defined as a person under 21 years of age who is a juvenile as defined in the juvenile court laws of the other state.

History: 1979 AC.

##### INTERCOUNTRY PLACEMENTS

R 400.410 Definition.

Rule 410. For the purpose of administering subdivision (d) of section 14 of the social welfare act, when a child is to be placed in Michigan from another country, "child" shall be defined as a person under 17 years of age.

History: 1979 AC.

R 400.411 Conditions for approval of placements.

Rule 411. (1) In all cases the state department of social welfare will exercise its judgment on whether or not to approve the placement only when it has:

(a) Information about the immigration status of the child; namely, whether he is to be admitted to the United States on a permanent visa or some type of temporary permit. When the placement is for the purpose of permanent residence and adoption, assurance that the immigration status is such that if the adoption is completed he will be allowed to remain in this country and can eventually become a citizen.

(b) Information about the legal status of the child; namely, who has legal guardianship or custody and who will be responsible for him if the placement does not work out satisfactorily.

(c) Social histories of the child and of the foster home, giving reasonable assurance that the home is a suitable one for the particular child.

(d) When the placement is for the purpose of adoption, a court order or assurance from the court for the county where the adopting parents live that the information about the child and the adoptive home and the legal documents have been reviewed and the court sees no obstacle to completion of the adoption.

(2) With respect to children coming into Michigan for the purpose of adoption from a country which has an immigration quota, whether the child is coming under the quota or on a nonquota visa, the state department of social welfare will exercise its judgment on whether or not to approve the placement only when a child placing agency licensed in Michigan has accepted responsibility for sponsoring the child, provided that if the prospective adoptive family is related to the child or in other special circumstances, the department may exercise the option of waiving the requirement of a sponsor. Sponsorship, as used in this rule, means making a study of the adoptive home, helping the family with the selection of the child and with arrangements for his admission to this country, supervising during the placement period if so directed by the court, and making other plans for the child if the placement fails before the adoption is completed.

(3) When a child is coming into Michigan for the purpose of adoption from Canada (or from any other nonquota country, with slight modifications to meet the requirements of the specific country or the American consulate in such country), the department will exercise its judgment on whether or not to approve the placement when:

(a) The provincial welfare department has secured the social history of the child, determined its legal status and who has authority to consent to the adoption, and the circumstances surrounding the proposed placement and, after reviewing this information, considers that the adoption placement is in the best interest of the child.

(b) For a child in the custody of an agency, the department is satisfied that the foreign agency is authorized to place children and that it has the legal right to place the child in question; and the agency has submitted to the department an agreement to accept the return of the child should the placement be deemed to be unsuccessful before the adoption is completed.

History: 1979 AC.