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DEPARTMENT OF HUMAN SERVICES
OFFICE OF CHILDREN AND ADULT LICENSING



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CHILD PLACING AGENCY LETTER 2007 – 02

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:

- Foster Family Home Rule Changes
- Child Placing Agency Rule Changes
- Modification of a Foster Home License to Provisional Status

FOSTER FAMILY HOME RULE CHANGES

Rules 400.9101, 400.9306, 400.9401 and 400.9501 have been amended. These changes are effective March 1, 2007. The amended language for these rules is attached to this letter. There is currently about a 4-month supply of Publication 10, the Licensing Rules for Child Placing Agencies, in the warehouse. Please print the attachment and insert it into copies that are currently in the agency and add the attachment to copies of Publication 10 you obtain from OCAL for the next several months. When the rules are reprinted, the language for the amended rules and the new rule will be added.

CHILD PLACING AGENCY RULE CHANGES

Rules 400.12101, 400.12201, 400.12310, 400.12312, and 400.12605 have been amended. Rule 400.12214 has been added to the rules. These changes are effective March 1, 2007. The amended language for these rules is attached to this letter. There is currently about a 4-month supply of Publication 11, the Licensing Rules for Child Placing Agencies, in the warehouse. Please print the attachment and insert it into copies that are currently in the agency and add the attachment to copies of Publication 11 you obtain from OCAL for the next several months. When the rules are reprinted, the language for the amended rules and the new rule will be added.

MODIFICATION OF A FOSTER HOME LICENSE TO PROVISIONAL STATUS

More than \$200 million in Title IVE reimbursement comes to Michigan to assist in funding child welfare services. This money helps to pay salaries, administrative costs, and training costs as well as a portion of the cost of foster care maintenance costs for individual children. There are very specific eligibility criteria the state must meet to claim this reimbursement. One criteria is that Title IVE money may not be paid to a foster home that is on a provisional license due to rule violations.

In preparation for a federal audit, payments from Title IVE to foster homes that were on a provisional license during a six-month period of time were reviewed. While DHS has corrected payment errors when discovered, to assure that similar payment errors are not made in the future, the method for issuing a provisional license to a foster family home or a foster family group home is being modified. Effective immediately, when an agency submits a recommendation to modify a foster home license to a provisional, the effective date of the provisional license will be the date OCAL personnel enter the information in the Bureau Information Tracking System (BITS). This does not change the requirement to submit the corrective action plan with the signatures of all licensees and the agency supervisor with the OCAL 3706.

DEPARTMENT OF HUMAN SERVICES

DIVISION OF CHILD WELFARE LICENSING

FOSTER FAMILY HOMES AND FOSTER FAMILY GROUP HOMES

Filed with the Secretary of State on
These rules take effect 30 days after filing with the Secretary of State

(By authority conferred on the director of the Michigan Department of Human Services by sections 2, 5, 10, and 14 of 1973 PA 116 and Executive Reorganization Orders Nos. 1996-1, 1996-2, 2003-1, and 2004-4, MCL 722.112, 722.115, 722.120, 722.124, 330.3101, 445.2001, 445.2011, and 400.226)

R 400.9101, R 400.9306, R 400.9401, and R 400.9501 of the Michigan Administrative Code are amended.

PART 1. GENERAL PROVISIONS

R 400.9101 Definitions.

Rule 101. As used in these rules:

- (a) "Act" means 1973 PA, MCL 722.111.
- (b) "Agency" means the child-placing agency that certifies the foster home for licensure by the department.
- (c) "Department" means the Michigan department of human services.
- (d) "Family member" means foster parents, foster children, and members of the household.
- (e) "Foster care" means the care, training, protection, and supervision of a foster child.
- (f) "Foster child" means a person who meets all of the following criteria:
 - (i) Resides in a foster home.
 - (ii) Is less than 18 years of age or becomes 18 years of age while residing in the foster home and continues to reside in the foster home to receive care, maintenance, training, and supervision.
 - (iii) Is not related to an adult member of the household by blood, adoption, or marriage.
 - (iv) Has been placed in the home by an agency.
- (g) "Foster home" means a foster family home or foster family group home as defined in section 1 of the act.
- (h) "Foster parent" means the person or persons to whom a foster home license is issued.
- (i) "Infant" means a child between birth and 12 months of age.
- (j) "Member of the household" means any person, other than foster children, who resides in a foster home on an ongoing or recurrent basis.

(k) "Substantial noncompliance" means repeated violation of the act or an administrative rule promulgated under the act, or noncompliance with the act, a rule promulgated under the act, or the terms of a license that jeopardizes the health, safety, care, treatment, maintenance, or supervision of individuals receiving services or, in the case of an applicant, individuals who may receive services.

(l) "Substitute care" means care that is provided to a foster child when the foster parent is not present.

(m) "Willful noncompliance" means, after receiving a copy of the act, the rules promulgated under the act, and a copy of the terms of the license if applicable, an applicant or licensee knows or had reason to know that his or her conduct is a violation of the act, the rules promulgated under the act, or the terms of the license.

PART 3. FOSTER HOME

R 400.9306 Bedrooms.

Rule 306. (1) A foster parent shall ensure that bedrooms comply with all of the following provisions:

(a) Provide an adequate opportunity for both rest and privacy and access to adult supervision as appropriate for the age and functioning level of each child.

(b) Have not less than 40 square feet of floor space per person, excluding closets.

(c) Have sufficient space for the storage of clothing and personal belongings.

(d) Have a finished ceiling, floor-to-ceiling permanently affixed walls, and finished flooring.

(e) Have a latchable door that leads directly to a means of egress. As used in this rule, latchable means that the door can be closed and will remain closed until someone opens it. Latchable does not mean lockable.

(f) Have at least 1 outside window that complies with all of the following provisions:

(i) Is accessible to children and caregivers.

(ii) Can be readily opened from the inside of the room.

(iii) Is of sufficient size and design to allow for the evacuation of children and caregivers.

(g) Be free of all of the following:

(i) Household heating equipment.

(ii) Water heater.

(iii) Clothes washer.

(iv) Clothes dryer.

(2) A foster parent shall not use as a bedroom a room that is primarily used for purposes other than sleeping. A foster parent shall not use any of the following as a bedroom:

(a) A hall.

(b) A closet.

(c) A stairway.

(d) A garage.

(e) A shed.

- (f) A detached building.
- (g) A room or space, including an attic, that is accessible only by a ladder, folding stairway, or through a trapdoor.
- (3) A foster parent shall ensure that all bedding and sleeping equipment comply with the following conditions:
 - (a) All blankets shall be appropriate for the weather.
 - (b) All bedding and equipment shall be in good repair and shall be cleaned and sanitized before being used by another person.
 - (c) All bedding used by children shall be washed when soiled or weekly at a minimum.
 - (d) A clean pillow for children 2 years of age and older.
 - (e) Infants, birth to 12 months of age, shall rest or sleep alone in a crib or bassinet that meets the conditions of subdivision (e) of this subrule.
 - (f) All cribs and bassinets shall be equipped with:
 - (i) A firm, tight-fitting mattress with a waterproof, washable covering.
 - (ii) No loose, missing, or broken hardware or slats.
 - (iii) Not more than 2 3/8 inches between the slats.
 - (iv) No corner posts over 1/16 inch high.
 - (v) No cutout designs in the headboard or footboard.
 - (vi) A tightly fitted bottom sheet shall cover the mattress with no additional padding placed between the sheet and mattress
 - (g) An infant's head shall remain uncovered during sleep.
 - (h) Soft objects, bumper pads, stuffed toys, quilts or comforters, and other objects that could smother a child shall not be placed with or under a resting or sleeping infant.
 - (i) Blankets shall be tucked in along the sides and foot of the mattress and shall not come up higher than an infant's chest.
 - (j) Blankets shall not be draped over cribs or bassinets.
 - (k) Infant car seats, infant seats, infant swings, highchairs, playpens, waterbeds, adult beds, soft mattresses, sofas, beanbags or other soft surfaces are not approved sleeping equipment for children 24 months of age or younger.
 - (l) Children 24 months or younger who fall asleep in a space that is not approved for sleeping shall be moved to approved sleeping equipment appropriate for their size and age.

PART 4. FOSTER CARE

R 400.9401 Child capacity; living arrangement.

Rule 401. (1) Not more than 8 children under 17 years of age, including children of the foster parents, who may live in or receive care in a foster home at any given time ~~is 8~~.

(2) Not more than 2 children under 1 year of age, including the children of the foster parents, may receive care in a foster home at any time.

(3) Children birth to 24 months of age shall sleep alone in a crib, bassinet, or toddler bed that is appropriate and sufficient for the child's length, size, and movement.

(a) An infant shall be placed on his or her back for resting and sleeping.

(b) An infant unable to roll from stomach to back, and from back to stomach, when found facedown, shall be placed on their backs.

(c) An infant who can easily turn over from his or her back to his or her stomach shall be initially placed on his or her back, but allowed to adopt whatever position he or she prefers for sleep.

(d) For an infant who cannot rest or sleep on her/his back, the foster parent shall have written instructions, signed by a physician, detailing an alternative safe sleep position and/or other special sleeping arrangements for the infant.

(e) The foster parent shall maintain supervision and frequently monitor infants' breathing, sleep position, and bedding for possible signs of distress. Baby monitors shall not be used exclusively to comply with this subdivision.

(4) A child who is nonambulatory and cannot readily be carried by 1 member of the household shall sleep in a bedroom that has a means of exiting at ground level.

(5) A child shall not share a bedroom with a non-parent adult unless the child and adult are siblings of the same sex, the child is less than 1 year of age, or the child has a special medical need that requires the attention of an adult during sleeping hours.

(6) A child, 3 years of age or older, shall not routinely share the same bedroom with a parent.

(7) Children of the opposite sex, any of whom are more than 5 years of age, shall not share the same bedroom.

(8) Each child shall sleep alone in a bed or with only 1 other child of the same sex in a double bed. Sharing a double bed shall be based on the age, functioning level, and individual needs of each child.

(9) Resting or sleeping areas shall have adequate lighting to allow the foster parent to assess children.

PART 5. REPORTING AND RECORDKEEPING

R 400.9501 Reporting suspected child abuse or neglect.

Rule 501. (1) A foster parent who has reasonable cause to suspect physical or sexual abuse or neglect of a child shall make a report immediately to the child protective services unit of the local county office of the department of human services.

(2) If the suspected physical or sexual abuse or neglect occurred in the foster home or to a foster child placed in the foster home, then a foster parent shall make a report immediately to both of the following entities:

(a) The child protective services unit of the local county office of the department of human services.

(b) The agency.

(3) The foster parent shall provide a written report as required by the agency.

MICHIGAN DEPARTMENT OF HUMAN SERVICES

OFFICE OF CHILDREN AND ADULT LICENSING

CHILD PLACING AGENCIES

Filed with the Secretary of State on
These rules take effect 30 days after filing with the Secretary of State

(By authority conferred on the director of the Michigan Department of Human Services by sections 2, 5, 10, and 14 of 1973 PA 116 and Executive Reorganization Orders Nos. 1996-1, 1996-2, 2003-1, and 2004-4, MCL 722.112, 722.115, 722.120, 722.124, 330.3101, 445.2001, 445.2011, and 400.226)

R 400.12101, R 400.12202, R 400.12310, R 400.12312 and R 400.12605 of the Michigan Administrative Code are amended and R 400.12214 is added to the Code.

PART 1. GENERAL PROVISIONS

R 400.12101 Definitions

Rule 101. As used in these rules:

- (a) "Act" means 1973 PA 116, MCL 722.111 et seq., and known as the child care organization licensing act.
- (b) "Agency" means a child-placing agency as defined in section 1 of the act.
- (c) "Contribution" means the payment of money or donation of goods or services.
- (d) "Department" means the Michigan department of human services.
- (e) "Emergency placement" means a placement that is made in response to a sudden unexpected occurrence that demands immediate action or means a placement that is made before a placement assessment has been completed.
- (f) "Foster child" means a person who meets all of the following criteria:
 - (i) Resides in a foster home.
 - (ii) Is less than 18 years of age or becomes 18 years of age while residing in the foster home and continues to reside in the foster home to receive care, maintenance, training, and supervision.
 - (iii) Is not related to an adult member of the household by blood, adoption, or marriage.
 - (iv) Has been placed in the home by an agency.
- (g) "Foster home" means foster family home or foster family group home, as defined in section 1 of 1973 PA 116, MCL 722.111, and as addressed in 1997 PA 165, MCL 722.118b.
- (h) "Human behavioral science" means a degree from an accredited college or university equivalent to any of the following:
 - (i) Social work.
 - (ii) Psychology.

- (iii) Guidance and counseling.
- (iv) Consumer or community services.
- (v) Criminal justice.
- (vi) Family ecology.
- (vii) Sociology.
- (i) "Independent living" means the placement, by an agency, of a youth who is not less than 16 years old in his or her own unlicensed residence, the residence of an adult who does not have supervisory responsibility for the youth, or in a residence under the control of the agency. The authorized agency or governmental unit retains supervisory responsibility for the youth.
- (j) "Licensing authority" means the administrative unit of the department that has responsibility for making licensing and approval recommendations for a child-placing agency.
- (k) "Member of the household" means any person, other than a foster child, who resides in a foster or adoptive home on an ongoing or recurrent basis.
- (l) "Parent" means a legal parent and includes a custodial parent, noncustodial parent, or adoptive parent.
- (m) "Permanent placement" means that the treatment plan specifies that the foster child will remain in the current foster home until the age of majority.
- (n) "Placement" means moving a child to a foster or adoptive home, to independent living, or from out-of-home placement to another out-of-home placement.
- (o) "Social service supervisor" means a person who supervises a social service worker. A social service supervisor may also function as a social service worker in the temporary absence of the social service worker.
- (p) "Social service worker" means a person who performs social services functions covered by these rules.
- (q) "Staff" means a person who is employed by an agency, a volunteer for the agency, or a person who is under contract to the agency to provide specific services covered by these rules.
- (r) "Substantial noncompliance" means repeated violation of the act or an administrative rule promulgated under the act, or noncompliance with the act, a rule promulgated under the act, or the terms of a license that jeopardizes the health, safety, care, treatment, maintenance, or supervision of individuals receiving services or, in the case of an applicant, individuals who may receive services.
- (s) "Willful noncompliance" means that after receiving a copy of the act, the rules promulgated under the act, and a copy of the terms of the license if applicable, an applicant or licensee knows or had reason to know that his or her conduct is a violation of the act, the rules promulgated under the act, or the terms of the license.

PART 2. AGENCY SERVICES

R 400.12202 Policy and procedures

Rule 202. An agency shall have and follow written policies and procedures for all of the following:

- (a) Financial stability.
- (b) Facilities.
- (c) Required staff.
- (d) Staff qualifications.
- (e) Staff responsibilities.
- (f) Job descriptions.
- (g) Orientation and training.
- (h) Grievance handling.
- (i) Privacy safeguards.
- (j) Personnel records.
- (k) Record Management.
- (l) Compliance with 1975 PA 238, MCL 621.

R 400.12214 Compliance with 1975 PA 238.

Rule 214. An agency shall develop a written plan and implement the plan to assure compliance with 1975 PA 238, MCL 722.621, and known as the child protection law.

PART 3. FOSTER HOME CERTIFICATION

R 400.12310 Initial Evaluation

Rule 310. (1) An agency social service worker shall complete a written initial foster home evaluation before certifying the home for licensure.

(2) The report shall include the dates and places of contacts and persons interviewed or observed.

(3) The report shall be an assessment of all of the following:

- (a) Visits at the residence of the foster home applicants for observations of, and interviews with, each member of the household to determine all of the following:
 - (i) Marital and family status and history, including current and past level of family functioning and relationships and any incidents of domestic violence.
 - (ii) Educational history and any special skills and interests.
 - (iii) Employment history, current financial status, including property and income, money management skills, and outstanding financial obligations.
 - (iv) Physical, mental, and emotional health of each member of the household.
 - (v) Any history of substance abuse of each member of the household.
 - (vi) Parenting skills and attitudes toward children.
 - (vii) Methods of discipline of children.
 - (viii) Adjustment and special needs of the applicant's own children.
 - (ix) Strengths and weaknesses of each member of the household.
 - (x) Experiences with own parents and any history of out-of-home care.

- (xi) Reasons for applying to be a foster family.
 - (xii) Previous experience in providing child foster care, child day care, or adult foster care.
 - (xiii) Attitude towards accepting a foster child.
 - (xiv) Willingness to parent cross-racially or cross-culturally and to create an atmosphere that fosters the racial identity and culture of a foster child.
 - (xiv) Capacity and disposition to give a foster child guidance, love, and affection.
 - (b) Previous adoption evaluations or placements.
 - (c) Previous licenses, criminal convictions, and substantiated child abuse or neglect for any member of the household.
 - (d) Three references from persons not related to the applicants.
 - (e) A medical statement for each member of the household that indicates that the member has no known condition that would affect the care of a foster child. The statement shall be signed by a physician, physician's assistant or nurse practitioner within the 12-month period before the initial evaluation.
 - (f) Adequacy of the applicant's house, property, neighborhood, schools, and community for the purpose of fostering as determined by an on-site visit.
 - (g) The age, number, sex, race, ethnic background, and the special characteristics of children preferred by the applicants.
 - (h) Training needs of the family.
- (4) An agency shall document placement specifications consistent with the information contained in the evaluation. The placement specifications shall include the characteristics, age, sex, race, and number of children preferred by the family, of children best served by the home, and of children who may not be placed in the home. The child's racial, ethnic, and cultural identity, heritage, and background may only be considered if an assessment of the individual child indicates that such consideration is in the best interests of the child.
- (5) An agency shall inform the applicant that a copy of the initial evaluation is available upon request.

R 400.12312 Foster parent training

Rule 312. (1) An agency shall develop a foster parent training plan with the participation of foster parents.

- (2) The foster parent training plan shall provide for all of the following:
 - (a) The individual training needs of the foster parents.
 - (b) Not less than 12 hours of training to be completed not later than the end of the original 6-month licensing period and before the placement of a child. Not more than 6 hours of the orientation may be included as part of the 12 hours of training.
 - (c) Not less than an additional 12 hours of training during the next 2 years after the original licensing period.
 - (d) Not less than 6 hours of training annually after the time periods specified in subdivisions (b) and (c) of this subrule.
- (3) The training specified in subrule (2)(a), (b), and (c) of this rule shall address all of the following areas:

- (a) Characteristics and needs of children.
- (b) Safe sleep practices for infants.
- (c) Effective parenting.
- (d) Behavior management.
- (e) Importance of the foster child's family.
- (f) Role of the agency.
- (g) Emergency procedures, first aid, and fire safety.
- (h) Preparation of the foster child for independence.
- (4) An agency shall document all training received by each foster parent.

R 400.12605 Adoptive evaluation

Rule 605. (1) An agency shall complete a written report of an adoptive evaluation. The evaluation shall be conducted by a social service worker.

(2) The report shall include the dates and places of contacts and persons interviewed or observed.

(3) The report shall be an assessment of all of the following:

- (a) Visits at the residence of the applicants for adoption to conduct observations of, and interviews with, each member of the household to determine all of the following:
 - (i) Marital and family status and history, including current and past level of family functioning and relationships and any incidents of domestic violence.
 - (ii) Educational history and any special skills and interests.
 - (iii) Employment history, current financial status, including property and income, money management skills and outstanding financial obligations.
 - (iv) Physical, mental, and emotional health of each member of the household.
 - (v) Any history of substance abuse of each member of the household.
 - (vi) Parenting skills and attitudes toward children.
 - (vii) Methods of discipline of children.
 - (viii) Adjustment and special needs of the applicant's own children.
 - (ix) Strengths and weaknesses of each member of the household.
 - (x) Experiences with own parents and any history of out-of-home care.
 - (xi) Reasons for adopting.
 - (xii) Previous experience in providing child foster care, child day care, or adult foster care.
 - (xiii) Attitude towards accepting an adoptive child.
 - (xiv) Willingness to parent cross-racially or cross-culturally and to create an atmosphere that fosters the racial identity and culture of an adopted child.
 - (xiv) Capacity and disposition to give an adopted child guidance, love, and affection.
- (b) Previous adoption evaluations or placements.
- (c) Previous licenses, criminal convictions, and substantiated child abuse or neglect for any member of the household.
- (d) Three references from persons not related to the applicants.
- (e) A medical statement for each member of the household that indicates that the member has no known condition that would affect the care of an adoptive child. The

statement shall be signed by a physician, physician's assistant or nurse practitioner within the 12-month period before the adoptive evaluation.

(f) Adequacy of the applicant's house, property, neighborhood, schools, and community for the purpose of adoption as determined by an on-site visit.

(g) The age, number, sex, race, ethnic background, and special characteristics of children preferred by the applicants and the family's plan to discuss adoption with any child adopted.