



STATE OF MICHIGAN  
**Department of  
Human Services**

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## **Memo**

**Bureau of Children and Adult Licensing**

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To: Child Placing Agencies  
Approved Governmental Units

Date: January 21, 2015

From: Janice M. Tribble, Director  
Child Welfare Licensing Division  
Bureau of Children and Adult Licensing

Subject: Child Placing Agency and Foster Home Rules

### Child Placing Agency Letter 2015-01

- New Child Placing Agency Rules – Highlight of Changes
- New Foster Home Licensing Rules - Highlight of Changes

Child placing agency and foster family home rules were revised with the input of many public and private agency staff as well as participants from the State Court Administrator's Office, Foster Care Review Board, Chance at Childhood Clinic, the Michigan Foster, Adoptive and Kinship Network, Ombudsman's Office, and state program offices for both foster care and adoption. Public hearings were held in 5 different locations around the state for additional input before the rules were finalized. The rules were approved by the Legislative Services Bureau and the Joint Committee on Administrative Rules of the Michigan Legislature and filed with the Office of the Great Seal on December 5, 2014. Both sets of rules became effective January 5, 2015. The rules can be accessed at:

<http://www7.dleg.state.mi.us/orr/AdminCode.aspx?admincode=Department&Dpt=HS>

Scroll down to the section on Child Welfare Licensing to find the appropriate rule set.

The information in this letter highlights changes in the rules but is not a comprehensive list of all changes.

### **New Child Placing Agency Rules – Highlight of Changes**

- Child Placing Agency Rules were previously broken into 7 parts. The new rules are broken into 8 parts. International adoption is now a separate section from domestic adoption as there are some significant differences in how these adoptions are completed.

#### **Part 1 - Definitions**

- The definition of a foster child now includes any child who is in out of home care based on a court order, regardless of where the child is placed. Children who have been voluntarily

placed by a birth parent or who have been voluntarily released to the department or a child placing agency are also included in the definition of foster child.

- Tribe is now defined to include any federally recognized tribe. There are various rules throughout the rule set that reference tribes.

## **Part 2 – Agency Services**

- The provision for satellite offices has been clarified. An agency may have a satellite office if it is approved by the department prior to opening, provides on-site supervision at least 2 days a week, and makes files available for review at the main location.
- The MSA caseload standards of 1:5 for supervisors, 1:15 for foster care, independent living, adoption, or post adoption or a combination of those, and 1:30 open or enrolled foster homes for certification line staff.
- Personnel records must contain evidence of central registry clearance from any state or Canadian province where an individual has lived in the 5 years preceding hire.

## **Part 3 – Foster Home Certification**

- An agency may not have any policies relating to certification that violate the Elliot Larsen Civil Rights Act, 1976 PA 453, MCL 37.2102.
- Both certification and complaint handling training are required for both supervisors and social services workers who work in or supervise foster home certification.
- The requirement for fingerprints is included in the rules.
- The topics to be covered in an initial evaluation more closely match the items identified on the BCAL 3130.
- At least one adult in each foster home must have current first aid training. This may be from any organization approved by the department.
- Minimum requirements for policies related to foster homes have been moved into the certification section from the foster care section. The minimum requirements are more detailed than in the previous rules.

## **Part 4 – Foster Care Services**

- The rules on placement and change of placement now include consideration of former foster parents when choosing a placement for a child.
- Service planning is split into three different rules; development of service plans, initial service plans, and updated service plans.
- The service plan rules now contain language regarding assessing and planning with birth parents when rights have not been terminated.

## **Part 5 – Independent Living Services**

- An agency must document more clearly how youth going into an independent living program are appropriate for the program.
- Requirements related to medical care are expanded to include dental and mental health care.
- The rules are clearer regarding the requirement to continue following the foster care services rules on initial and updated services plans.

## **Part 6 – Adoption Evaluation Services**

- Training requirements have been added for adoptive applicants.

- Actions to be taken related to adoptive home studies when an adoption agency closes have been clarified.

### **Part 7 – Adoption Placement Services**

- There is a requirement for a child specific recruitment plan for any child who is available for adoption and for whom the agency has adoption case responsibility.
- Time frames have been identified for the completion of adoptive child studies after the child is referred for adoption.
- Time limits and conditions for pre-placement adoptive visits are identified. Visits may not occur in a licensed foster home without the knowledge and permission of the certifying agency.
- Records for children adopted from the Michigan child welfare system must be forwarded to DHS within one year of an adoption being finalized. A child placing agency may not keep any original or other copies of the information that is forwarded to DHS.

### **Part 8 – Inter-County Adoption**

- The agency must clearly identify all fees charged and how those fees apply to various phases of inter-country adoption.
- Adoption studies completed by someone in other states or other countries must come from someone licensed in that state or country to complete adoption studies.
- Any agreements with foreign governments or other foreign entities must be available for review in English on site.

## **New Foster Home Licensing Rules - Highlight of Changes**

### **Part 1 – Definitions**

- The definition of a foster child now includes any child who is in out of home care based on a court order, regardless of where the child is placed. Children who have been voluntarily placed by a birth parent or who have been voluntarily released to the department or a child placing agency are also included in the definition of foster child.

### **Part 2 – Application and Licensing**

- The rule on applicant qualifications now also clearly applies to licensees.
- Income must come from a legal source, meaning it cannot come from unreported jobs such as unlicensed child care, hair dressers, etc.
- Applicants and licensees must be able to document that they are in the USA legally.

### **Part 3 – Foster Home**

- Animals must be licensed and vaccinated as required by the municipality where the applicant or licensee resides.
- If there are water hazards on the property, there must be rescue equipment available and there must be alarms on doors that lead to the water hazard.
- Bassinets, pack and plays or other collapsible cribs or play yards are not acceptable as an ongoing sleeping arrangement.

- The applicant or licensee must have the appropriate number and types of beds for the children they are being licensed for or before the terms of the license are changed to add other types of children to the terms of the license.
- Smoking is prohibited in the home when foster children are placed in the home and in the car when transporting foster children.

#### **Part 4 – Foster Care**

- Concurrent foster home and child care licensure now allows for a maximum number of child care, foster care, and children of the foster parent of 12.
- Each child must have their own bed.
- Gifts and clothing purchased for a child while the child is in care remain the property of the child.
- A locked metal or solid wood gun safe is now an acceptable method for storing guns and other weapons.
- At least 1 adult member of the household must maintain current certification in first aid from an organization approved by the department. Training with a certificate is available for free at <http://www.firstaidforfree.com/>.
- Transportation must be provided in a manner that complies with Michigan laws relating to transportation in a motor vehicle.

#### **Part 5 – Reporting and Recordkeeping**

- Foster parents are required to report to the agency if a driver's license is revoked or has the terms modified.
- Foster parents are required to report to the agency if there are any major changes or renovations to the foster home.
- When a foster child leaves the foster home, all records regarding that child shall be returned to the child placing agency responsible for the child.

It is expected that printing of the new rule books will be completed the week of January 26, 2015. Initial copies of the child placing agency rules and the foster home rules will be sent to each agency for all active foster homes and all enrolled foster homes with some additional copies for staff and for incoming applicants. BCAL 3080 forms have been modified to match the new rules and a supply of those will also be sent to each agency. The technical assistance handbook and child placing agency rule interpretations have also been updated and will be available on the BCAL website under the appropriate section by February 1, 2015.

Each agency is expected to distribute the rule books to existing foster homes and those that are enrolled. It is strongly recommended that the agency get a statement signed by each home acknowledging they have received the new rules. Homes that are not yet active must be in compliance with the new rules when the recommendation to open the license is made. Agency certification staff should assess compliance with the new rules for existing homes at the next scheduled renewal or annual visit. Changed rules may not be applied retroactively.

If there are questions regarding the new rules, agencies may contact the assigned child welfare licensing consultant or the central office child welfare consultant that covers the geographic area where the agency is located.

