

Licensing Rules For Child Placing Agencies

Effective Date: 1/5/2015



Division of Child Welfare Licensing

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**Michigan Department of Health and Human Services
Division of Child Welfare Licensing**

CHILD PLACING AGENCIES

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MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD WELFARE LICENSING

CHILD PLACING AGENCIES

Filed with the Secretary of State on December 4, 2014

These rules take effect January 5, 2015

(By authority conferred on the director of the Department of Human Services by sections 2, 5, 10, and 14 of 1973 PA 116 and Reorganization 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 400.12104, R 400.12105, R 400.12203, R 400.12204, R 400.12205, R 400.12206, R 400.12207, R 400.12209, R 400.12212, R 400.12303, R 400.12304, R 400.12305, R 400.12306, R 400.12307, R 400.12309, R 400.12310, R 400.12311, R 400.12312, R 400.12313, R 400.12314, R 400.12315, R 400.12316, R 400.12317, R 400.12403, R 400.12404, R 400.12405, R 400.12409, R 400.12413, R 400.12415, R 400.12417, R 400.12418, R 400.12419, R 400.12420, R 400.12502, R 400.12503, R 400.12504, R 400.12505, R 400.12506, R 400.12507, R 400.12508, R 400.12509, R 400.12602, R 400.12603, R 400.12604, R 400.12605, R 400.12606, R 400.12607, R 400.12608, R 400.12701, R 400.12702, R 400.12703, R 400.12704, R 400.12705, R 400.12706, R 400.12707, R 400.12708, R 400.12709, R 400.12710, R 400.12711, R 400.12712, and R 400.12713 of the Michigan Administrative Code are amended, R 400.12318, R 400.12319, R 400.12320, R 400.12321, R 400.12322, R 400.12323, R 400.12324, R 400.12325, R 400.12326, R 400.12327, R 400.12328, R 400.12421, R 400.12422, R 400.12510, R 400.12511, R 400.12801, R 400.12802, R 400.12803, R 400.12804, R 400.12805, R 400.12806, R 400.12807, and R 400.12808 are added to the Code, and R 400.12406, R 400.12407, R 400.12408, R 400.12410, R 400.12412, R 400.12414, R 400.12416 and R 400.12508 are rescinded.

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PART 1. GENERAL PROVISIONS

R 400.12101 Definitions.

Rule 101. As used in these rules:

(a) "Act" means 1973 PA 116, as amended, being MCL 722.111 to 722.128, 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) "Chief administrator" means the person designated by the licensee as having the day-to-day responsibility for the overall administration of a child placing agency and for assuring the care, safety, and protection of children and families served.

(d) "Concurrent planning" means simultaneously planning for reunification and alternative permanence.

(e) "Contribution" means the payment of money or donation of goods or services.

(f) "Corporal punishment" means hitting, paddling, shaking, slapping, spanking or any other use of physical force as a means of behavior management except as provided in R 400.12313(4).

(g) "Department" means the Michigan Department of Human Services.

(h) "Deemed status" means a status conferred on an organization based on a professional standards review by a national accrediting organization that recognizes that the organization's programs meet certain effectiveness criteria.

(i) "Emergency placement" means a placement that is made in response to a sudden unexpected occurrence which demands immediate action.

(j) "Foster child" means a person who meets all of the following criteria:

(i) Resides in an out of home placement based on a court order or who has been reunified with a parent or guardian but continues under the wardship and supervision of the court or is temporarily placed by a parent or guardian for a limited time in a foster home as defined by section 1 of 1973 PA 116, MCL 722.111 or has been released by a parent to the department or a child placing agency under to section 22 of 1939 PA 288, MCL 710.22.

(ii) Is placed with or committed to the department for care and supervision by a court order under section 2 of 1939 PA 288, MCL 712A.2.

(iii) Is less than 18 years of age or is 18 years of age or older and was in foster care before turning 18 year of age and agrees to remain in care following termination of court jurisdiction.

(k) "Foster home" means foster family home or foster family group home, as defined in section 1 of 1973 PA 116, MCL 722.111.

(l) "Human behavioral science" means a degree from an accredited college or university in any of the following:

(i) Social work.

(ii) Psychology.

(iii) Counseling and guidance.

(iv) Child development.

(v) Criminal justice.

(vi) Family and child ecology.

(vii) Sociology.

(viii) Family community services.

(ix) Family studies.

(x) Family Life Education.

(xi) Human Services.

(m) "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.

(n) "Infant" means a child between birth and 12 months of age.

(o) "Licensing authority" means the administrative unit of the department that has responsibility for making licensing and approval recommendations for a child placing agency.

(p) "Licensee designee" means the individual who is authorized by the board of directors, or the governing body for a public agency, to act on behalf of the corporation or organization on licensing matters.

(q) "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.

(r) "Parent" means a legal parent and includes a custodial parent, noncustodial parent, or adoptive parent.

(s) "Placement" means moving a child to an out-of-home living arrangement for purposes of foster care, adoption, or independent living, or from out-of-home placement to another out-of-home placement.

(t) "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 if the provisions of R 400.12205 are met.

(u) "Social service worker" means a person who performs social services functions covered by these rules.

(v) "Staff" means a person who is any of the following:

(i) Employed by an agency.

(ii) A volunteer for the agency.

(iii) A person who is under contract to the agency.

(w) "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.

(x) "Substitute care provider" means a person who provides care and supervision in the absence of the foster parent for any length of time.

(y) "Tribe" means a federally recognized tribe.

(z) "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.

History: Eff. January 1, 2001, Am. Eff. March 1, 2007, Am. Eff. January 5, 2015.

R 400.12102 Rule variance.

Rule 102. (1) Upon the written request of an applicant or agency, the department may grant a variance from an administrative rule if the alternative proposed ensures that the health, care, safety, protection, supervision, and needed services of children are maintained.

(2) The decision of the department, including the conditions for which the variance is granted, shall be entered upon the records of the department and a signed copy shall be sent to the applicant or agency. The variance may be time-limited or may remain in effect for as long as the agency continues to ensure that the health, care, safety, protection, supervision, and needed services to children are maintained.

History: Eff. January 1, 2001.

R 400.12103 Staff exception.

Rule 103. An agency who has a person in a position that is regulated by these rules and who was approved before the effective date of these rules shall be considered qualified for the position.

History: Eff. January 1, 2001.

R 400.12104 Deemed status.

Rule 104. (1) The department may accept, for the purpose of determining rule compliance, evidence that the child placing agency is accredited by the council on accreditation or other nationally recognized accrediting body whose standards closely match state licensing regulations.

(2) All of the following apply to deemed status:

(a) The organization may request deemed status when the accreditation site inspection is less than 12 months old.

(b) When deemed status is requested, an organization shall submit a copy of the most recent accreditation report to the department.

(c) An organization shall only be eligible for deemed status if the license is on a regular status.

(3) The acceptance of accreditation in subrule (1) of this rule does not prohibit the department from conducting on-site inspections or investigations of any rule at intervals determined by the department.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12105 Public review.

Rule 105. An agency shall make all written policies, procedures, and program statements, required by these administrative rules, available for review by the public.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

PART 2. AGENCY SERVICES

R 400.12201 Department authorization.

Rule 201. An agency shall comply with the provisions of part 2 of these rules to be authorized by the department to provide regulated services.

History: Eff. January 1, 2001.

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.

History: Eff. January 1, 2001, Am. Eff. March 1, 2007.

R 400.12203 Financial stability.

Rule 203. (1) An agency shall initially and annually develop and implement a plan of financing for the operation of the agency in carrying out its programs and meeting the requirements for licensing. A plan of financing shall include all of the following:

- (a) A listing of all income sources and the anticipated amount of income for the current fiscal year.
 - (b) An annual budget for the current fiscal year.
 - (c) A copy of the income and expenditures from the previous fiscal year.
 - (d) A copy of the nonprofit tax return from the previous fiscal year.
 - (e) An audit of all financial accounts conducted annually by an independent certified public accountant not administratively related to the agency. A copy of the audit shall be available to the department upon request.
- (2) Subdivision (d) and (e) of subrule (1) do not apply to a governmentally operated agency.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12204 Facilities.

Rule 204. (1) An agency shall provide and maintain sufficient office space, equipment, and supplies to ensure the delivery of services.

(2) An agency shall have physical office space with a Michigan street address.

(3) An organization may maintain satellite offices when the following conditions are met:

- (a) The agency has notified the department in writing prior to opening the satellite office and has received approval to open the satellite office.
- (b) The agency provides on-site supervision at the satellite office at least 2 days a week.
- (c) The files are made available for review at the agency main location when requested by the department.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12205 Required staff.

Rule 205. (1) An agency shall employ or contract for all of the following staff positions:

- (a) Chief administrator.
- (b) Social service supervisor.
- (c) Social service worker.

(2) An agency shall appoint a chief administrator who possesses at least 1 of the following:

(a) A master's degree in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences, business administration, or public administration from an accredited college or university and 2 years of experience in an agency or child caring institution, at least 1 of which is in a management capacity.

(b) A bachelor's degree in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences, business administration, or public administration from an accredited college or university and 4 years of post-bachelor's degree experience in an agency or child caring institution, at least 2 of which are in a management capacity.

(3) An agency shall report any change of chief administrator by the next business day to the department.

(4) An agency shall appoint a social service supervisor who possesses the qualifications in either of the following:

(a) A master's degree from an accredited college or university in a human behavioral science or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences and 1 year of experience as a social service worker in an agency, or a child caring institution, or in an agency in a child welfare function.

(b) A bachelor's degree from an accredited college or university in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences, and 4 years of experience as a social service worker, 2 years of which are in an agency or in a child caring institution, or in an agency in a child welfare function.

(5) An agency shall appoint a social service worker who possesses at least a bachelor's degree from an accredited college or university with a major in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences.

(6) A person who is employed by the agency or who has a contract with the agency and who fulfills more than 1 function specified by subrule (1) of this rule shall meet the requirements for each position.

(7) If a social service worker also has social service supervisor responsibilities, as permitted under subrule (6) of this rule, then the worker shall not supervise his or her own tasks as a social service worker.

(8) An agency shall employ or contract for a sufficient number of competent staff to carry out the provisions covered by these rules. The workload for each staff member shall not be more than any of the following:

(a) Five social service workers per supervisor.

(b) Fifteen children assigned to a social services worker for purposes of providing direct services in foster care, independent living, adoption, or post adoption services or a combination thereof.

(c) Thirty certified or enrolled foster homes per social service worker.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12206 Staff qualifications.

Rule 206. (1) An agency shall require a staff member who has ongoing contact with children or parents to be a person who has the ability, experience, education, and training to perform the duties assigned.

(2) An agency's policy on staff qualifications shall state all of the following:

(a) A person who has unsupervised contact with children may not have been convicted of either of the following:

(i) Child abuse or neglect.

(ii) A felony involving harm or threatened harm to an individual within the 10 years immediately preceding the date of hire.

(b) A person who is listed on the central registry as a perpetrator of child abuse or child neglect shall not have unsupervised contact with children.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12207 Staff responsibilities.

Rule 207. (1) An agency shall designate that the chief administrator is responsible for the day-to-day operation of the agency and for ensuring compliance with the applicable provisions of these rules.

(2) An agency chief administrator shall be administratively responsible for all of the following functions:

(a) Not less than once annually, conduct a written assessment and verify the agency's compliance with the applicable provisions of these rules.

(b) Assess all disrupted and unplanned removals of children from foster homes, independent living, and adoptive homes to identify systemic trends and patterns of those disrupted and unplanned removals.

(c) Within 6 months, develop and implement a written plan to correct noncompliance identified in subdivision (a) of this subrule and address causes of disrupted and unplanned removals identified in subdivision (b) of this subrule.

(d) Provide space for staff and children served to be interviewed privately by police, regulatory staff, or other entities investigating activities of the agency related to safety of children and compliance with statute and promulgated rules.

(3) An agency shall require that social service workers be directly responsible for all of the following activities:

(a) Placing and supervising children in out-of-home care. Social service workers shall work directly with the children, their families, and other relevant individuals and be primarily responsible for the development, implementation, and review of service plans for the children and their families.

(b) Assessing and certifying private family homes for licensure and supervising the homes.

- (c) Conducting evaluations of private family homes for purposes of adoption.
 - (d) Assessing of children for adoptive placement.
 - (4) An agency shall require social service aides to be directly responsible to a social service worker or social service supervisor. A social service aide may provide clearly defined support functions, but shall not have responsibility for any of the following:
 - (a) Case planning.
 - (b) Selecting placements.
 - (c) Foster home certification.
 - (d) Making visits required under R 400.12419, R 400.12505, R 400.12711 or R 400.12806.
 - (e) Conducting adoptive family evaluations.
- History:** Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12208 Job descriptions.

- Rule 208. (1) An agency shall have a current written job description for each staff position.
- (2) Each job description shall contain all of the following information:
 - (a) Prescribed duties and functions.
 - (b) Specific education, knowledge, experience, and skills necessary to provide services to children and families served by the agency.
 - (c) Lines of authority.
- (3) An agency shall give copies of job descriptions to staff at the time of employment in a specified position and when the job description is revised.
- (4) Practice shall conform to the job description.
- History:** Eff. January 1, 2001.

R 400.12209 Orientation and training.

- Rule 209. (1) An agency shall ensure and document that each social service worker and each social service supervisor receives not less than 16 hours of orientation after initial appointment and before assumption of assigned duties.
- (2) An agency shall ensure and document that each social service worker and each social service supervisor receives not less than 15 hours of training relating to his or her current position within the first year of being assigned to the position.
- (3) An agency shall ensure and document that each social service worker and each social service supervisor receives not less than 15 hours of planned training relating to his or her current position annually after the time periods specified in subrules (1) and (2) of this rule.
- (4) The orientation and training specified in subrules (1) and (2) of this rule for each social service worker shall include all of the following topics:
 - (a) Characteristics and needs of children and families served by the agency.
 - (b) Requirements of applicable statutes relating to the services the agency provides that are subject to these rules.
 - (c) Agency expectations for the social service worker to facilitate and supervise the care of children and to work with families that are served by the agency.
 - (d) Agency expectations for the social service worker's role and responsibility with foster parents and other persons who provide care or services to children and families served by the agency.
 - (e) Agency expectations for developing, maintaining, and reviewing initial and updated service plans for children and families served by the agency.
- History:** Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12210 Grievance handling.

- Rule 210. (1) An agency shall have a written grievance handling procedure.
- (2) The procedure shall provide for all of the following:
 - (a) Safeguard the legal rights of children, their families, foster families, releasing parents, and adoptive families served.
 - (b) Address matters that relate to compliance with the act, rules promulgated under the act, and the agency's written policies and procedures regarding services covered by these rules.
 - (c) Delineate the method of initiating the procedure.
 - (d) Specify time frames for decisions.
- (3) An agency shall provide a grievant with a written copy of the grievance resolution.
- History:** Eff. January 1, 2001.

R 400.12211 Privacy safeguard.

Rule 211. (1) An agency shall safeguard the privacy of a child and his or her family.

(2) An agency shall not use a child's identity for publicity purposes unless a positive value accrues to the child.

(3) An agency shall obtain the written consent of a parent or legal guardian before using a child, a picture of a child, or a child's name in any form of agency publicity.

History: Eff. January 1, 2001.

R 400.12212 Personnel records.

Rule 212. (1) An agency shall maintain a personnel record for each staff member.

(2) The personnel record shall contain all of the following information before employment may occur:

(a) Name.

(b) Verification of education.

(c) Work history.

(d) Three references obtained from persons who are unrelated to the staff person.

(e) A record of any convictions other than minor traffic violations from either of the following:

(i) The Michigan state police or the equivalent state or Canadian provincial law enforcement agency where the person usually resides.

(ii) An entity accessing either Michigan state police records or equivalent state or Canadian provincial law enforcement agency where the person usually resides.

(f) If the employee has criminal convictions, the chief administrator or his or her designee shall complete a written evaluation of the convictions that addresses the nature of the conviction, the length of time since the conviction, and the relationship of the conviction to regulated activity.

(g) A written statement from the employee regarding any convictions.

(h) Documentation from the department that the person has not been named in a central registry case as the perpetrator of child abuse or neglect in Michigan or in any state where the person lived in the 5 years preceding hire.

(3) The personnel record shall contain both of the following:

(a) A written evaluation of a staff member's performance within a probationary period or not later than 6 months after the staff member assumes his or her current responsibilities. After the initial evaluation, a written evaluation shall be conducted each year.

(b) A copy of the job description for the staff member's current position.

(4) An agency shall maintain an orientation and training record for staff members.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12213 Record Management.

Rule 213. An agency shall do all of the following with respect to maintenance of required records:

(a) Protect each record against destruction and damage.

(b) Keep each record in a uniform fashion.

(c) Store and maintain each record in a manner to ensure confidentiality and to prevent unauthorized access.

History: Eff. January 1, 2001.

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.

History: Eff. March 1, 2007.

PART 3. FOSTER HOME CERTIFICATION

R 400.12301 Department authorization.

Rule 301. (1) An agency shall be authorized by the department to certify foster homes for licensure.

(2) An approved governmental unit shall comply with the provisions of this part to be authorized to certify foster homes for licensure.

History: Eff. January 1, 2001.

R 400.12302 Program statement.

Rule 302. An agency shall have and follow a current written program statement that includes all of the following information:

- (a) Types of foster care provided.
- (b) Age, race, ethnic background, and specific characteristics of children served.
- (c) Types and numbers of foster homes needed.
- (d) Types of services provided to foster families.
- (e) Geographical area covered.

History: Eff. January 1, 2001.

R 400.12303. Policy and procedures.

Rule 303. (1) An agency shall have and follow written policies and procedures for assessing and certifying foster homes for licensure. An agency may not have a policy related to certifying homes that violates section 102 of the Elliott-Larsen Civil Rights Act, 1976 PA 453, MCL 37.2102.

(2) Policies and procedures shall cover all of the following areas and be on forms provided, and in a manner prescribed, by the department:

- (a) Recruitment and retention.
- (b) Certification training.
- (c) Application request.
- (d) Orientation.
- (e) Application submission.
- (f) Records check.
- (g) Initial evaluation.
- (h) Foster parent/agency agreement.
- (i) Foster parent training.
- (j) Behavior management.
- (k) Religion.
- (l) Communication.
- (m) Personal possessions.
- (n) Allowance and money.
- (o) Clothing.
- (p) Substitute care.
- (q) Supervision.
- (r) Hazardous materials.
- (s) Unusual incidents.
- (t) Emergency policy.
- (u) Reevaluation.
- (v) License recommendation.
- (w) Borrowed home.
- (x) Special evaluation.
- (y) Foster home record.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12304. Recruitment and retention.

Rule 304. (1) An agency shall have an ongoing foster home recruitment program to ensure an adequate number of suitable and qualified homes to meet the needs of children served by the agency.

(2) An agency shall develop, implement, and maintain a program of foster home retention that includes foster parent involvement.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12305. Certification training.

Rule 305. (1) An agency shall ensure that all supervisors of social service workers who perform foster home certification functions receive certification training and special evaluation training provided by the department.

(2) An agency shall ensure that all social service workers who perform foster home certification functions receive certification training and special evaluation training provided by the department.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12306 Application request.

Rule 306. (1) An agency shall provide an orientation for prospective applicants for a foster home license before a foster home application is provided.

(2) An agency shall document that applicant expresses a willingness to care for the types of children served by the agency before providing a foster home application.

(3) An agency shall document that a person who has met the requirements of subrule (1) of this rule has received an application and information regarding all of the following:

- (a) A copy of the act.
- (b) Administrative rules for foster homes.
- (c) Administrative rules for child placing agencies.
- (d) Good moral character rules.
- (e) The child protection law.
- (f) The children's ombudsman act.
- (g) The agency's program statement.
- (h) The agency's foster care services policies.
- (i) The agency's foster parent training requirements.

(4) An agency shall document that the licensee has been given an application for renewal of the license not less than 60 calendar days before the expiration date of the license.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12307 Orientation.

Rule 307. An agency foster parent orientation shall consist of all of the following areas:

- (a) Purposes of foster care.
- (b) Characteristics and needs of the children placed by the agency.
- (c) Attachment and separation issues.
- (d) Impact of fostering on the foster family.
- (e) Role of the foster family.
- (f) Licensing process.
- (g) Grievance procedure.
- (h) Importance of a child's family.
- (i) Parent and sibling visits.
- (j) Agency foster care policies and procedures.
- (k) Agency foster parent training requirements.
- (l) Supportive services and resources.
- (m) Provisions of the children's ombudsman act.
- (n) Provisions of the child protection act.
- (o) Foster care review board appeal procedures.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12308 Application submission.

Rule 308. (1) An agency shall act on a completed and signed application.

(2) An agency shall require both caregivers in a 2-caregiver household to sign the application.

(3) An agency may consider an application withdrawn after 60 days if the applicant fails to cooperate with the completion of the licensing process.

History: Eff. January 1, 2001.

R 400.12309 Records check.

Rule 309. (1) An agency shall, upon receipt of an application, request the department of state police to conduct both a criminal history check and a criminal records check through the federal bureau of investigation for applicants. The agency shall also request the department to conduct a criminal history check on all persons residing in the home over 18 years of age. Additional checks shall pertain to previous licenses and substantiated child abuse and neglect records for all applicants and persons residing in the home 18 years of age or over.

(2) An agency shall initiate a new records check if it receives information indicating a lack of good character or suitability of any person residing in the home who is 18 years of age or over who is not a licensee.

(3) An agency shall initiate a criminal history check of a resident minor within 30 days after turning 18 years of age.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

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, including alcohol, drugs, or controlled substances by each member of the household and a description of any treatment received.
 - (vi) Current substance use, including alcohol, drugs, or controlled substances by each member of the household and a description of any treatment currently being received.
 - (vii) Parenting skills and attitudes toward children.
 - (viii) Methods of discipline of children.
 - (ix) Adjustment and special needs of the applicant's own children including children not living in the home.
 - (x) Strengths and weaknesses of each member of the household.
 - (xi) Experiences with own parents and any history of out-of-home care.
 - (xii) Reasons for applying to be a foster family.
 - (xiii) Previous licenses or experience in providing child foster care, child day care, or adult foster care.
 - (xiv) Willingness to accept a foster child with the child's individual characteristics, needs, and background.
 - (xv) Willingness to parent cross-racially or cross-culturally and to create an atmosphere that fosters the racial identity and culture of a foster child.
 - (xvi) Willingness and ability to work with birth families and to understand the foster child's attachment to the birth family.
 - (xvi) An understanding of and willingness to participate in concurrent planning.
 - (xvii) Willingness and ability to give a foster child guidance, love, and affection and accept the child as a member of the household.
 - (xix) Existence of social support system and alternate care providers.
 - (xx) Spirituality or religious beliefs.
 - (b) Previous adoption evaluations or placements.
 - (c) Previous criminal convictions, and substantiated child abuse or neglect investigations or concerns brought to the agency's or department's attention for any member of the household.
 - (d) Three current references from persons not related to the applicants. The agency shall evaluate any negative references.
 - (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) Safety and maintenance of the applicant's house and property, including but not limited to: sufficient beds and sleeping space, pets, guns and other weapons, and water hazards.
 - (g) Assessment of the neighborhood, schools, community and available resources
 - (h) The age, number, gender, race, ethnic background, and the special characteristics of children preferred by the applicants.
 - (i) 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 following:
- (a) Age.
 - (b) Gender.
 - (c) Race.
 - (d) Number of children preferred by the family.
 - (e) Characteristics of children best served by the family.
 - (f) 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 of the department's policies and procedures regarding concurrent planning.
- (6) An agency shall inform the applicant that a copy of the initial evaluation is available upon request.

History: Eff. January 1, 2001, Am. Eff. March 1, 2007, Am. Eff. January 5, 2015.

R 400.12311 Foster parent/agency agreement.

Rule 311. (1) An agency shall have a written foster parent/agency agreement signed by the foster parent and the agency before initially certifying a foster home for licensure.

(2) The foster parent/agency agreement shall contain all of the following provisions:

- (a) The responsibilities of the agency.
- (b) The services to be provided to foster children and the foster family.
- (c) The responsibilities of the foster family.
- (d) That the foster family has been informed of, and agrees to follow, agency policies and procedures.
- (e) The role of the lawyer guardian ad litem and the court.

(3) An agency shall document review of the foster parent/agency agreement with the foster family at least annually and, when needed, develop a new agreement.

(4) An agency shall give a foster family a copy of the signed current foster parent/agency agreement.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

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 by each person named on the license before a recommendation is made for licensure. Not more than 6 hours of the orientation may be included as part of the 12 hours of training.

(c) Not less than 6 hours of training annually for each licensee after the time periods specified in subdivision (b) of this subrule.

(3) The training specified in subrule (2)(a) and (b) of this rule shall address all of the following areas:

- (a) Characteristics and needs of children who may be placed into the home.
- (b) Safe sleep practices for infants.
- (c) Effective parenting.
- (d) Behavior management, including de-escalation techniques.
- (e) Importance of the foster child's family.
- (f) Concurrent planning.
- (g) Role of the agency.
- (h) Emergency procedures, first aid, and fire safety.
- (i) Preparation of the foster child for permanence and independence.
- (j) The role of the court and lawyer guardian ad litem in permanency planning.

(4) At least 1 adult member of the household shall have training in and maintain a current certification in first aid from the American Heart Association or the American Red Cross or other institution approved by the department.

(5) An agency shall document all training received by each foster parent.

History: Eff. January 1, 2001, Am. Eff. March 1, 2007, Am. Eff. January 5, 2015.

R 400.12313 Behavior management policy.

Rule 313. (1) An agency's behavior management policy shall identify appropriate and specific methods of behavior management for foster children.

(2) An agency shall ensure that methods of behavior management for a foster child are positive and consistent, based on each foster child's needs, stage of development, and behavior, and promote self-control, self-esteem, and independence. Problems of child training shall be handled with sympathy and understanding.

(3) All of the following are prohibited:

- (a) Corporal punishment, excessive restraint, or any kind of punishment inflicted on the body.
- (b) Confinement in an area such as a closet or locked room.
- (c) Withholding food, clothing, rest, toilet use, or entrance to the foster home.
- (d) Mental or emotional cruelty.
- (e) Verbal abuse, threats, or derogatory remarks.
- (f) Prohibiting visits or communication with a foster child's family.
- (g) Denial of necessary educational, medical, counseling, or social work services.

(4) A foster parent may use reasonable restraint to prevent a foster child from harming himself or herself, other persons, or to prevent serious property damage.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12314 Religion policy.

Rule 314. An agency's religion policy shall, at a minimum, ensure that the foster child has the opportunity to receive religious instruction and attend religious services. A foster child shall not be required to attend religious services or follow specific religious doctrine.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12315 Communication.

Rule 315. An agency's communication policy shall ensure that a child is able to communicate with family and friends in a manner appropriate to the child's functioning and consistent with the child's treatment plan.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12316 Personal possessions.

Rule 316. An agency's personal possessions policy shall, at a minimum, address both of the following:

(a) Assuring that a child has a right to have his or her personal possessions during placement with a foster family and when leaving the foster family.

(b) All gifts and clothing that are purchased for the child during placement with the foster family shall remain the property of the foster child.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12317 Allowance and money policy.

Rule 317. (1) The agency's policy on allowance shall, at a minimum, specify the following:

(a) General guidelines that provide a monetary range based on a child's age.

(b) Allowance for specific youth will be determined by the social services worker and the foster parent based on the child's age and treatment needs.

(c) How the agency monitors allowance.

(2) Any money earned or received directly by the child remains the property of the child.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12318 Clothing policy.

Rule 318. The agency's clothing policy for foster parents shall specify both of the following:

(a) A foster parent shall ensure that a foster child has the minimum required clothing specified by the agency's policy and leaves the foster home with not less than the minimum required clothing.

(b) All clothing the child has when he or she arrives at the foster home and all clothing purchased for the child while in the foster home remains the property of the foster child.

History: Eff. January 5, 2015.

R 400.12319 Substitute care policy.

Rule 319. An agency's substitute care policy shall, at a minimum, contain provisions for all of the following:

(a) Qualifications for substitute caregivers, consistent with the requirements of 1973 PA 116 and child care licensing rules.

(b) Conditions under which substitute care may be utilized.

(c) Any planned substitute care shall be consistent with the child's treatment plan.

(d) Notification of the agency, by the foster parent, before the beginning of any planned overnight substitute care.

(e) Notification of the agency, by the foster parent, within 24 hours of any unplanned absence which requires substitute care for a period of 24 hours or more.

(f) A foster parent must notify any substitute care provider of the agency's policies relating to care and supervision and the care provider must follow the policies.

History: Eff. January 5, 2015.

R 400.12320 Supervision.

Rule 320. An agency's supervision policy shall, at a minimum, state that a foster parent shall provide appropriate care and supervision for the foster child at all times consistent with a child's age, level of functioning, and treatment plan.

History: Eff. January 5, 2015.

R 400.12321 Hazardous materials policy.

Rule 321. An agency's hazardous materials policy shall, at a minimum, contain both of the following provisions:

(1) Dangerous and hazardous materials, objects, weapons, chemicals, medication, or equipment that may present a

risk to children placed in the foster home shall be stored securely and out of the reach of children, as appropriate for the age and functioning level of the children.

(2) Proper handling of firearms includes the following:

- (a) Storage in a locked metal or solid wood gun safe, or trigger-locked and without ammunition in a locked area.
- (b) Storage of ammunition in a separate locked location.
- (c) Registration of a handgun. Documentation of the registration of the handgun shall be available for review.

History: Eff. January 5, 2015.

R 400.12322 Unusual incident policy.

Rule 322. (1) An agency's unusual incident policy shall, at a minimum, include immediate notification to the agency by the foster parent of either of the following incidents:

- (a) When a foster child is missing from a foster home.
- (b) Attempted removal or removal of a foster child from the foster home by any person who is not authorized by the agency.

(2) An agency's unusual incident policy shall, at a minimum, include notification to the agency by the foster parent of any of the following incidents within 24 hours of knowledge of the incident:

- (a) A foster child's involvement with law enforcement authorities.
- (b) Any illness or injury that requires hospitalization or emergency medical care of a foster child.
- (c) Pregnancy of a foster child.
- (d) Incidences of child-on-child abuse.
- (e) Involvement with law enforcement by anyone in the home pursuant to a criminal investigation.

History: Eff. January 5, 2015.

R 400.12323 Emergency policy.

Rule 323. (1) An agency's emergency policy shall, at a minimum, contain provisions for ensuring that a foster parent has agency-approved written procedures for each of the following emergencies:

- (a) Fire.
- (b) Tornado.
- (c) Serious accident or injury.

(2) An agency shall approve the written evacuation plan for a foster home that provides care for a person who requires assistance to evacuate the home.

History: Eff. January 5, 2015.

R 400.12324 Reevaluation.

Rule 324. (1) An agency shall conduct an annual on-site visit and complete a written reevaluation of a foster home.

(2) The annual reevaluation shall include a determination and assessment of all of the following:

- (a) All changes to the factual information contained in the initial evaluation and subsequent renewal evaluations.
- (b) Family functioning and interrelationships as determined by observation of, and interviews with, each member of the household and each social service worker who has had children placed in the home during the last licensing period.
- (c) Training needs of the family.
- (d) Compliance with the licensing rules for foster homes.
- (e) Compliance with the agency's written policies and procedures.

(3) An agency shall record the dates and places of contacts and persons interviewed or observed as part of a reevaluation.

(4) An agency shall document placement specifications consistent with the information contained in the reevaluation.

The placement specifications shall include all of the following:

- (a) Age,
- (b) Gender,
- (c) Race,
- (d) Number of children preferred by the family,
- (e) Characteristics of children best served by the home,

(f) 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 foster parent of and discuss the agency's policy and procedures regarding concurrent planning.

(6) An agency shall complete a licensing record clearance request form on each adult non-licensee member of the household, including foster youth who turn 18 years of age, prior to each renewal and shall assess the results of the record check.

(7) An agency shall notify the foster parent that a copy of the reevaluation is available upon request.

(8) An agency shall complete a reevaluation and shall make a licensing recommendation to the department at least 15 calendar days before the expiration date of the foster home license.

History: Eff. January 5, 2015.

R 400.12325 License recommendation.

Rule 325. (1) An agency shall recommend to the department the appropriate licensing action consistent with facts contained in the foster home evaluation and any special evaluations.

(2) An agency shall document foster home license changes in the foster home record and shall communicate the changes immediately to the department in the manner prescribed by the department.

(3) Except for an original license, an agency shall recommend to the department the issuance of a regular license or the continuation of an active license only when all rules are in compliance or both of the following conditions exist:

(a) All non-compliances relating to the recommendation are correctable.

(b) A written corrective action plan has been developed. The plan shall be in compliance with all of the following requirements:

(i) Specify the methods, the persons responsible, the time frames for correction; methods for ensuring the safety of any children placed in the home; how continuing compliance will be maintained once compliance is achieved; consequences if the corrective action plan is not completed; and what documentation will be required to demonstrate compliance or completion.

(ii) Require that the corrective action be completed within six (6) months of being signed.

(iii) Be signed and dated by the foster parent and the agency.

(4) Except for an original license, an agency shall recommend to the department the issuance of a provisional license only when both of the following conditions exist:

(a) The agency complies with subrule (3)(a) and (b) of this rule.

(b) The foster parent has been informed, in writing, of the facts and the basis for the provisional license.

(5) An agency shall recommend to the department the denial of license issuance, the revocation of a license, or the refusal to renew a license only when both of the following conditions exist:

(a) The applicant or the foster parent falsifies information or, the applicant or the foster parent willfully and substantially violates the act, 1 or more of the licensing rules for foster homes, or the terms of the license,

(b) The applicant or the foster parent has been informed, in writing, of the facts and the basis for the recommended action.

(6) An agency shall provide the department with all documentation that details the basis for the agency's recommendation or any requested documentation for a department licensing action.

(7) An agency shall participate in, and present facts at, a foster home licensing administrative hearing to support an agency recommendation or a department licensing action.

History: Eff. January 5, 2015.

R 400.12326 Borrowed home.

Rule 326. (1) Before placing a child in a foster home certified by another agency or tribe, the agency shall have a record containing all of the following documents:

(a) Prior approval from the certifying agency authorizing the placement of a child in the home.

(b) Documentation that the foster parent is willing to accept the foster child.

(c) A copy of the initial evaluation with written endorsement by the borrowing agency that the evaluation is acceptable.

(d) A copy of the current reevaluation with written endorsement by the borrowing agency that the evaluation is acceptable.

(e) A list of all children currently placed in the home.

(f) Documentation that the foster parent has received orientation to the policies of the borrowing agency.

(g) A copy of the foster parent /agency agreement signed by the foster parent and the borrowing agency.

(h) A copy of the current children's foster home license application and children's foster home licensing transaction record documents from the certifying agency.

(i) A copy of all special evaluations completed during the last 2 years.

(2) The borrowing agency is responsible for securing the items identified in subrules (1) (d), (e), (g), (h), and (i) of this rule annually for the duration of the child's placement.

(3) The certifying agency is responsible for certification functions, including special evaluations, and shall share all information regarding changes in the home with all agencies that have children in placement in the home.

History: Eff. January 5, 2015.

R 400.12327 Special evaluation.

Rule 327. (1) An agency shall do all of the following when anyone in the agency receives information that relates to possible noncompliance with any foster home rule:

(a) Submit a special investigation record to the department's licensing authority within 5 working days in the manner prescribed by the department.

(b) Initiate a special evaluation of the foster home as soon as is indicated, based on the information received, but not later than 7 calendar days after receipt of the information.

(c) Conduct a thorough investigation including all necessary collateral contacts.

(d) Notify all social service workers who have children placed in the home that a special evaluation has been initiated.

(2) An agency shall inform foster parents of all of the following before they are questioned or interviewed regarding a special evaluation:

(a) That a special evaluation has been initiated.

(b) A clear description of the allegations.

(c) That the foster parents may involve a person of their choice in any interviews with them involving the special evaluation if the involvement does not impede the timely completion of the evaluation.

(3) An agency shall complete a special evaluation within 45 calendar days after receipt of the information. If additional time is required, then the agency shall inform the foster parent, in writing, of the basis for the extension and the expected length of the extension. The total time for the completion of the investigation shall not exceed 90 calendar days without written approval from the chief administrator or his or her designee.

(4) Before completion of the written report required by subrule (6) of this rule, an agency shall provide the foster parent with a verbal summary of the preliminary findings at the conclusion of the evaluation.

(5) Within 15 days of the conclusion of the evaluation, an agency shall complete a written report that includes all of the following information:

(a) The date the information was received.

(b) Identification of the information source, unless anonymous or confidential, as specified in the child protection law, 1975 PA 238, MCL 722.621 to 722.638.

(c) The allegations.

(d) Dates and places of contacts, names of persons interviewed, and names of the interviewers. If children are interviewed, their last names shall not be included in the report.

(e) Findings of fact, based upon the evaluation.

(f) Conclusions regarding licensing rules compliance or noncompliance based on the findings of fact.

(g) Any change in the agency's decision regarding the number, gender, age, race, ethnic background, and specific characteristics of children who may be placed that is based upon the documentation contained in the summary and conclusions of the report.

(h) Recommendations regarding licensing action and any required corrective action.

(6) An agency shall do all of the following:

(a) Provide the foster parent with a copy of the report required by subrule (5) of this rule within 10 calendar days of its completion.

(b) Inform the foster parent, in writing, that he or she has a right to have his or her written response included as an attachment to the report required by subrule (5) of this rule.

(c) Provide a copy of the report to any social services worker that has children placed in the home.

(7) If any violations are cited and there is a signed corrective action plan, all social service workers who have children placed in the home shall be notified there is a corrective action plan and what is required of the foster parent in that plan.

History: Eff. January 5, 2015.

R 400.12328 Foster home record.

Rule 328. (1) An agency shall maintain a foster home record for each foster home.

(2) The record shall contain all of the following information:

(a) All documents pertaining to certification of the home.

(b) Any special evaluation reports.

(c) Placement agreements between a foster parent and the agency.

(d) A placement list of all children placed in the foster home, including all of the following information about each child:

(i) Name, age, gender, and race of the child.

- (ii) Date of placement.
 - (iii) Date of, and reasons for, a child's removal from the foster home.
 - (e) Any written response from a foster parent, as provided by R 400.12327(6)(b).
- (3) An agency shall make copies of a record available to the applicant or licensee upon request, except for the following items:
- (a) Pending evaluation reports and documents.
 - (b) Records of privileged communication.
 - (c) Criminal records, police reports, child protective services information, and social security numbers from any source.
 - (4) An agency shall maintain records for not less than 7 years after closure.
- History:** Eff. January 5, 2015.

PART 4. FOSTER CARE SERVICES

R 400.12401 Department authorization.

Rule 401. An agency shall be authorized by the department to receive children for placement in licensed foster homes.

History: Eff. January 1, 2001.

R 400.12402 Program statement.

Rule 402. An agency shall have and follow a current written program statement that includes all of the following information:

- (a) Types of foster care provided.
- (b) Age, race, ethnic background, and specific characteristics of children served.
- (c) Types of services provided to foster children and their families.
- (d) Geographical area covered.

History: Eff. January 1, 2001.

R 400.12403. Policy and procedures.

Rule 403. (1) An agency shall have and follow written policies and procedures for the foster care services provided.

(2) The policies and procedures shall cover at least all of the following areas:

- (a) Placement.
- (b) Change of placement.
- (c) Education.
- (d) Clothing.
- (e) Medical and dental care.
- (f) Unusual incidents.
- (g) Hazardous materials.
- (h) Foster parent information.
- (i) Service plans.
- (j) Visitation.
- (k) Foster care record.

(3) An agency shall provide a copy of the policies and procedures to the foster parents of a home where the agency places a child.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12404 Placement.

Rule 404. (1) An agency shall only place a child with an adult who is legally related to the child, is a legal custodian, or in a licensed foster home, except as permitted in R 400.12709.

(2) Initial consideration shall be given to placement with a relative and/or placing siblings together.

(3) An agency's placement of a child in a foster home shall be consistent with the placement specifications for the home.

(4) An agency shall consider all of the following factors in selecting an appropriate placement for a child:

- (a) The permanency goal for the child.
- (b) The physical, emotional, and educational needs of the child.
- (c) Expressed preferences of the child.
- (d) The child and child's family's religious preference.

(e) The continuity of relationships, including relationships with parents, siblings, relatives, foster parents, previous foster parents, and other persons significant to the child.

(f) The availability of placement resources for the purpose of making a timely placement.

(5) 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.

(6) Before the placement of a child, the agency shall document preparation, regardless of the child's age, that explains all of the following to all relevant parties:

(a) The circumstances necessitating placement.

(b) The child's individual needs.

(c) Any special problems presented.

(7) An agency shall document, in the child's record, within 7 calendar days after placement, the information specified in R 400.12417(1) and all of the following information:

(a) All of the following child characteristics:

(i) Gender.

(ii) Race.

(iii) Height and weight.

(iv) Eye color and hair color.

(v) Identifying marks.

(vi) Religious preference.

(vii) School status, including grade, last school attended, and educational program.

(b) Name, known addresses, and marital status of the child's parents or legal guardian, if any.

(c) Names, ages, and known addresses of any siblings.

(d) Known names, addresses, and dates of any previous out-of-home placements.

(e) The date that the agency received the child for placement.

(f) The child's legal status and the agency's legal right to provide care.

(g) Documentation of the child's placement preparation.

(h) A photograph of the child at the time of placement.

(i) Documentation that American Indian ancestry was assessed.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12405 Change of placement.

Rule 405. (1) An agency shall make every reasonable effort to maintain a stable placement for each child placed in foster care. The efforts shall be documented in the child's record.

(2) An agency shall give first consideration to returning the child to a parent.

(3) The agency shall document all of the following in the child's record before a change of placement occurs:

(a) Reason for the change in placement.

(b) If the child is not returned to the parent, then the reason why return is not possible.

(c) If the child is not reunited with siblings or placed with a relative, then the reason why those placements are not possible.

(d) Consideration of the factors identified in R 400.12404(4).

(e) Replacement preparation, regardless of the child's age, appropriate to the child's capacity to understand, which includes an explanation to all relevant parties as to why the change is necessary.

(f) Notification to the parents, referral source, lawyer guardian ad litem, and courts when applicable, of the change in placement.

(g) Information about the child was shared with the new placement, consistent with the requirements of R 400.12417.

(h) The child's new location and address.

(i) That the current foster parent was notified in writing of the following information:

(i) Not less than 14 calendar days in advance, of the change, except when prior notification would jeopardize the child's care or safety. If prior notice is not provided, then the agency shall notify the foster parent, at the time of the change, why prior notice was not given.

(ii) Of the current foster parent's rights concerning the change in placement.

(j) Supervisory approval before the change.

(4) If an emergency change in placement is necessary, then all of the documentation required in subrules (2) and (3) of this rule shall be in the child's record within 14 calendar days after the change in placement.

(5) If an agency is no longer providing services to the child in a foster home, then both of the following shall be documented before a change in placement:

(a) A summary of the services provided during care up to the time of the change in placement and the needs that remain to be met.

(b) Provision for any continuing services.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12406 Rescinded.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12407 Rescinded.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12408 Rescinded.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12409 Education policy.

Rule 409. An agency's education policy shall ensure that, within 5 school days of placement, an agency shall provide for the enrollment of each child of school age, as defined by state law, into a school program.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12410 Rescinded.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12411 Clothing policy.

Rule 411. An agency's clothing policy shall, at a minimum, ensure that each foster child has a sufficient amount of clothing that is appropriate as to size and season and that is in good repair.

History: Eff. January 1, 2001.

R 400.12412 Rescinded.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12413 Medical and dental care policy.

Rule 413. (1) An agency's medical and dental care policy shall, at a minimum, include all of the following:

(a) The provision of routine medical care.

(b) The provision of emergency medical, surgical, and dental care.

(c) A physical examination for each child as follows, unless a greater frequency is medically indicated:

(i) For a child under 2 years of age, a physical examination shall have been completed within 3 months before being placed in foster care or a new physical examination shall be completed within 30 calendar days after being placed in foster care.

(ii) For a child 2 years of age or older, a physical examination shall have been completed within 12 months before placement or a new physical examination shall be completed within 30 calendar days after placement.

(iii) A physical examination every 14 months.

(d) Current immunizations for each child as required by section 5111 of 1978 PA 368, MCL 333.5111. All of the following apply:

(i) A statement from a parent or licensed medical authority which indicates that immunizations are current or contraindicated is sufficient documentation of immunizations.

(ii) A copy of a waiver addressed to the department of community health signed by the parent stating immunizations are not being administered due to religious, medical, or other reasons is sufficient documentation of immunizations.

(iii) If documentation of immunization or a copy of the waiver is unavailable, then immunizations shall begin within 30 calendar days of placement.

(e) The provision of any dental treatment necessary for a child who is less than 4 years of age.

(f) The provision of a dental examination and any treatment required for each child who is 4 years of age and older, including both of the following:

(i) A dental examination within 12 months before placement or a new dental examination shall be completed not more than 90 calendar days after placement.

(ii) A dental reexamination shall be obtained at least every 18 months, unless a greater frequency is indicated.

(2) An agency shall have documentation from the medical or dental provider of all medical and dental care received by a foster child.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12414 Rescinded.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12415 Incident reporting policy.

Rule 415. (1) An agency's incident reporting policy shall, at a minimum, include the following:

(a) Immediate notification to the foster child's parents, the responsible agency, and guardian ad litem as applicable, if either of the following occurs:

(i) When a foster child is missing from a foster home.

(ii) Attempted removal or removal of a foster child from the foster home by any person who is not authorized by the agency.

(b) Notification of the foster child's parents, the responsible agency, and guardian ad litem as applicable within 24 hours of knowledge of the following:

(i) Any illness or injury that requires hospitalization or emergency medical care of a foster child.

(ii) A foster child's involvement with law enforcement authorities.

(iii) Pregnancy of a foster child.

(iv) Incidences of a foster child being abused.

(2) The policy shall require that the agency immediately notifies all of the following entities of the death of a foster child:

(a) The child's parents.

(b) The referring agency.

(c) The department licensing authority.

(d) The lawyer guardian ad litem and court, as applicable.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12416 Rescinded.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12417 Foster parent information.

Rule 417. (1) An agency shall provide a foster parent with all of the following information before the placement or replacement of a child:

(a) Child's name.

(b) Child's date of birth.

(c) Available known information about the child's health.

(d) Any known history of abuse or neglect of the child.

(e) All known emotional and psychological factors relating to the care of the child.

(f) All known behaviors of the child.

(g) Circumstances necessitating placement or replacement of the child.

(h) Any other known information to enable the foster parent to provide a stable, safe, and healthy environment for the foster child and the foster family, including information about siblings who do not reside in the foster home.

(i) Name of assigned social service worker.

(j) Authorization to provide routine and emergency medical care.

(2) For an emergency placement, if any of the information specified in subrule (1)(a) to (h) of this rule is not available at the time of placement, then the agency shall provide information to the foster parent within 7 calendar days of the placement.

(3) After the child is placed, and on an ongoing basis, the agency shall notify the foster parent of any known information that will enable the foster parent to provide a stable, safe, and healthy environment for the foster child and the foster family, including information about siblings who do not reside in the foster home.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12418 Development of service plans.

Rule 418. (1) An agency shall develop service plans with the child, the child's parents or legal guardian, the referring agency, and other parties involved in providing needed services, or medical care, unless the agency documents why any of the entities have not been involved.

(2) An agency shall complete written service plans for each child and parent or parents, as follows:

(a) Within 30 calendar days from removal from the home.

(b) Within 120 calendar days after the initial removal and at least once every 90 calendar days thereafter.

(3) When case responsibility changes from 1 child placing agency to another child placing agency, a modified service plan must be completed within 30 calendar days of the change in agency responsibility if no other plan is done within 30

days. The plan shall address why the agency responsibility changed and whether there are any modifications to existing service plans.

(4) An agency shall place service plans in the case record, give a copy to and review the plans with foster parents. The agency shall inform the foster parent that the information in the plan and any other information about the child and the child's family is confidential.

(5) An agency shall involve the foster parents in the development of service plans to enable the foster parents to understand the plan for the child and the foster parent's role in assisting the agency in carrying out the plan.

(6) Service plans shall be signed by the social services worker and the social services supervisor.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12419 Initial service plans.

Rule 419. (1) The initial service plan, as required in R 400.12418(2)(a), shall include all of the following information:

(a) Dates, types, and places of agency contacts and persons contacted.

(b) Circumstances necessitating placement.

(c) Assessment of the placement selection criteria as required under R 400.12404 (4).

(d) A social history pertinent to the circumstances necessitating placement that assesses the child and all persons in the child's family to determine the services best suited to meet the child's needs.

(e) A plan that has as its goal reunification of the child with his or her family or another goal of permanent placement.

The plan shall include all of the following information:

(i) The permanency goal for the child.

(ii) The conditions necessary to achieve the permanency goal identified in paragraph (i) of this subdivision.

(iii) Action steps and time frames to achieve the necessary conditions identified in paragraph (ii) of this subdivision.

(iv) The persons responsible for implementing the action steps identified in paragraph (iii) of this subdivision.

(v) Projected length of placement in foster care.

(f) Specific goals, as appropriate, to meet the child's needs in the following areas:

(i) Education

(ii) Health

(iii) Vocational training

(iv) Psychological, psychiatric, and mental health services

(g) Plans for visits between the child, siblings, the child's family, and any other person.

(h) The child management plan to be used by the foster parent.

(2) If parental rights have not been terminated, the service plan shall include all of the following:

(a) An assessment of the parents' needs as they relate to the care of the child.

(b) The parents' role while the child is in placement, including parenting time.

(c) The requirements to be met for the return of the child.

(d) The time frames for meeting the stated requirements.

(e) Documentation of how the parents were informed of their rights and responsibilities in the care of their child.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12420 Updated service plans.

(1) An updated service plan, as required in R 400.12418(2)(b), shall include all of the following information:

(a) Dates, types, and places of agency contacts and persons contacted.

(b) Confirmation that the child's current foster home continues to appropriately meet the placement needs of the child.

(c) A summary of information pertinent to the updated services plan received since the last service plan from the child, the child's parents or legal guardian, foster parents, referring agency, and others, unless the agency documents why any of these entities cannot be involved.

(d) Assessment of progress in achieving the permanency goal for the child.

(e) A plan which includes any changes made since the previous plan and which has the content specified in R 400.12419.

(f) Plans for visits between the child, siblings, the child's family, and any other person.

(g) A child management plan which includes any changes made since the previous plan and which is to be used by the foster parents.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12421 Visitation and parenting time.

Rule 421. An agency shall have a policy regarding visitation and parenting time that contains, at a minimum, all of the following:

(a) A plan of visitation for each child in foster care consistent with the child's service plans, as required by R 400.12419 and R 400.12420 to assure the safety and well being of the child.

(b) An agency social service worker shall visit the foster child and the foster parent in the foster parent's home at least once every month.

(c) Provisions for visits between parents and children except where parental rights have been terminated or when there is a court determination that visits are detrimental to the child.

(d) Provisions for visits between siblings who are not placed together except when there is a court determination that visits are detrimental to either child.

History: Eff. January 5, 2015

R 400.12422 Foster care record.

Rule 422. (1) An agency shall maintain a record for each child in its foster care program.

(2) An agency shall protect each record against destruction and damage and shall store and maintain each child's record in a manner to assure confidentiality and to prevent unauthorized access.

(3) The record shall contain all of the following information:

(a) Initial service plan.

(b) Any required updated service plans.

(c) Medical and dental records.

(d) Placement documentation as required by R 400.12404.

(e) Change of placement documentation as required by R 400.12405.

(f) Plan of visitation and parenting time as required by R 400.12421.

(g) A photograph taken at least annually.

(4) An agency shall maintain the record for not less than 7 years after the agency's termination of services to the child.

(5) If an agency ceases operating as a child placing agency, the records shall be returned to the child's referring agency.

History: Eff. January 5, 2015

PART 5. INDEPENDENT LIVING SERVICES

R 400.12501 Department authorization.

Rule 501. An agency shall be authorized by the department to supervise independent living placements.

History: Eff. January 1, 2001.

R 400.12502 Program statement.

Rule 502. (1) An agency shall have and follow a current written program statement that includes all of the following information:

(a) Types of living arrangements approved.

(b) Eligibility requirements for a youth, including age and level of physical, emotional, and intellectual functioning and youth not appropriate for the program.

(c) Services provided.

(d) Means of financial support for the youth.

(e) Supervision.

(f) Educational and vocational or work requirements.

(g) Medical and dental care.

(h) Basis for termination.

(2) An agency shall give a copy of the program statement to a youth before placement in independent living.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12503 Policy and procedures.

Rule 503. (1) An agency shall have and follow written policies and procedures for the independent living services provided.

(2) The policies and procedures shall cover at least all of the following areas:

(a) Eligibility requirements for youth to participate in the program.

(b) Types of living arrangements provided or approved.

(c) Contract between youth and agency.

(d) Service plans.

- (e) Supervision provided by the agency.
- (f) Amount of financial support and how it is disbursed.
- (g) Education/vocational training/employment.
- (h) Medical, dental, and mental health care.
- (i) Independent living record.
- (j) Termination.

(3) An agency shall provide a youth in independent living with a copy of the agency's policies and procedures required by this rule.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12504 Eligibility requirements.

Rule 504. (1) An agency shall document the rationale for selection of independent living as the most appropriate placement for the youth.

(2) All of the following shall be in the case record before a youth is placed in independent living:

- (a) How the youth meets the eligibility requirements for the specific program the youth is being placed into.
- (b) The basis for concluding that a youth exhibits self-care potential.

(c) That the youth's social service worker has personally observed and determined that the living situation is safe and that the youth has a bed and has access to cooking and bathing facilities.

(d) The availability of specific and relevant resources that provide for suitable social, physical, educational, vocational, and emotional needs of a youth.

(e) An evaluation of a youth's need for supervision and a plan for providing the level of supervision determined necessary.

(f) Proof that financial support to meet the youth's housing, clothing, food, and miscellaneous expenses is available.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12505 Supervision.

Rule 505. (1) An agency shall provide supervision for a youth in independent living consistent with the youth's need for supervision, as required by R 400.12504(2)(e).

(2) An agency shall provide the following minimum supervision:

(a) Face-to-face contact between the social service worker and the youth in independent living at least once each month at a youth's place of residence.

(b) At monthly intervals, ensure that the youth is complying with the terms of the contract required by R 400.12510, continues to reside in a safe and acceptable environment, and is managing expenditures.

(c) Provide the youth with a telephone number to contact the agency on a 24-hour, 7-days-a-week basis.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12506 Education/vocational training/employment.

Rule 506. An agency shall ensure that a youth in independent living is employed full-time, actively involved in job training or continuing education, or a combination of employment and education.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12507 Medical/dental and mental health care.

Rule 507. (1) An agency shall ensure that a youth in independent living receives any needed medical, dental, and mental health care as required in R 400.12413. Medical, dental, and mental health care provided shall be documented in the youth's record.

(2) For a youth who become 18 years of age while in the program or who enters independent living after the age of 18, the agency shall provide information on how to access needed medical, dental, and mental health services and shall actively, and on an ongoing basis, encourage participation in needed medical, dental, and mental health services.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12508 Rescinded.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12509 Independent living record.

Rule 509. (1) An agency shall maintain a case record for each youth placed in independent living.

(2) An agency shall protect each record against destruction and damage and shall store and maintain each child's record in a manner to assure confidentiality and to prevent unauthorized access.

(3) The case record shall contain all of the following information and documentation, which shall be recorded within 30 calendar days after placement in independent living and updated at least once every 90 calendar days:

(a) All of the following personal information pertaining to the youth:

(i) Name.

(ii) Social security number.

(iii) Address and telephone number.

(iv) Date of birth.

(v) Gender.

(vi) Race.

(vii) Height.

(viii) Weight.

(ix) Hair color.

(x) Eye color.

(xi) Identifying marks.

(xii) A photograph updated on an annual basis.

(b) Documentation of the agency's legal right to place a youth.

(c) The names, addresses, dates of birth, and social security numbers of the youth's parents, if any.

(d) The names, dates of birth, and addresses of the youth's siblings, if applicable.

(e) The names and addresses of any offspring.

(f) The names and addresses of any other significant persons.

(g) Current documentation of financial support sufficient to meet the youth's housing, clothing, food, and miscellaneous expenses.

(h) The date, location, documented purpose, and a summary of the findings of each contact between the youth and the social service worker.

(i) Current adjustment.

(j) The youth's relationship with family members and agency efforts to resolve family conflicts.

(k) Medical and dental records.

(l) Birth certificate

(m) Placement documentation as required by R 400.12404.

(n) Change of placement documentation as required by R 400.12405.

(o) Service plans as required in R 400.12419 and R 400.12420. If the youth has biological children, the service plan must address the living arrangement for the child or children, visitation/parenting time with the youth's biological children or a clear explanation why this is not possible or appropriate.

(4) An agency shall maintain the record for not less than 7 years after the agency's termination of services to the youth.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12510 Independent living contract.

Rule 510. (1) There shall be a mutually agreed upon contract between the youth and the agency specifying all of the following:

(a) The responsibilities of the agency and the youth.

(b) A plan for education or work.

(c) An agreement for the youth to meet with the worker at least one time per calendar month.

(d) The location where the youth is living.

(2) The agreement shall be signed and dated by the youth and the social service worker. The contract shall be reviewed and updated at least once every 90 calendar days and a copy provided to the youth.

History: Eff. January 5, 2015

R 400.12511 Termination.

Rule 511. (1) When an agency terminates its independent living services for a youth, the agency shall document all of the following information in the case record within 30 calendar days of termination of its services:

(a) The reason for the termination.

(b) The youth's new location.

(c) A summary of the services provided during care and the needs that remain to be met.

(d) Provision for any follow-up services.

(2) An agency shall ensure and document that each youth who ends independent living is provided with all of the following:

- (a) Basic information about health, housing, counseling/mental health services, and emergency resources.
- (b) A birth certificate.
- (c) A social security card.
- (d) The youth's funds and personal property.

History: Eff. January 5, 2015

PART 6. ADOPTION EVALUATION SERVICES

R 400.12601 Department authorization.

Rule 601. An agency shall be authorized by the department to evaluate applicants for adoption.

History: Eff. January 1, 2001.

R 400.12602 Program statement.

Rule 602. (1) An agency shall have and follow a current written program statement.

(2) The statement shall include all of the following information:

- (a) Services and functions provided directly or indirectly.
- (b) Geographical area covered.
- (c) Eligibility requirements for adoptive parents.
- (d) A clear delineation of fees, charges, or other consideration or thing of value for adoption services that includes specific charges for expenses and services within and outside the agency, and differentiates between the charges that are refundable and the charges that are not refundable.
- (e) Training requirements.

(3) An agency shall document that the statement was provided to all persons making inquiry about the agency's services.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12603 Policy and procedures.

Rule 603. (1) An agency shall have and follow written policies and procedures for the adoption services provided.

(2) The policies and procedures shall cover at least all of the following areas:

- (a) Orientation.
 - (b) Training requirements.
 - (c) Adoptive evaluation.
 - (d) Agency recommendation.
 - (e) Adoption evaluation record.
 - (f) Grievance policy as required by R 400.12210.
- (3) An agency shall document that the policies and procedures were provided to all persons making inquiry about the agency's services.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12604 Orientation and application.

Rule 604. (1) An agency shall provide an orientation for prospective applicants for adoption before an adoptive application is provided. The orientation shall include a review of all of the following:

- (a) Program statement, policies, and procedures.
 - (b) Needs and characteristics of children available for adoption.
 - (c) Services and resources available.
 - (d) Fees and charges.
 - (e) Legal process.
 - (f) Training requirements.
 - (g) Post adoption service availability.
- (2) An agency shall, upon request, provide an adoptive application to an interested family.
- (3) An agency may consider an application withdrawn after 90 days if the applicant fails to cooperate with the completion of the evaluation process.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12605 Adoptive family evaluation.

Rule 605. (1) An agency social service worker shall complete a written adoptive evaluation within 90 days of the family signing an adoption application and prior to approving a family for adoption.

(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, including children not living in the home.

(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 licenses or experience in providing child foster care, child day care, or adult foster care.

(xiii) Willingness to accept an adoptive child with the child's individual characteristics, needs, and background.

(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.

(xv) Willingness and ability to understand an adopted child's attachment to the birth family and other significant relationships.

(xvi) An understanding of and willingness to participate in concurrent planning.

(xvii) Willingness and ability to give an adopted child guidance, love, and affection and accept the child as a member of the household.

(xviii) Existence of social support system and alternate care providers.

(b) Previous adoption evaluations or placements.

(c) Previous criminal convictions, and substantiated child abuse or neglect investigations or concerns brought to the agency's or department's attention for any member of the household.

(d) Three current references from persons not related to the applicants. There shall be an evaluation of any negative references.

(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) Safety and maintenance of the applicant's house and property, including but not limited to: sufficient beds and sleeping space, pets, guns and other weapons, and water hazards.

(g) Assessment of the neighborhood, schools, community, and available resources for the purpose of adoption.

(h) The plan for guardianship of the child or children in the event of the parent or parents' death or permanent disability preventing continuation of parental responsibility.

(i) The family's plan to discuss adoption with any child adopted.

(j) Training needs of the family.

(k) The age, number, gender, race, ethnic background, and special characteristics of children preferred by the applicants.

History: Eff. January 1, 2001, Am. Eff. March 1, 2007, Am. Eff. January 5, 2015.

R 400.12606 Training requirements.

Rule 606. An agency shall document that an applicant for adoption has, at a minimum, had training in all of the following areas:

(a) Separation.

(b) Attachment and bonding.

(c) Child development, including safe sleep practices for children under 1 year of age.

(d) Behavioral and emotional needs of adoptive children.

- (e) Impact of adoption on the family.
- (f) Post adoption service availability.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12607 Agency recommendation.

Rule 607. (1) An agency shall recommend the appropriate action consistent with the facts contained in the adoptive evaluation. An agency shall make a written recommendation based on the findings of the adoptive family evaluation.

(2) The recommendation shall include all of the following:

- (a) Be in writing.
- (b) Contain approval or denial of the applicants for adoption by a social service supervisor.

(c) If approved, the number, gender, age, race, ethnic background, and special characteristics of adoptive children who may be placed in the adoptive applicants' home. A 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.

(3) If an agency concludes that an individual is not approved, then the basis for the decision shall be specified in the recommendation.

(4) An agency shall provide the applicants for adoption with a signed and dated copy of the evaluation and recommendation upon its completion.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12608 Adoptive family evaluation record.

Rule 608. (1) An agency shall retain a case record for each applicant for adoption.

(2) The record shall contain all of the following:

- (a) Orientation documentation as required by R 400.12604.
- (b) Adoptive evaluation as required by R 400.12605.
- (c) Record of training provided
- (d) Documentation agency policies were provided to applicants
- (e) All documents pertaining to adoption evaluation required by R 400.12605
- (f) Agency recommendation as required by R 400.12606.

(3) An agency shall retain each record for not less than 3 years after the agency's termination of services to the applicant.

(4) If a branch or associate office of a child-placing agency ceases to operate, then the branch's or office's adoption records shall be forwarded to the central office of the branch or associate office.

(5) If a child-placing agency ceases operation, the agency's adoption records shall be shredded or returned to the applicant if services to the applicant were terminated 3 or more years before the closure. Records shall be forwarded to the department's central office adoptions for all other records.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

PART 7. ADOPTION PLACEMENT SERVICES

R 400.12701 Department authorization.

Rule 701. An agency shall be authorized by the department to receive and place children for purposes of adoption.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12702 Program statement.

Rule 702. (1) An agency shall have and follow a current written program statement.

(2) The statement shall include all of the following information:

(a) Types of adoptions provided by the agency, including whether the agency accepts children released under the safe delivery act, section 20 of 1939 PA 288, MCL 712.20.

(b) Procedures for selecting adoptive parents for a child, including the role of the child's parent or guardian in the selection process.

(c) The extent to which the agency permits or encourages exchange of identifying information or contact between biological and adoptive parents.

(d) A clear delineation of fees, charges, or other consideration or thing of value for adoption services. The delineation shall include specific charges for expenses and services within and outside the agency and shall differentiate between the charges that are refundable and the charges that are not refundable.

- (e) Services and functions provided directly or indirectly, including both of the following:
 - (i) Counseling services and any other available services to a person who is releasing a child for adoption.
 - (ii) Counseling services and any other available services to a child being released for adoption based on the needs of the child.
 - (iii) Counseling services or post-finalization services provided to adoptive parents or to the adoptee.
- (f) Geographical area covered.
- (3) An agency shall document that the statement has been provided to all persons making inquiry to release a child for adoption and to prospective adoptive parents.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12703 Policy and procedures.

Rule 703. (1) An agency shall have and follow written policies and procedures for the adoption services provided.

(2) The policies and procedures shall cover all of the following areas:

- (a) Safeguarding rights.
- (b) Release.
- (c) Recruitment.
- (d) Orientation.
- (e) Evaluation.
- (f) Placement selection.
- (g) Adoptive parent information.
- (h) Placement.
- (i) Supervision.
- (j) Adoption placement record.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12704 Safeguarding rights.

Rule 704. An agency shall prescribe safeguards relating to the needs and rights of all of the following entities:

- (a) Birth parents who are considering release, or who have released, a child for adoption.
- (b) The child who becomes available for adoption.
- (c) The adoptive parents who apply to adopt or adopt a child.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12705 Release.

Rule 705. (1) An agency social service worker shall document that information has been provided for birth parents before the birth parents release their rights to a child unless the child is relinquished under the safe delivery of newborns act, 1939 PA 288, MCL 712.1 to 712.20.

(2) The information shall include a review of all of the following:

- (a) Program statement, policies, and procedures.
- (b) Legal process for adoption.
- (c) Services and resources available.
- (d) Meaning and consequences of a release.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12706 Recruitment.

Rule 706. (1) An agency shall have an ongoing recruitment program to ensure an adequate number of suitable adoptive parents for the timely placement of all children serviced by the agency who are available for adoption.

(2) An agency shall recruit adoptive parents for children served by the agency considering all of the following criteria:

- (a) Ages and developmental needs of children.
- (b) Racial, ethnic and cultural identity of children.
- (c) Sibling relationships of children.
- (d) Special needs of children.

(3) There shall be a child specific recruitment plan for any child the agency is responsible for who is available for adoption and who does not have an identified family. The child specific plan shall be based on the child evaluation, as required by R 400.12708, and updated every 90 days.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12707 Orientation.

Rule 707. An agency shall document that an orientation for the adoptive parents has been provided, consistent with the requirements of R 400.12604, before they are determined suitable to parent an adopted child.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12708 Child evaluation.

Rule 708. (1) A social service worker shall complete a written assessment of each child available for adoption within 60 days of the child being referred for adoption. The assessment shall include all information available in the foster care file from the date the child entered care and shall meet all requirements of section 27 of 1939 PA 288, MCL 710.27.

(2) An agency shall have on file a written adoptive family evaluation and agency recommendation as required under R 400.12605 and R 400.12607 before approving the adoptive parents for each adoptive placement and before referring a child to, or placing a child in, the home for purposes of adoption.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12709 Placement selection.

Rule 709. (1) An agency shall document how all of the following factors were assessed in selecting appropriate adoptive parents:

(a) The physical, emotional, medical, and educational needs of the child.

(b) The child's needs for continued contact with the birth parent, siblings, relatives, foster parents, and other persons significant to the child.

(c) The racial, ethnic, and cultural identity, heritage, and background. 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.

(2) An agency shall place a child with agency-approved adoptive parents consistent with the needs of the child identified in subrule (1) of this rule, the child evaluation required by R 400.12708 and the agency's adoptive parent recommendation as required by R 400.12607.

(3) An agency shall require a social service supervisor, or chief administrator if the placement is recommended by a social service supervisor, to approve or deny the recommendation for placement by the social service worker. The approval shall be documented in the record.

(4) An agency may approve overnight pre-placement visits to a family being considered for adoption of a child. Pre-placement visits may only occur under the following conditions:

(a) If the placement selected is a licensed foster home, the certifying agency gives approval prior to any visits starting.

(b) There is an approved child evaluation.

(c) There is an approved family evaluation.

(d) The child evaluation has been shared with the prospective adoptive family prior to any pre-placement visits occurring.

(e) Planning for pre-placement visits is focused on the best interests of the child.

(f) There is a written plan for transitioning the child from the foster home to the adoptive home.

(g) Unless there are exceptional circumstances, that the transition period will not exceed 3 calendar months. A transitional period of more than 3 calendar months shall be approved in writing by the MCI superintendent or the court with jurisdiction over the child.

(h) Overnight visitation is done in compliance with section 1 of 1973 PA 116, MCL 722.111(i).

(5) A public or private agency may place a child in an unlicensed home for the purposes of adoption if all of the following conditions have been met:

(a) The adoptive parents have received orientation in accordance with the requirements of R 400.12604 and R 400.12707.

(b) The evaluation of the prospective adoptive parents has been completed in accordance with the requirements of R 400.12605 and the placement is consistent with the recommendation completed in accordance with R 400.12607.

(c) Supervisory approval of the placement has been documented in accordance with the requirements of subrule (3) of this rule.

(d) The adoptive petition has been filed with the court or consent to adopt has been granted by the authorized agency representative.

(6) The provisions of this rule do not prohibit a temporary placement made under section 23d of 1939 PA 288, MCL 710.23d.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12710 Adoptive parent information.

Rule 710. (1) An agency shall provide adoptive parents with all of the following information before the placement of a child:

- (a) Child's name.
 - (b) Date, time, and place of birth including hospital, city, state, and country.
 - (c) Medical, social, and educational history of the child.
 - (d) Child's racial, ethnic, and religious background.
 - (e) Description of the child's family of origin, including age and gender of family members, relationship to the child, and medical, social, and educational history of each member of the family.
 - (f) Circumstances necessitating placement of the child.
 - (g) Child's preparation for placement and attitude toward the adoption.
 - (h) Placement history.
 - (i) Any other known information to enable the adoptive parent to provide a stable, safe, and healthy environment for the child.
- (2) An agency shall provide adoptive parents with any additional information that becomes available to the agency after the placement of the adoptive child.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12711 Placement.

Rule 711. An agency shall document how the following factors were assessed in selecting appropriate adoptive parents for a child:

- (1) The physical, emotional, medical, and educational needs of the child.
- (2) The child's needs for continued contact with the birth parent, siblings, relatives, foster parents, and other persons significant to the child.
- (3) The racial, ethnic, and cultural identity, heritage, and background. 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.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12712 Supervision.

Rule 712. (1) An agency shall provide post-placement supervisory visits for the adoptive family at the adoptive parent's home as needed to assure the safety and well being of the child, but not less than once every month, after the placement of a child and until the final order of adoption.

- (2) An agency shall assess and record the child's and adoptive family's adjustment and, where needed, include plans to assist the child or adoptive family.
- (3) An agency shall keep the adoptive parents informed of the results of the agency's continuing assessment of the placement at the conclusion of each visit.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.12713 Adoption placement record.

Rule 713. (1) An agency shall permanently retain a case record for each adoptive child after adoptive placement except as identified in subrule 5 of this rule.

- (2) The record shall contain all of the following:
 - (a) Orientation documentation as required by R 400.12707.
 - (b) Evaluation documentation as required by R 400.12708.
 - (c) Placement documentation as required by R 400.12709.
 - (d) Supervision documentation as required by R 400.12711.
- (3) If a branch or associate office of a child-placing agency ceases to operate, then the agency shall forward the branch's or office's adoption records to the central office of the branch or associate office.
- (4) If a child-placing agency ceases to operate, then the agency shall forward its records to the Michigan department of human services.
- (5) The Michigan department of human services must permanently retain all adoption records for children adopted from Michigan's child welfare system. The adoption agency must forward any adoption records for children adopted from the Michigan child welfare system to the department one year after finalization of the adoption. The adoption agency may not retain the original copies or any other copies of the adoption records.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

PART 8 INTER-COUNTRY ADOPTION

R 400.12801 Department authorization.

Rule 801. (1) An agency shall be authorized by the department to evaluate applicants for inter-country adoption.

(2) An agency shall be authorized by the department to assist with the adoption or placement of a child coming to the United States for the purpose of being adopted.

History: Eff. January 5, 2015

R 400.12802 Program statement.

Rule 802. An agency shall have and follow a current written program statement that includes all of the following information:

(1) Placement programs, by country.

(2) Eligibility requirements for adoptive parents established by the agency and the specific countries.

(3) Services available, either directly or indirectly, both before adoption and after adoption.

(4) Procedures for completing adoptive evaluations.

(5) A clear delineation of fees, charges, or other consideration or thing of value for adoption services. Differences in fees for different countries shall be clearly stated.

(6) If the agency has written contracts or agreements with individuals in the foreign country or entity, the responsibilities of the agency and the responsibilities of the contractor shall be clearly identified.

(7) The regulations issued by the United States federal government regarding the procedures for United States citizens adopting from a particular country or entity and the regulations issued by that country or entity for adoptions by foreigners shall be kept on file at the agency.

(8) If an agreement exists between a foreign government or entity and an agency, an English language translation of verified written agreements with the foreign government shall be on file at the agency and available for review. The agreement shall conform to the laws and regulations of the United States, this state, and the foreign country.

(9) An agency shall provide the statement to all persons making inquiry about the agency's services at the time of inquiry.

History: Eff. January 5, 2015

R 400.12803 Policies and procedures.

Rule 803. (1) The agency shall have and follow written policies and procedures for inter-country adoption services.

(2) The policies and procedures shall cover at least the following areas:

(a) Orientation, as required in R 400.12604.

(b) Adoptive evaluation, as required in R 400.12605.

(c) Fees.

(d) Placement.

(e) Supervision.

(f) Adoption record.

History: Eff. January 5, 2015

R 400.12804 Adoptive family evaluation.

Rule 804. (1) If an agency assists a family with an evaluation prepared specifically for the adoption of a child coming to the United States for the purpose of being adopted, then the agency shall complete adoptive evaluations as required in R 400.12604.

(2) Adoptive family evaluations accepted from other states or agencies in this state shall have been completed by an agency or social worker licensed to complete adoption home studies in the state where the evaluation was completed.

History: Eff. January 5, 2015

R 400.12805 Fees.

Rule 805. An agency shall have a specific fee policy that covers the following:

(1) That all fees are to be covered in a written agreement with applicants.

(2) What specific services are covered by the fees.

(3) Whether fees can change during an agreement.

(4) Fees associated with modifying the agreement.

(5) Specific fees for each country.

(5) Fees associated with changing countries.

(6) What fees can be transferred during the agreement.

- (7) What fees are refundable and at what points in time.
- (8) How fees are to be paid to individuals in other countries.
- (9) Which fees are to be paid to individuals in other countries.

History: Eff. January 5, 2015

R 400.12806 Placement.

Rule 806 (1) An agency shall require a social service supervisor, or chief administrator if the placement is recommended by a social service supervisor, to approve or deny the recommendation for placement. The decision shall be documented in the record.

(2) An adoptive family evaluation completed by a different agency or licensed social worker, where legal, must be endorsed by the agency arranging the placement.

History: Eff. January 5, 2015

R 400.12807 Supervision.

(1) An agency shall provide post-placement supervision for the adoptive family at the adoptive parent's home as needed, but not less than once every month after the placement of a child and until the final order of adoption, or as required by the country where the adoption originated.

(2) An agency shall assess and record the child's and adoptive family's adjustment and, where needed, shall include plans to assist the child or adoptive family.

(3) An agency shall keep the adoptive parents informed of the results of the agency's continuing assessment of the placement at the conclusion of each visit.

History: Eff. January 5, 2015

R 400.12808 Inter-country adoption record.

Rule 807. (1) An agency shall permanently retain a case record for each adoptive child after adoptive placement.

(2) The child record shall contain all of the following:

- (a) Orientation documentation as required by R 400.12707.
- (b) Evaluation documentation as required by R 400.12708.
- (c) Placement documentation as required by R 400.12709.
- (d) Supervision documentation as required by R 400.12711.

(3) An agency shall retain a case record for each applicant family for adoption.

(4) The applicant family record shall contain all of the following:

- (a) Orientation documentation as required by R 400.12604.
- (b) Adoptive family evaluation as required by R 400.12605.
- (c) Record of training provided.
- (d) Documentation of agency policies that were provided to applicants.
- (e) All documents pertaining to adoption evaluation required by R 400.12605.
- (f) Agency recommendation as required by R 400.12606.

(5) An agency shall retain each applicant family record for not less than 3 years after the agency's termination of services to the applicant family.

(6) If a branch or associate office of a child-placing agency ceases to operate, then the agency shall forward the branch's or office's adoption records to the central office of the branch or associate office.

(7) If a child-placing agency ceases to operate, then the agency shall forward its child records to the Michigan department of human services.

(8) If a child-placing agency ceases operation, the agency's adoptive applicant family records shall be shredded or returned to the applicant family if services to the applicant family were terminated 3 or more years before the closure. Records shall be forwarded to the department of human services central office adoptions for all other records.

History: Eff. January 5, 2015

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