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OFFICE OF CHILDREN AND ADULT LICENSING



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CHILD PLACING AGENCY LETTER 2007 – 01

To: Child Placing Agencies and Family Courts that Certify Foster Homes
All Foster Family Homes and Foster Family Group Homes

From: James B. Gale, Director *James B. Gale*
Office of Children and Adult Licensing

Subject:

- Child Placing Agency Rule Interpretations
- Technical Assistance Handbook
- Criminal History Record Checks at License Renewal
- Special Evaluations
 - Courtesy evaluations done by neighboring DHS offices

CHILD PLACING AGENCY RULE INTERPRETATIONS

Rule interpretations for all child placing agency rules have been posted on the DHS web site. (www.michigan.gov/dhs) Click on "licensing" in the quick links on the right side of the screen. On the left hand side, click on "child placing agencies." The link for the rule interpretations is in the center of the page under "Resources."

TECHNICAL ASSISTANCE HANDBOOK

The Technical Assistance (TA) Handbook for foster home certification has been completed. This handbook provides an explanation of all required and recommended processes for foster family home certification. There are also interpretations for all foster family home rules. The TA Handbook is also available on the DHS web site. (www.michigan.gov/dhs) Click on "licensing" in the quick links on the right side of the screen. On the left hand side, click on "children's foster care." The link for the TA Handbook is in the center of the page under "Resources."

CRIMINAL HISTORY RECORD CHECKS AT LICENSE RENEWAL

Child Welfare Licensing converted all foster homes to the current database, BITS, on 8/10/2000. Information on past criminal record checks and children's protective services information did not convert to the new database. Recent updates to the BITS system do not allow a license to be renewed if there is no information in the system indicating that licensing record clearances have been completed. To resolve this problem, when a child-placing agency is requesting renewal of a license with an original license date prior to 01/01/01, a copy of the OCAL 1326 for each adult in the household is to be submitted with the application, OCAL 3889, and the transaction form, OCAL 3706. This information will be entered into the database so that the renewal of the license may be processed, assuming that there are no other issues that would prevent the renewal of the license, such as an open investigation or the presence of a licensee or adult household member's name on Central Registry as a perpetrator of child abuse or neglect. If there has been an Administrative Review (ART), please attach a copy of the ART approval letter with the OCAL 1326

An additional edit has been added to BITS that will not allow a license to be renewed when a licensee or adult household member's name is on Central Registry as a perpetrator of child abuse or neglect. OCAL will be contacting each child placing agency that has an open foster home license where someone living in the home is on Central Registry. The agency will be advised of the information and asked to contact the licensee regarding their options. The licensee or household member may request expungement from the county DHS children's protective services supervisor. If the supervisor does not expunge the name from Central Registry, the person may be entitled to an administrative hearing regarding the requested expungement. If the

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person's name remains on Central Registry when the license comes due for renewal, the license **WILL NOT BE RENEWED**.

SPECIAL EVALUATIONS

Courtesy Evaluations Done by Neighboring DHS Offices

The Department of Human Services, Field Operations Administration, issued L-07-05 on 01-10-2007. This L letter identifies new procedures for completion of special evaluations done by local DHS offices that certify foster homes for licensure. In counties that have more than one certification worker, special evaluations are to be completed by a certification worker that does not have ongoing certification responsibilities for the foster home being investigated. It is also recommended that if all staff in the county have an established relationship with the foster parent(s) being investigated the investigation should be referred to another county office.

In counties with only one certification worker, the complaint is to be forwarded to a neighboring county for completion of the special evaluation, based on the coverage plan developed by the Regional Office. The following is the process to be followed when forwarding the complaint to another county DHS office:

- The certifying county is to take the complaint and record the information on the OCAL 259, Special Investigation Record. The information is to be provided to the non-certifying agency immediately by telephone followed by faxing the OCAL 259. The reporting source is the individual who made the complaint to the certifying county. The complaint date is the date the information was received by the certifying county. The certifying county **may not** screen the complaint out.
- The county office that will complete the special evaluation is responsible for complying with all provisions of CPA Rule 400.12316, including sending the OCAL 259 in to OCAL central administration within 5 working days of the date the complaint was received in the certifying county. If there are no allegations that relate to possible rule noncompliance, the receiving county may screen the complaint out.

The investigating county is to keep the certifying county aware of the status of the investigation, complete the report, and make a recommendation on the status of the license. If the recommendation is revocation or refusal to renew, a copy of the report is to be sent to the licensee, the certifying county, and to OCAL central office for the Disciplinary Action Unit. If the recommendation is to continue a regular license or to modify the license to provisional status, a copy of the report is to be sent to the licensee and the certifying county. The recommendation is to state, "*Due to the identified rule*

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violations, a written corrective action plan is required. The corrective action plan is to be negotiated with the DHS office that certifies your home for licensure. The corrective action plan is due 30 days from the date of this letter and must include the following:

- *How compliance with each rule will be achieved.*
- *Who is directly responsible for implementing the corrective action for each violation.*
- *Specific time frames for each violation as to when the correction will be completed or implemented.*
- *Indicate how continuing compliance will be maintained once compliance is achieved.*
- *Be signed and dated.*

When an acceptable corrective action plan has been agreed upon by you and the certifying DHS office, (a six-month provisional will be issued) or (your regular license will continue). If you fail to come to agreement on an acceptable corrective action plan, disciplinary action may result.”

- The OCAL 259 closing the investigation is to be submitted by the investigating county. If the certifying county is unable to negotiate an acceptable corrective action plan with the licensee, the recommendation may be changed to revocation or refusal to renew.
- R400.12306 (3) states, “An agency shall document that the licensee has been given an application for renewal of the license not less than 30 calendar days before the expiration date of the license.” This requirement is not changed by the fact that there is an open special evaluation. The certifying county is to send the application and advise the licensee that the application must be signed and returned prior to the expiration date of the license, but that the renewal study will not be completed until the special evaluation has been closed. OCAL will not renew a license with an open special evaluation.
- Occasionally, there may be disagreements about how an investigation was handled between the local offices involved. If the supervisor in the certifying county believes that the investigation was not handled properly, the issue is to be reviewed by the second line supervisor. If resolution cannot be achieved between the counties, the report is to be forwarded to the regional office for review.
- The county that completes the investigation is to retain a copy of the investigation and all supporting documents. Investigations completed for other counties should be included in the list of completed foster home investigations that is provided to the child welfare consultant before/during annual onsite investigations of the county’s CPA license.