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STATE OF MICHIGAN  
DEPARTMENT OF HUMAN SERVICES  
LANSING



ISMAEL AHMED  
DIRECTOR

April 5, 2010

The Honorable Bill Hardiman, Chair  
Senate Appropriations Subcommittee on DHS  
Michigan State Senate  
Lansing, Michigan 48933

The Honorable Dudley Spade, Chair  
House Appropriations Subcommittee on DHS  
Michigan House of Representatives  
Lansing, Michigan 48933

Dear Senator Hardiman and Representative Spade:

Section 273(1) of 2009 Public Act No. 129 requires the Department of Human Services (DHS) to report policy changes made to implement provisions of enacted legislation including the DHS budget act. Attached is the combined report for the months of October 2009 through March 2010.

The report contains the bulletin number of the policy release as well as the effective date, subject and summary of the policy.

If you have any questions about the attached material, please contact Judith Galant, online manual coordinator, at 517- 241-7084.

Sincerely,

*for* Ismael Ahmed

Attachment

C: DHS Senate and House Appropriations Subcommittee  
Senate and House Fiscal Agencies  
Senate and House Policy Offices  
State Budget Office

**AAB 2009-002**

Interim

**Effective**

Immediately upon receipt.

**Subject**

Adoption Support Subsidy title IV-E funding eligibility changes.

Effective October 1, 2009, the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P. L. 110-351) phases in revised title IV-E funding eligibility requirements for specific special needs children over a nine-year period.

In order to qualify for adoption support subsidy funded by title IV-E, a child who meets the state's special needs requirements must also meet either the **applicable child** or **not applicable child** requirements.

An **applicable child** is a special needs child who meets one or more of the following requirements immediately prior to finalization of the adoption:

- Meets the applicable age requirements (as indicated in the Appendix).
- Has been in foster care during any 60 consecutive months prior to the finalization of the adoption.
- Is a sibling to either such child if both are to have the same adoption placement.

The **applicable child** must also meet one of the following title IV-E funding eligibility requirements:

1. The child, at the time of the initiation of the adoption proceedings, was in the care of a public or private licensed child placing agency or Indian tribal organization pursuant to one of the following:
  - An involuntary removal in accordance with a judicial determination to the effect that it was contrary to the child's welfare to remain in the home.
  - A voluntary placement agreement or voluntary relinquishment.
2. The child meets all medical and disability requirements of Supplemental Security Income (SSI).
3. The child was residing in a foster family home or child care institution with his/her minor parent and the minor parent was removed from the home pursuant to either:

- An involuntary removal in accordance with a judicial determination to the effect that it was contrary to the child's welfare to remain in the home.
  - A voluntary placement agreement or voluntary relinquishment.
4. The child was adopted and was determined eligible for title IV-E adoption assistance in a prior adoption and is available for adoption because the prior adoption has been dissolved or the child's adoptive parents have died. (The child must be re-determined to be a special needs child by DHS in order to be eligible for adoption assistance in the subsequent adoption.)

Title IV-E prohibits the payment of title IV-E adoption assistance on behalf of an **applicable child** who is not a citizen or resident of the United States (U.S.) and was either adopted outside the U.S. or brought to the U.S. for the purpose of being adopted.

A special needs child who is referred to as a **not applicable child** is one to whom the revised title IV-E funding requirements do not apply and to whom the eligibility requirements in place prior to October 1, 2009 apply.

The special needs child must meet one of the following title IV-E funding pathways and one of the Judicial Determination requirements in order to receive title IV-E funding (42 USC 673):

#### **IV-E Pathways**

1. The child was eligible for the former Aid to Families with Dependent Children (AFDC) program at the time of removal from the specified relative home.  
**Note:** Based on the state's approved AFDC plan in effect 7/16/1996.
2. The child meets all of the medical or disability requirements for Supplemental Security Income (SSI) benefits.
3. The child is a child of a minor parent covered by title IV-E foster care payments.
4. The child was eligible for title IV-E adoption support subsidy in a previous adoption and the state has determined that the child continues to meet the special needs criteria. The manner of removal from the adoptive home is not relevant for a subsequent adoption.

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### Judicial Determination

The **not applicable child** must also meet one of the following:

- The child was removed from the home by a judicial determination that indicated it was contrary to the child's welfare to remain in the home.
- The child was (all of the following):
  - Voluntarily relinquished to the state or a private non-profit agency.
  - There was a petition to remove the child from the specified relative who voluntarily relinquished the child within 6 months of the date the child last lived with the specified relative.
  - There was a subsequent judicial determination indicating that remaining in the home was contrary to the child's welfare.
- The child was removed by a valid voluntary placement agreement and title IV-E payments were made for the child during the voluntary placement.

**Note:** For children removed on or after 1/23/01, the judicial determination must be made in the first court order sanctioning the child's removal from the home. For children removed from their homes before 1/23/01, the contrary to the welfare determination must be made at the time of, or prior to, the initiation of the adoption proceedings.

Adult members of the adoptive household must not have any felony convictions for any of the following crimes:

- Child abuse/neglect.
- Spousal abuse.
- A crime against children (including child pornography).
- A crime of violence, including rape, sexual assault or homicide but not including other physical assault or battery.
- Within the last 5 years only, physical assault, battery or drug-related offense.

**Note:** Persons who have been convicted of any of the above felonies or a crime against children must not be approved for an adoption placement, regardless of funding source.

If a child was placed with a relative in juvenile guardianship, a determination of eligibility for adoption assistance will not consider the guardianship placement or assistance payments that were made for the child. If the child was eligible for title IV-E adoption assistance prior to the juvenile guardianship, the title IV-E funding eligibility will be carried forward to adoption.

A child that is not a citizen or resident of the United States and was adopted outside of the U.S. or brought into the U.S. for the purpose of being adopted may be eligible for adoption assistance if the initial adoption of the child is dissolved and the child is subsequently placed into foster care. The child's circumstances must meet the state's special needs eligibility requirements.

## AAB 2010-001

### EFFECTIVE

Immediately upon receipt.

### Adoption Subsidy Manual (AAM)

1. Title IV-E funding eligibility changes. Policy changes described in Interim Bulletin AAB 2009-002 have been added to AAM 200 and AAM 210.
2. Revised documentation requirements for Adoption Support Subsidy applications (DHS-1341).

### AAM 200, Adoption Support Subsidy Eligibility and Funding Source Determination

Policy has been revised to reflect expanded title IV-E funding eligibility requirements as described in the Fostering Connections to Success and Increasing Adoptions Act of 2008 [P.L. 110-351]. The revised policy changes the adoption support subsidy title IV-E funding eligibility criteria and increases the number of children who are eligible for title IV-E funding.

The revised title IV-E funding eligibility criteria are phased in for specific special needs children over a nine-year period beginning October 1, 2009. A child to whom the revised eligibility criteria apply is referred to as an **applicable child**. An **applicable child** is a special needs child who meets **one** of the following:

- For fiscal year 2010, is age 16 or older before October 1, 2010.
- Has been in foster care for at least 60 consecutive months at any time.

- Is a sibling to either of the above children if both are to be placed in the same adoptive placement.

Each fiscal year through 2018, the age for the **applicable child** is reduced by two years.

**AAM 210, Adoption Support Subsidy Rate Determination**

Policy has been added requiring submission of a current determination of care (DOC) assessment with every DHS-1341, Adoption Assistance and Medical Subsidy Application. This includes DOC assessments that indicate a DOC supplement is not required.

The DHS-1341 has been revised to correspond with policy.

**BPB 2009-008**

**Effective** March 1, 2009

**Subject** Afghan Special Immigrant Visa (SIV) holders.

BEM 225A

The period of acceptable alien status for Afghan aliens granted a special immigrant visa (SIV) is extended to eight months following their date of entry or adjustment to this alien status.

**BPB 2009-010**

**Effective** September 1, 2009

**Subject** Children's Clothing Allowance.

The children's clothing allowance will again be issued this year. Eligibility will include an allowance for all dependent children eligible for FIP for September 2009. The allowance is \$84 for each child. This allowance is excluded as income for all programs.

**BPB 2009-014**

**Effective** October 1, 2009

**Subject** Telephone interviews.

**BAM 115 and 210****Food Assistance Program (FAP)**

You must conduct a telephone interview at application and redetermination before approving benefits. However, an in-person interview must be held if one of the following exists:

- The client requests one.
- You determine it is appropriate. For example, you suspect information in the application is fraudulent. Do not require an in-office appointment if the client is experiencing a hardship. Instead, conduct the in-person interview at the client's home or another agreed upon location.
- You are processing a joint cash and FAP application/redetermination. Do not require an in-office appointment if the client is experiencing a hardship. Instead, conduct the FAP interview by telephone or at the client's home or another agreed upon location.

When conducting a telephone interview, ask the caller a question only the grantee could answer (such as last four digits of their Social Security number, date of birth etc.) to ensure the identity of the caller. The best practice is to document the case record with the answer to your question.

**BPB 2009-015****EFFECTIVE** 10/01/2009**SUBJECT** Direct Support Services (DSS).**FIP, CDC, MA or FAP Families****BEM 232**

Policy is clarified to ensure services provided by DSS funds for Family Support Services (FSS), including counseling services, are expended on Temporary Assistance for Needy Families (TANF) eligible clients to provide services to remove an employment-related barrier. The barrier must prevent the client from obtaining or maintaining employment. DSS is not appropriate when a client is active or pending for children's services or housing services. Other funding sources must be used to provide non-employment-related services.

FSS state-wide counseling policy and instruction is now included in this item. Funding to support the use of this service will no longer reduce the local office DSS allocation. Funding is held and monitored centrally.

**FAP****\$50 Employment & Training Reimbursement**

Clients who are in an approved training or education programs are no longer eligible for the FAP \$50 reimbursement. Reimbursement is still allowed for self-initiated job search or community service.

**2010-001****Effective** January 1, 2010**Subjects**

1. Income.
2. Adult Medical Program (AMP).

**2) Income** **Refugee Matching Grant****FAP and CDC**

Refugee matching grant is now budgeted as unearned income instead of earned income for FAP and CDC.

**MA**

Refugee matching grant continues to be excluded for MA.

**FIP and RAPC**

Refugee matching grant continues to be considered concurrent receipt of assistance for cash programs.

**Non-FIP Child  
Support Arrears**

There is a new child support income type. For FIP eligibility determination groups (EDG's) whose initial FIP eligibility is certified in Bridges, on or after October 1, 2009, child support collections attributed to a time period in which the family did not receive FIP (known to the Office of Child Support, (OCS) as pre-assistance arrears), are not assigned or certified.

**FIP and RAP**

Because this type of child support is not assigned or certified, this means that a FIP recipient does not need to return these payments to DHS. This child support income type is excluded for FIP and RAP.

**CDC**

These payments have no affect on CDC eligibility if received by a FIP recipient, because FIP recipients are categorically eligible for CDC. Payments received by a non-FIP recipient, are countable unearned income.

**MA, FAP and SER**

Non-FIP child support arrears are countable unearned income.

**3) AMP****BEM 221**

The identity of U.S. citizens must be verified for AMP.

*Reason:* The funding source for AMP has changed, this is a federal requirement.

*Old policy:* AMP did not have a requirement to provide proof of identity.

**BEM 225**

Proof of U.S. citizenship is required for AMP.

**BPB 2010-006****EFFECTIVE**

March 1, 2010.

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**SUBJECT** **MA/AMP benefits.****BAM 130****MA and AMP**

Medicaid or Adult Medical Program (AMP) must be opened for any applicant claiming U.S. citizenship. Once coverage has been certified, proof of citizenship must be documented.

A new process for requesting verification of U.S. citizenship has been added. This process includes time frames.

No other eligibility factors have changed, an applicant must still meet all financial and non-financial factors for MA and AMP.

*Reason:* New legislation.

Medicaid and AMP coverage could not be approved without proof of citizenship.

**BPB 2010-008****EFFECTIVE** **November 1, 2009****SUBJECT** **Special \$25 UCB American Recovery and Reinvestment Act payment****All Programs**

The \$25 federal weekly American Recovery and Reinvestment Act applied to unemployment compensation benefits (UCB) and trade readjustment allowances (TRA) is excluded as income retroactively to November 1, 2009. A mass update will be started the weekend of February 13, 2010 and will finish in stages on or about February 28, 2010 to deduct the \$25 federal weekly UCB ARRA amount from all active cases. The update will be retroactive to November, 2009. If the client is due a supplement it will be automatically issued by Bridges.

There will be no change for the specialist. Bridges automatically deducts the \$25. Specialists must continue to enter the UCB and TRA using the gross amount.

When the mass updates are completed, a list of cases that had UCB and closed during the period of November through February and for cases that still have benefit mismatch as a result of conversion will be distributed. Specialists must re-evaluate these cases to determine if the client is due a supplement and issue if necessary. If a client inquires about a case that was denied because of UCB then their case must also be re-evaluated and opened if eligible.

**MA Only**

The \$25 UCB has already been excluded as income.

**EFFECTIVE****March 1, 2010****SUBJECT****Heat and Utility Standard Change****FAP****BEM 554**

All Food Assistance Program (FAP) cases will receive their first annual payment of \$1 in Low Income Home Energy Assistance Program (LIHEAP) funds. This allows all FAP cases to be eligible for the heat/utility (h/u) standard even if they do not have a responsibility to pay for heat, utilities or shelter expenses.

FAP cases determined eligible on or after March 1, 2010 will not receive their \$1 LIHEAP payment until later in the year. Regardless of when a household actually receives the \$1 LIHEAP payment, after March 1, 2010 all households will receive the h/u standard.

**GDB 2009-001**

**EFFECTIVE** Immediately upon receipt.

**SUBJECT** A new manual group (GD) has been added to address Child Guardianship policies. The initial items in the manual group include a Glossary (GDG), Juvenile Guardianship and Juvenile Guardianship Assistance policies (GDM).

**GDM 110 - Legal Requirements**

This item includes descriptions of the federal and state laws that established Juvenile Guardianship and the Juvenile Guardianship Assistance programs, including Juvenile Guardianship Assistance, Nonrecurring Expenses for Juvenile Guardianship and Juvenile Guardianship Medical Subsidy.

**GDM 600 - Juvenile Guardianship**

This item includes policy regarding:

- Determining guardianship as a permanency goal for a foster child.
- Required background checks for prospective guardians.
- Foster care licensing of prospective guardians.
- MCI consent for guardianship of state wards.
- Denial of MCI consent for a guardianship.
- Guardianship orders by the court.
- Termination of court jurisdiction.
- Foster care case actions.
- Court-ordered investigation of the guardianship.
- Revocation or termination of juvenile guardianship.

**GDM 700 - Juvenile Guardianship Assistance Program Overview**

This item includes general information about the guardianship assistance program. It includes information about the legal base, funding source and purpose of the programs. Basic eligibility information regarding Guardianship Assistance, Medicaid, Nonrecurring Expenses, and Juvenile Guardianship Medical Subsidy is included.

**GDM 715 - Juvenile Guardianship Assistance Eligibility**

This item provides the details of juvenile guardianship assistance eligibility and the certification process.

**GDM 720 - Juvenile Guardianship Assistance Rate Determination**

This item provides the details of the guardianship assistance rate determination.

**GDM 725 - Juvenile Guardianship Medicaid Eligibility**

This item includes policy on Medicaid eligibility for children with title IV-E funded guardianship assistance. Medicaid for children with state funded guardianship assistance will be determined by the DHS Subsidy Office.

**GDM 730 - Nonrecurring Expenses Eligibility and Reimbursement - Juvenile Guardianship Assistance**

This item includes policy on nonrecurring expenses eligibility for the process of obtaining juvenile guardianship. All children who are eligible for the Guardianship Assistance program are eligible for nonrecurring expenses reimbursement.

**GDM 735 - Juvenile Guardianship Medical Subsidy Eligibility**

This item includes policy on juvenile guardianship medical subsidy eligibility. Children who are eligible for the Guardianship Assistance program are eligible for post permanency services in the same manner as adoptive families.

**GDM 740 - Juvenile Guardianship Assistance Agreements/Guardian Responsibilities**

This item describes the provisions of juvenile guardianship assistance and medical subsidy agreements. It includes the process for obtaining agreements and signatures. Guardian responsibilities are outlined in this section.

**GDM 745 - Juvenile Guardianship Assistance Case Opening and Duration**

This item includes the process for case opening and duration of the guardianship assistance and medical subsidy programs.

**GDM 760 - Address Changes/Out of State Cases**

This item includes policy for reporting address changes and includes information regarding Medicaid for children moving into or out of Michigan.

**GDM 770 - Recoupment/Underpayments/Tax Implications**

This item includes policy regarding recoupment of overpayments, correction of underpayments and resources for tax information.

**GDM 780 - Administrative Hearings**

This item includes policy regarding guardian rights to request administrative hearings.

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**GDB 2010-001** Interim

**EFFECTIVE** Immediately upon receipt.

**SUBJECT** Juvenile Guardianship Assistance Policy Additions and Clarifications.

**Agreements - GDM 740**

The following agreement provisions are added:

- The guardianship agreement is in effect regardless of the state in which the guardian and child reside.
- The agreement includes procedures by which the guardian may apply for additional services as needed.

**School Attendance - GDM 740**

The following policy is added to GDM 740:

All school-age children who receive juvenile guardianship assistance payments must be enrolled full-time (or in the process of enrolling) in elementary or secondary education through a school, home school, or independent study program in accordance with the law in their residence state, or unable to attend school on a full-time basis due to a medical condition that is supported by documentation in the child's case record.

The annual report is used to provide the above information to DHS.

**Case Plan Requirements - Siblings Not Placed Together - GDM 715**

The following policy is added to the Case Plan Requirements section:

The case plan requirements must address the reasons for any separation of siblings during placement. In cases where siblings are not placed together, documentation of the arrangements for regular visitation or other interaction between the siblings must be included in the case plan, unless there is documentation that the visitation or other ongoing interaction would be detrimental to the safety or well-being of any of the siblings.

**Eligibility for Title IV-E Guardianship Assistance Payments - GDM 715**

The following wording is added to the title IV-E funded guardianship assistance eligibility section:

Eligibility for title IV-E funded guardianship assistance payments requires that the child be eligible for title IV-E foster care **maintenance**

**payments** while residing for at least 6 consecutive months in the home of the prospective relative guardian.

### **Fingerprinting and Background Checks - GDM 600 and GDM 715**

The following policy replaces the reference to foster care policy FOM 722-3:

Eligibility for the guardianship assistance program requires that guardians meet the same fingerprinting and background check requirements as listed for licensed foster parents in FOM 922-1.

### **Safe and Timely Interstate Placement of Children - GDM 600**

The following policy is added to GDM 600:

The Safe and Timely Interstate Placement of Foster Children Act of 2006, P.L. 109-239, requires the timely completion of interstate home studies. Juvenile guardianship (including relative) home studies requested by another state must be completed within 60 calendar days. Placements cannot be made until training requirements are met and approval is given by the Interstate Compact on the Placement of Children (ICPC) Office. The law also adds an incentive program to encourage states to complete timely interstate home studies. To earn an incentive, the state must complete an interstate home study within 30 calendar days of the request. See FOM 931 - 932-2 for details of the procedures.

**PSB 2009-002**

Interim

**Effective**

Immediately.

**Subject****PSM 712-5**

Policy is revised to include inquiries into the foster care status of the child(ren) associated with the complaint. These inquiries will be supported by SWSS clearances conducted by Children's Protective Services (CPS) Intake to determine if a foster child is part of the CPS complaint.

The reporting person must be asked if anyone affiliated with the case is a licensed foster care provider, day care provider or relative provider. This must include a check of any child associated with the case in SWSS soundex. Intake staff will document if any children on the complaint are listed as foster children.

These clearances are required and must be documented in the complaint source comment section in SWSS.

**PSM 714-1**

Policy is revised to remove Contracted In-Home Service Provider Meeting All Face-to-Face Contacts. Previous policy allowed for the replacement of all CPS face-to-face contact standards through a contracted in-home service provider, in certain situations, with the approval of the county director.

This section is being removed from policy and is no longer allowable.

Standards for face-to-face contacts, allowing for contracted providers to replace all but one of the required CPS contacts, remain in effect.

**PSB 2010-001****Effective**

February 1, 2010

**Subject****PSM 713-1 CPS Investigation General Instructions and Checklist**

Three additions have been made to the general instructions list for CPS investigations. These additions include the requirement for the worker to do all of the following:

- Observe and document the caregiver and alleged perpetrator's photo-identification.
- Verify and document the dates of birth for the adults in the home.
- Ask if the client, or any adult in the home is a licensed foster parent, an owner/operator/volunteer/employee of a licensed or regis-

tered child care organization or a licensed or unlicensed adult foster care family or group home.

**PSM 716-7 - Substance Abuse Cases**

Language has been added to address medically prescribed substances which may be a risk factor in abuse or neglect situations.

**FOB 2009-002**

Interim

**Effective****October 1, 2009****Subject(s)****Determination of care supplements.**

A determination of care (DOC) supplement may be justified when extraordinary care or expense is required of the foster parents or relative (foster care provider) who is eligible for a foster care payment. The supplement must be based on one or more of the following case situations where additional care by the foster care provider is required or an additional expense exists:

- Physically handicapped children for whom the foster care provider must provide measurably greater supervision and care.
- Children with special psychological or psychiatric needs which require extra time and measurably greater amounts of child care and attention in the home.
- Children requiring special diets that are more expensive than a normal diet and which require extra time and work to obtain and prepare.
- Children whose severe acting out or antisocial behavior requires a measurably greater amount of care and attention.

**Note:** The receipt of Supplemental Security Income (SSI) benefits by a ward requires DOC assessments. When a determination of care supplement is due to a physical or mental disability, screen the youth for SSI eligibility. (See FOM 902-10, SSI Benefits Determination.)

To assess the need for a determination of care supplement, complete the DOC form that most closely fits the case situation:

- DHS-470 for children ages one day through 12 years with behavioral difficulties.
- DHS-470-A for children age 13 and over with behavioral difficulties.
- DHS-1945 for children who are medically fragile (all ages) or who have a documented medical condition which threatens health, life or independent functioning.

A DOC assessment must be done for every child at the initial case opening **and** at least every six months or if the child's care needs or level change or the child moves. This includes all children in purchased

foster care programs. Each DOC assessment must be filed in the child's case record.

DOC rates are **not** to be authorized for any time period that exceeds six months. If a DOC supplement continues to be necessary at the end of the authorized time period, a new assessment must be done, appropriate approval obtained, and the payment authorization using SWSS/FAJ completed.

Justify the continuation of the level for a determination of care on the DHS-470, DHS-470-A or DHS-1945. Since the DOC rate is based on the extraordinary care required of the foster care provider, all tasks and additional expenses must be documented in detail under the caregiver activities section of the SWSS-FAJ report, Children's Foster Care Parent Agency Treatment Plan and Service Agreement.

**As part of the re-determination of the funding source eligibility (every six months) an assessment of the need for a DOC supplement is required for every child age 0-18 regardless of the initial assessment not warranting a DOC.**

The total reimbursement provided to the foster care provider is to be based on the above criteria and process. In all case situations, the foster care worker is to involve the foster care provider in completion of the form and to have the foster care provider sign the assessment form.

### **Determination of Care-Above Level III**

If the care needs of the child are greater than the criteria on the DHS-470, DHS 470-A or DHS-1945, a foster care provider and supervising agency/DHS staff may establish a child specific DOC supplement.

DOC supplement requests above level III require child welfare field operations manager approval. Approval must be based on the results of the DHS-470, DHS-470-A or DHS-1945, and a description of the child's specific problems that have generated the request.

DOC supplements above level III are used to reimburse the foster care provider for meeting the child's extraordinary care needs. They must **not** include payments to a third party (person) for child care, nursing care, respite care, assisted care, etc. Payments for care provided by a third party (person) must be covered by the appropriate non-foster care funding source.

**Example:** The child care program is to be used for child care needs, the medical assistance program for nursing care, etc.

The maximum allowable foster parent DOC is \$80.00 a day.

For all requests for payment above level III, the DHS foster care worker or monitor must first initiate a payment authorization to open payment at level III; then pend the higher payment authorization in SWSS/FAJ and submit documentation to request the amount of payment.

The request for approval must be submitted in writing, documenting the unusual care and supervision required and detail how the reimbursement amount was determined. The request must include a description of any other services and payments being provided for the child's care; for example, assisted care, nursing services, day care, and so on. File a copy of the documentation supporting the DOC supplement in the youth's case record.

**Note:** Documentation may include any of the following:

- Hospital/medical records/doctor's statement(s).
- Psychiatric evaluation.
- Psychological evaluation.
- Initial service plan/updated service plan.
- Foster care provider logs.
- School records/evaluations/individual education plan.
- Institutional discharge summaries.

If approved by the child welfare field operations manager, the DHS-626 with the appropriate signatures will be forwarded to the federal compliance office-funding unit to process payments.

**Note:** Reauthorization requests for DOC above level III must be submitted thirty days in advance of the expiration of the prior authorization.

### **Request for Review of DOC**

A foster care provider or supervising agency/DHS staff may initiate a request for review of a DOC supplement at any time other than the six month review. The request must be done in writing. Action must be taken within 30 days of the receipt of the request.

The requestor (such as the foster parent, relative or foster care worker) must be notified in writing of the disposition of the DOC request within 30 days of the receipt of the request (60 days if the requested DOC is over level III). If approved, the DOC is effective the date of the request. If the DOC request was received within the first 30 days of a child's placement with a specific foster family, the effective date of payment may be the first day of that placement. The requestor may initiate an administrative review if not notified timely.

If the appropriate DOC assessment does not justify an initial or continuation of the DOC level, the level is to be reduced 30 calendar days following the date the completed assessment is received by DHS. The

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DHS worker must notify the foster care provider or private agency within five working days in writing of any decrease in level.

### **Administrative Review Process**

If the foster care provider or the private agency disagrees with the level of care determination, an administrative review process may be initiated within 30 calendar days of the decision. For private agency supervised family foster care, the agency must initiate the request for the administrative review. For DHS supervised family foster care, an administrative review may be requested by the foster parent. Administrative review decisions by the federal compliance office (FCO) are final.

If an administrative review is requested, payment will not be reduced until the administrative review is complete.

### **Private Agency Supervised Process**

1. Private agency supervisor requests an administrative review by submitting the DHS-668, Administrative Review Request for Determination of Care (DOC) Denial form, to the DHS worker's supervisor.
2. The DHS local office has 14 calendar days to review the DOC assessment and complete the DHS-669, Local DHS Response to Administrative Review Request for Determination of Care Denial form. If, after review, the local DHS office does not concur with the original assessment and agrees with the private agency, the local DHS office must authorize all necessary changes to the assessment and payments. No further action is necessary.
3. If the DHS local office agrees with the original assessment the DHS worker's supervisor must forward the DOC, DHS-669, and relevant case materials to the FCO.
4. The FCO has 14 calendar days to review the administrative request from the DHS local office. The FCO will immediately notify the agency and local DHS director of the decision using the DHS-670, Federal Compliance Office (FCO) Decision to Administrative Review Request for Determination of Care (DOC) Denial form.

### **State Agency Supervised Process**

1. The foster care provider requests an administrative review by completing and submitting the DHS-668 to the foster care worker's supervisor.
2. The DHS local office has 14 calendar days to review the DOC assessment and complete the DHS-669. If, after review, the local

DHS office does not concur with the original assessment and agrees with the foster parent, the local DHS office must authorize all necessary changes to the assessment and payments. No further action is necessary.

3. If the DHS local office agrees with the original assessment the DHS worker's supervisor must forward the DOC, DHS-669, and relevant case materials to the FCO.
4. The FCO has 14 calendar days to review the administrative request from the DHS local office. The FCO will immediately notify the agency and local DHS director of the decision using the DHS-670.

### **Effective Date of Request**

When the resolution of a request for change in level occurs, the local office is to initiate a payment authorization request and DHS-634 (if applicable), retroactive to **the original date of request** for change in level of care. The original date of the request is the date a signed DHS-470, DHS-470-A or DHS-1945 is date stamped into the local office. A copy of the DHS-626 is to be sent to the provider.

## **FOB 2009-003**

**Effective**                      **December 1, 2009**

**Subject(s)**                    **FOM 721**

Policy was revised to include the Mental Health Code.

### **FOM 722-1, Foster Care-Entry into Foster Care**

Policy added regarding the verification of citizenship or immigration status is based upon the child's status and not on the parent's status.

**Policy language added on the Vienna Convention on Consular Relations requirements for consulate notification regarding taking protective custody or the placing with the department for care and supervision of foreign nationals.**

**After a child is removed from his/her home and enters foster care, the foster care (FC) worker must visit with the child within five business days from case assignment.**

### **FOM 722-3 Placement/Replacement**

Revised relative licensing waiver process, including exception to forgo licensing and the replacement process if a licensing waiver is not approved.

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**FOM 722-6, Developing the Service Plan**

Policy requires the involvement of the parent(s) and youth age 14 and older in case planning.

Policy re-emphasizes the FC worker monthly visits with all children in foster care requirements. The worker visit policy includes the addition of the first visit with child within 5 business days of case assignment. Contractor in-home service visits can replace all but **one** of the required FC home visits.

A plan for parenting time progression must be documented for children with reunification as a permanency goal.

All youths in foster care over the age of 14 without a goal of reunification must be referred to their local Michigan Works!/Workforce Investment Act Program (MW/WIA). The referral form is the DHS-348 - Michigan Works!/Workforce Investment Act Agency Referral.

Policy on required immunizations is added with verification and documentation process.

**FOM 722-7, Permanency Planning**

Clarification of the order of preference and standards achieving permanency for the five federal permanency planning goals. All policy related to Michigan permanency goals is removed.

The distinction between compelling reasons in order to achieve reunification and the compelling reasons not to file a petition to terminate parental rights is explained.

The termination of parental rights policy is revised to accurately reflect Michigan statutes.

The required information for foster care referral packet to submit for an adoption referral is updated. The SWSS-FAJ activities necessary to close the FC case to forward to adoption are added.

The policy for permanency planning and service provision for the permanent placement with a fit and willing relative and another planned permanent living arrangement permanency goals is specifically outlined. The permanent foster family agreements (PFFA) policy is obsolete and references to PFFA are now removed.

The permanency planning goal review policy is revised to include annual permanency goal reviews.

**FOM 722-8, ISP; 722-9, USP; 722-9D PWSP**

Policy is revised to include the required face-to-face meeting between the FC worker and the worker's supervisor prior to supervisory approval of all case services plans.

Policy is updated to include expanded documentation requirements for the provision of medical, dental, and mental health services and the receipt of Medicaid card by the foster parent.

Michigan permanency goals are removed.

Policy is updated to include documentation requirements in each case services plan for:

- Reasonable efforts to place siblings within same placement (if siblings are in separate placements).
- Ongoing efforts during the report period to place siblings together in same placement.
- Sibling visitation and ongoing interaction (from Sibling Visitation Plan in PATP). If sibling visits did not occur, all efforts that were made to provide frequent visits between siblings.

References to Permanent Foster Family Agreement have been replaced with Permanent Placement with a Fit and Willing Relative and Another Planned Permanent Living Arrangement Agreements.

**FOM 722-8C, Parent Agency Treatment Plan and Service Agreement (PATP)**

Policy requires the involvement of the parent(s) and youth age 14 and older in case planning. A signature is required indicating participation. When a parent or youth does not participate or is unavailable or refuses to sign the Parent-Agency Treatment Plan (PATP), policy outlines specific steps required by the FC worker for further action.

Revisions to the PATP format include the documentation within:

- Parent/non-parent adult caretaker goals.
- Foster parent/relative caregiver activities.
- Child activities with the specific sibling visitation plan.
- Foster care worker activities.
- Parenting time.
- Development, negotiation and participation of PATP.

**FOM 722-10, Court Review**

Interim Bulletin CFB-2009-006 regarding the court procedures in the review of the permanency plans has been added into policy manual.

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**FOM 722-11, Delegation of Parental Consent**

Policy outlining the appropriate consent for psychotropic medications. New requirement for Michigan Children's Institute (MCI) Superintendent to consent to the prescription and used of psychotropic medication for MCI wards.

**FOM 741 and FOM 742, Family Shelter Home Program**

Policy revisions regarding family shelter home placements include:

- Limits on the number of family home shelter placements for a foster child.
- Limits to the period of time a foster child can remain in a family shelter home.
- Team decision making meeting (TDM) requirements.
- Special placement review requirements for agencies not currently conducting TDM.
- Use of detention facilities for foster youth with court jurisdiction for committing criminal offenses.

**FOM 903-9, PR Non-Scheduled Payments DHS-634**

The state ward orthodontic policy is revised to include:

- Possible coverage by Medicaid.
- Payments to obtain an estimate for treatment.
- Written request requirements for treatment approval.
- Required treatment plan from orthodontic provider.
- Maximum allowable rate.
- Exception process. Collaboration requirement between foster care and adoption for state wards with orthodontic needs expected to be adopted.

**FOM 950, The Youth In Transition (YIT) Program**

Revised YIT policy on YIT coverage, funding access, and DHS-720, YIT Exception request. Policy includes Juvenile Justice (JJ) youth in the eligibility requirements. JJ youth are eligible, provided they were in an eligible placement.

**FOM 960, Education and Training Voucher (ETV) Program**

The revised ETV policy clarifies and expands the definition of youth's eligibility for ETV funds. Juvenile Justice youth are now included, provided they were in an approved placement.

The new ETV policy includes procedures for ETV annual grant disbursement and requirement of completion and passing the first semester of college/approved training program in order to receive the second semester's funds.

**FOB 2009-004**

Interim

**Effective**

**December 1, 2009**

**Subject**

**Consent for Michigan Children's Institute (MCI) ward's use of psychotropic medications.**

This bulletin retracts the FOB 2009-003 child foster care policy amendment to FOM 722-11 that requires the MCI superintendent to consent to a MCI ward's use of psychotropic medications. **Effective immediately, this requirement is retracted.**

Public and private supervising agencies must continue to apply policy which gives a supervising agency authority to consent to a MCI ward's psychotropic medications. Thus, a child's caseworker or the caseworker's supervisor may give written consent for psychotropic medications without contacting the MCI superintendent.

All other policy amendments in FOB 2009-003 continue in effect.

**FOB 2009-005**

Interim

**EFFECTIVE**

**Immediately, upon receipt.**

**SUBJECT**

**Educational requirements for children and youths in foster care.**

Policy revision includes school stability provisions from the Fostering Connections to Success and Increasing Adoptions Act, the Dwayne B. v Granholm, et al. settlement agreement requirements and the McKinney-Vento Act (from L Letter 09-128 CW).

**FOM 722-6**

The Department of Human Services (DHS) must ensure that every effort is made to meet the educational needs of children and youth in foster care. The Fostering Connections to Success and Increasing Adoptions Act (Public Law 110-351, Fostering Connections Act) requires states to promote educational stability and appropriate school attendance for children and youth in foster care. The Settlement Agreement requires the department to ensure that foster children are provided with appropriate educational services. DHS is responsible for monitoring the provision of educational services to determine their quality and effectiveness and if found to be ineffective, make the appropriate adjustments in educational case service planning.

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Every child or youth in foster care must be provided the following educational services:

- Initiating enrollment and ensuring full-time school attendance within 5 days of initial placement or any placement change, including placement in congregate care or emergency placements.
- Screening for educational needs within 30 days of entry into foster care.
- Requesting prior education assessments within 30 days of foster care placement and considering those assessments when determining the current educational needs of the child.
- Documenting diligence in requesting records in the case file.
- Coordinating with the last school of record and the new school to ensure the child does not lose any academic credits.

**Note:** No foster child shall be home schooled.

### **Fostering Connections Act Requirements**

The Fostering Connections Act requires child welfare agencies to include “a plan for ensuring the educational stability of the child while in foster care” as part of every child’s case plan. The case plan must document:

- The placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement (school of origin).
- The state child welfare agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement.

If remaining in the school of origin is not in the best interest of the child, the case plan must include assurances to:

- Provide immediate and appropriate enrollment in a new school.
- Provide all of the educational records of the child to the new school.

Finally, the law requires that for all children in foster care or receiving guardianship assistance payments, the case plan must document that the child or youth is one of the following:

- A full-time elementary or secondary student;
- Has completed secondary education; or

- Is incapable of attending school on a full-time basis due to the child's medical condition, which incapacity is supported by annual information submitted by a medical provider.

The required supporting documentation of full-time school attendance, school completion, or medical incapacity is filed in the education section of the child's or youth's case record.

### **The McKinney-Vento Act**

The McKinney-Vento Act, reauthorized in January 2002, ensures educational rights and protections for children and youths experiencing homelessness. The act helps to reduce barriers that eligible children and youth face in enrolling, attending and succeeding in school. The act's educational provisions entitle eligible students to numerous specific rights and benefits from local school districts. These educational provisions will assist the FC worker in meeting the requirements of the Fostering Connections Act and foster care policy.

The McKinney-Vento Act specifically covers children awaiting foster care placement. The Michigan Department of Education (MDE) Homeless Education Office considers a foster care placement temporary, that is, the child is awaiting foster care placement, until a child/youth has been in the care of the same foster parent for a minimum of six continuous months.

### **Educational Benefits under McKinney-Vento**

A foster child entering out-of-home placement or residing in the same foster care placement for less than six months is eligible for assistance under the McKinney-Vento Act. The educational assistance and benefits include:

- The right to remain in the school the child/youth attended at the time of placement (school of origin) if it is feasible and in the best interest of the child/youth. The child/youth may remain in the school of origin for the remainder of the current school year and until the child/youth resides in the same foster home for more than six months. If a temporary foster home placement extends over summer vacation, the child/ youth may remain in the school of origin for the subsequent school year.
- Transportation from placement to school of origin.
- Immediate enrollment in a new school for students who cannot attend their school of origin due to best interests, length of commute or other documented reasons. Students are able to enroll in a new school even if they do not have necessary records immediately available. Such records include:

- Immunizations or immunization records.
  - Physical examinations or medical records.
  - Academic records.
  - Birth certificates.
  - Proof of guardianship.
  - Proof of residency.
- School Meal Programs.
  - Access to preschool programs, provided space is available.
  - Special education and related services.
  - Intake/educational needs and barriers assessment.
  - In some situations, school supplies or clothing.

### **Implementation of McKinney-Vento and Fostering Connections Act**

Educational stability is crucial in addressing and improving the educational outcomes for children and youths in foster care. The foster care worker's role is to coordinate with school personnel to ensure the foster child's educational needs are identified and that the child is provided the necessary educational services. In coordinating these efforts, the FC worker must:

- Contact the local homeless education liaison within the local school district to identify the specific child as a foster child thereby eligible for services under the McKinney-Vento Act. The current listing for the local homeless education liaisons is located at: [http://www.michigan.gov/documents/mde/Homeless\\_Liaisons\\_08-09\\_255650\\_7.pdf](http://www.michigan.gov/documents/mde/Homeless_Liaisons_08-09_255650_7.pdf)
- Provide the local homeless education liaison information needed regarding the child and placement as early as possible but within three business days from any foster care placement/replacement. If the placement is known prior to the actual move, the advance notice to the school and homeless education liaison should assist in facilitating educational stability.
- Obtain information from the school or liaison for use in assessing the child's educational needs and strengths.

All contacts and information exchanged must be documented in the social work contacts of the case service plan.

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### **Foster Care Placement and Preferred School**

Children entering foster care or changing foster care placements are to continue their education in their schools of origin whenever possible and if in the child's best interest. The proximity of the foster/relative home to the child's school is to be considered when placing or replacing all children.

### **Best Interest Factors**

Best interest factors to consider regarding school placement include the parent's or guardian's preference and the child's:

- Social and emotional state.
- Academic achievement/strengths.
- Continuity of relationships.
- Special education programming.
- Extra-curricular activity participation.
- Distance/travel time to and from current school/new placement and impact on the child.
- Supportive relationships and/or services.
- Length of anticipated stay in placement.

### **Liaison and School Staff Involvement in Best Interest Decision**

As part of the collaboration process, the local liaison and school staff should be involved in the best interest decisions. Ideally, the local school can:

- Provide input on academic, social and emotional impact that changing schools may have on the child, the child's progress and services.
- Help determine which programs at the two schools are comparable and appropriate for the child.
- Provide information on the commute to the schools in terms of the distance, mode of transportation and travel time.

### **Parent and Child Involvement in Best Interest Decision**

Under the McKinney-Vento Act, a parent or guardian may appeal a decision to place a child/youth in a school other than the school of origin or the school the parent or guardian prefers. Decisions regarding

school placement must be weighed by considering the best interest factors above. Foster care workers are to engage both the parents/legal guardian and the child in the discussion. The importance of school stability and educational continuity for children should be reinforced.

### **School Transportation**

If it is determined that it is in the child's best interest to remain at his/her current school despite placement in another school district, transportation requires collaboration with the local school districts. The McKinney-Vento Act will assist foster care workers in this process. The act requires school districts to share responsibilities and costs of providing transportation to the school of origin.

Transportation entails a significant expense and logistical challenge for school districts. Collaboration between education and child welfare agencies is essential to ensure that the expense and logistical challenges of transportation do not pose a barrier to services and that transportation is provided quickly and efficiently for all students. The FC worker should discuss transportation with the foster parent. If the child is McKinney-Vento eligible, the school may provide a transportation stipend to the foster parent to transport the foster child to the school of origin (if this is the most viable transportation method). Although the mileage payment may be provided by the school district, the worker will need to follow up on the coordination of the transportation plan with the foster parent.

When a child/youth is no longer eligible for transportation services under the McKinney-Vento Act and still requires school transportation, DHS will have full responsibility for payment and coordination of school transportation. The Fostering Connections Act amended the definition of foster care maintenance payment to include school transportation costs. The DHS transportation payment process is in development.

### **New School Enrollment and Transfer of Student Records**

If a foster child or youth must be enrolled in another school, the McKinney-Vento Act allows for immediate enrollment of a foster child within the school even if school records or other needed documentation is not readily available. Michigan law requires a public school when enrolling a transfer student, to request a copy of the student's school record from his or her previous school within 14 days after enrolling the transfer student. The sending school must forward a copy of the records within 30 days of the request [MCL 380.1135(4)]. The No Child Left Behind Act requires that public schools have a procedure in place to facilitate the transfer of disciplinary records. A student's disciplinary record, including suspension and expulsion action against the student, must be included in the student record that is transferred to any private or public school.

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## Documentation

All educational information and related tasks, activities and contacts must be documented within all case service plans.

## Educational Information for Placement and Replacements

At the initial placement or any placement change, the narrative within the case service plan must include the following:

- In determining the placement, the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time is taken into account.
- The best interest factors and the input of the parent or legal guardian, along with the education liaison used to determine the preferred school.
- Discussion of the transportation plan.
- Verification that the child is enrolled in and attending school full-time within 5 days of initial placement or any placement change, including while placed in congregate care or emergency placements.
- Verification from the new school that child's previous school record has been obtained within 30 days of enrollment.
- An initial assessment of the child's educational needs and strengths, based on information obtained from the Michigan Department of Education Homeless Student Intake Form, educational assessments and through contacts with the parents, teacher, foster parent, child/youth and/or liaison.
- All other required educational information as outlined below.

## Required Educational Information

Updated school information is required in all service plans. The narrative must reflect the child's current academic achievements and challenges. All case service plans must document or address the following items:

- Name of current school and grade.
- A reassessment of the child's educational needs and strengths each report period.
- Special education information, if applicable.
- Child's current academic performance and behaviors in school.

- Description of provided services from school, parent, foster parent and/or others to meet the child's educational needs.
- Document the child/youth's full-time elementary or secondary school attendance with a statement that the child is a full-time student, has completed secondary education or is incapable of attending school on a full-time basis due to the child's medical condition.

### **Foster Parent Involvement**

For foster parents receiving a Determination of Care (DOC) supplement based on providing activities or tasks to meet the child's educational needs, detail the specifics for school collaboration and the actual tasks involved in the daily educational interventions required in the Parent-Agency Treatment Plan and Service Agreement under Foster Parent/Relative Caregiver Activities.

## **FOB 2010-001**

### **EFFECTIVE**

February 1, 2010

### **SUBJECTS**

1. FOM 722-11 interim bulletin information regarding consent for psychotropic medications has been added to policy.
2. FOM 903-3 interim bulletin information regarding payment for foster family care has been added to policy.

### **Delegation of Parental Consent**

The foster care (FC) worker or the supervisor may give written consent for psychotropic medications without contacting the MCI superintendent. A copy of consent must be filed in the case file, along with documentation within the child's DHS 221, Medical Passport.

### **Determination of Care Supplements**

The receipt of Supplemental Security Income (SSI) benefits by a ward requires DOC assessments. When a determination of care supplement is due to a physical or mental disability, screen the youth for SSI eligibility; see FOM 902-10, SSI Benefits Determination.

Justify the continuation of the level for a determination of care on the DHS-470, DHS 470-A, or DHS-1945. Since the DOC rate is based on the extraordinary care required of the foster care provider, all tasks and additional expenses must be documented in detail under the caregiver activities section of the SWSS-FAJ report, Children's Foster Care Parent Agency Treatment Plan and Service Agreement.

As part of the re-determination of the funding source eligibility (every six months) an assessment of the need for a DOC supplement is required for every child age 0-18 regardless of the initial assessment not warranting a DOC.

### **Determination of Care-Above Level III**

DOC supplement requests above level III require child welfare field operations manager approval. Approval must be based on the results of the DHS-470, DHS-470-A or DHS-1945, and a description of the child's specific problems which generated the request.

### **Administrative Review Process**

If the foster care provider or the agency disagrees with the level of care determination, an administrative review process may be initiated within 30 calendar days of the decision. The entire process is outlined for the local DHS office and child placing agency including who submits the new DHS forms, how long the Federal Compliance office has to review and what to do if the request is denied or granted.

**NAB 2010-001** Issued 1/26/2010.

**EFFECTIVE** March 2010

**SUBJECT** **NAA 105, Legal Basis**

Added Fostering Connections to Success and Increasing Adoptions Act (P.L. 110-351).