

MICHIGAN INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC)

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Office Hours: Monday – Friday, 8:00 a.m. to 5:00 p.m., Eastern Time Zone (Daylight savings time: April through October)

GENERAL INFORMATION

ICPC Code Citation: MCL 3.711 through 3.717

Statutory Penalties Under Article IV: Violation may be punished or subject to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for suspension or revocation of any license, permit or legal authorization held by the sending agency.

Restriction on Importation into Michigan (MCL 400.115e): requires written approval by the Department of Human Services for placement of children into the state in family home of unrelated persons. Relative is defined as a relative within the 5th degree of affinity or consanguinity. If the plan is adoption, through a Michigan Juvenile Court, prior approval of the judge in the county where the adoption is final is also required.

Penalties: violations of the adoption code (placement into an adoptive home without rights of both parents being terminated and assessing fees not approved by the court) is a misdemeanor upon the first conviction and a felony upon subsequent convictions. Chapter X, Michigan Probate Code, MCL 710.21 et seq.

Placement of children in an unlicensed foster home is a misdemeanor. (MCL 722.125)

Court Jurisdiction: Circuit Court, Family division handles adoptions, termination of rights, delinquency, abuse and neglect, divorce, support and custody.

SPECIAL INFORMATION:

Custody Investigations: Requests are to be forwarded to the local county Friend of the Court for service.

REQUIREMENTS:

Reports: Quarterly unless otherwise requested.

Licensing Requirements: License required for relative families, child caring institutions and private child placing agencies. Certification of public agencies (MCL 722.115)

PLACEMENTS:

Adoption Petition: If the adoption is to occur under Michigan law, the local Family Court division of the Circuit Court must issue an order of permanency prior to a child being placed in the home. To obtain the court order, the petition, homestudy, supporting documents and consent (unless specifically prohibited by the sending state's law) must be on file with the court prior to the adoption proceeding.

Independent Adoption Placements: Michigan law allows direct consent adoptions with unrelated persons providing the placement occurs in conjunction with licensed adoption attorney or licensed adoption agency.

Intercounty Adoptive Placements: Services are provided to requesting families by licensed private child placing agencies.

Interstate Adoption: Requests are referred to a private agency or licensed adoption attorney registered with the Office of Children's Ombudsman for service unless the child is related to the adoptive family within the 5th degree of affinity or consanguinity; or is a ward of another state or a court in another state. Such cases are referred to the appropriate local Department of Human Services office. Supervisory period can be waived for good cause by petition to the Family Division of Circuit Court. Adoption must be completed within 18 months of placement, or the petition will be dismissed unless an appeal is pending.

Michigan extends comity to adoption laws of other states. If the adoptive placement is in Michigan but proceeding under the laws of another state and will be finalized in the other state, it will be considered a legal adoption in Michigan.

NOTE: Michigan law does not permit a non-Michigan licensed child placement agency to come into Michigan to place a child, do a homestudy or perform any other part of the adoption process.

Termination of Parental Rights: If the adoption is to occur in Michigan, the rights of ALL parents must be terminated regardless of the marital status of the parents.

Adoption Central Registry: The Michigan Adoption Code establishes an adoption registry for birth parent's statements of consent or denial to the release of identifying information to adult (defined as age 18) adoptees. The law requires release of non-identifying information upon request to adult adoptees, adoptive parents, and birth parents.

Residential Placements: Placements into a residential child care facility require interstate approval.

- Requirements for Placement: ICPC 100A, child summary, diagnostic evaluation and custody documents (unless private placement). Additional requirements may be established by the individual facilities.
- Approval of Facilities: Department of Consumer and Industry Services, Bureau of Regulatory Services, Child Welfare Licensing Division is responsible for the licensing of childcare institutions.
- Monitoring of the Child: The sending agency is responsible for arrangements made for the purpose of supervising and monitoring.
- Philosophy for Placement of Non-Resident Youth: Placements must comply with the ICPC and be in the best interest of the child. Placements should only occur when an appropriate treatment facility does not exist within the sending state.

Requirements for Foster Care Placements: Licensing of all non-relative foster home placements is required. Children placed from Michigan into other states are to be in homes, which meet the licensure, approval or certification requirements of the receiving state.

PAYMENTS:

Michigan Wards Placed Out-of-State: Michigan foster care rates are used to pay for wards placed out-of-state in licensed foster care. The foster home must meet the licensing, approval or certification requirements of the receiving state. State wards placed with relatives, both licensed and unlicensed, are eligible to receive a foster care payment using Michigan rates. If Title IV-E eligibility requirements are met, this funding source should be used. Otherwise, State Ward Board and Care or County Child Care funds must be used for the foster care payment.

Out-of-State Wards Placed in Michigan: The sending state is responsible for payment. Most states require licensure of relatives to qualify for payments.

Medical Assistance: Michigan Title IV-E eligible wards placed in licensed foster care or residential care in another state are eligible for Medicaid in that state. If the ward or placement does not meet Title IV-E requirements, then the provider in the other state must add the ward to his/her own insurance or apply for Medicaid in the receiving state on behalf of the ward. Title IV-E eligible wards from other states placed in licensed foster care or in residential care in Michigan are eligible for Michigan Medicaid. If the ward is not Title IV-E eligible or the placement setting is not Title IV-E eligible, the provider must add the ward to his/her own insurance or apply for Medicaid on behalf of the ward.

Special Education Payments: Not provided for non-resident youth placed in Michigan.

Adoption Subsidy: May be made for monthly maintenance and/or special services; and may be paid to adoptive parents of Michigan children living out of state provided the adoption has occurred under Michigan law.

USEFUL TELEPHONE NUMBERS:

Adoption-Central Registry: (517) 373-3513. Inquiries will be handled regarding release of information from adoption records and the parent's consent/denial registry.

Bureau of Regulatory Services, Child Welfare Licensing Division: (517) 373-8383. Inquiries will be handled regarding the licensure of child placing agencies, residential facilities and family foster homes.

Child Abuse Registry: (517) 373-3572. Inquiries will be handled when a qualified agency representative requests information requiring registry check. This number is NOT toll-free.

Child Abuse (HOTLINE): There is no central statewide hotline for child abuse. Emergency calls are handled at the local level in the county Department of Human Services.

Interstate Compact on Juveniles: Roy Yapple (517) 373-3831