



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
Administration on Children, Youth and Families
330 C Street, S.W.
Washington, D.C. 20201

May 2, 2019

Robert Gordon
Director
Michigan Department of Health and Human Services
333 South Grand Avenue
P.O. Box 30195
Lansing, Michigan 48909-7695

Dear Director Gordon,

The Family First Prevention Services Act (FFPSA), enacted as part of Public Law (P.L.) 115-123, amended many provisions of titles IV-B and IV-E of the Social Security Act (the Act). On July 9, 2018, the Children's Bureau issued Program Instruction (PI) ACYF-CB-PI-18-07 to provide instructions to title IV-E agencies on amendments they are required to make to their Title IV-E Foster Care and Adoption Assistance Plan to address provisions amended or added by FFPSA. The PI provided instructions and deadlines for submitting plan amendments, based on the effective date of the specific provisions.

On April 11, 2019, Michigan submitted a title IV-E Plan amendment to the Regional Office. This submission addressed the following requirements:

Title IV-E plan provisions effective in Federal law April 1, 2019

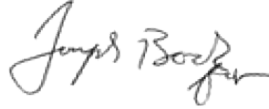
- Section 471(a)(36) addressing model licensing standards for foster family homes, see Information Memorandum: ACYF-CB-IM-19-01.

Plan Approval

We are pleased to notify you that we have reviewed and approved the revised Michigan's title IV-E plan addressing the requirement of the FFPSA indicated above. We also note that Michigan is no longer requesting a delay for this section. The effective date of this amendment is April 1, 2019. We wish to thank you and your program and legal staff for your work to finalize Michigan's title IV-E Plan for approval.

Again, thank you for your submission. Should you have any questions or concerns, please contact Irene Carrillo, Child Welfare Program specialist in Region 5 at (312) 886-4934 or by e-mail at irene.carrillo@acf.hhs.gov. You may also contact Kendall Darling, Child Welfare Regional Program Manager in Region 5 or by e-mail kendall.darling@acf.hhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Milner". The signature is written in a cursive style with a large initial "J" and "M".

Jerry Milner
Associate Commissioner
Children's Bureau

Enclosure

cc: Gail Collins, Director; CB, Division of Program Implementation; Washington, DC
Tina Naugler, Director of Regional Programs; CB, Washington, DC
Jen Wrayno, Acting Director, Children's Service Agency, MDHHS, Lansing, MI
Kendall Darling, Child Welfare Regional Program Manager; CB, Region 5; Chicago, IL
Irene Carrillo, Child and Family Program Specialist; CB, Region 5; Chicago, IL

Title IV-E Plan – State/Tribe of MICHIGAN

PLAN SUBMISSION CERTIFICATION

Instructions: This Certification must be signed and submitted by the official authorized to submit the title IV-E plan, each time the state/tribal submits an amendment to the title IV-E plan.

I Robert Gordon (name) hereby certify that I am authorized to submit the title IV-E Plan on behalf of Michigan (State/Tribal Agency). I also certify that the title IV-E plan was submitted to the governor or tribal leader for his or her review and approval in accordance with 45 CFR 1356.20(c)(2) and 45 CFR 204.1.

Date 03/27/19

[Handwritten Signature]
(Signature)

Director
(Title)

APPROVAL DATE 5/2/2019

EFFECTIVE DATE: 4/1/2019

Joseph Bock for Jerry Milner
(Signature, Associate Commissioner, Children's Bureau)

Title IV-E Plan – State/Tribe of Michigan

Family First Prevention Services Act: Deviation from Model Licensing Standards and Waivers for Foster Family Homes

Instructions: This form may be used to satisfy requirements at sections 471(a)(10) and (36) of the Act, and will remain in effect on an ongoing basis.

I certify that the State of Michigan _____ :
(Name of Agency/Tribe)

1. has licensing standards are *not* in accord with model standards identified by the Secretary. The reason for the specific deviation and a description as to why having a standard that is reasonably in accord with the corresponding national model standards is not appropriate for the title IV-E agency is described below:

Please see attached Response to FFPSA: Deviation from Model Licensing Standards and Waivers for Foster Family Homes.

2. has either: *(choose one of the following)*

elected to waive standards established in 471(a)(10)(A) for relative foster family homes pursuant to waiver authority provided by 471(a)(10)(D), and provides the following description of which standards the agency most commonly waives, how caseworkers are trained to use the waiver authority and whether the agency has developed a process or provided tools to assist caseworkers in waiving non-safety standards per the authority provided in 471(a)(10)(D) to quickly place children with relatives:

Please see attached Response to FFPSA: Deviation from Model Licensing Standards and Waivers for Foster Family Homes.

not elected to waive the standards established in 471(a)(10)(A) and (D), for the following reason(s):

Not effective until 04/01/19 unless delay
is approved by the Secretary

(Date)

A handwritten signature in black ink, appearing to be 'R. M. ...', written over a horizontal line.

(Signature)

Title IV-E State Plan Pre-Print
Section 4.A

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	SECTION 4. GENERAL PROGRAM REQUIREMENTS	
471(a)(10) and (36)(B), (C) and (D)	<p>A. STANDARDS FOR FOSTER FAMILY HOMES AND CHILD CARE INSTITUTIONS</p> <p>The agency has established or designated a State/Tribal authority(ies) which is responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for such institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights and which shall permit use of the reasonable and prudent parenting standard.</p> <p>The standards so established are applied by the State/Tribe to any foster family home or child-care institution receiving funds under titles IV-E or IV-B. The standards shall require, as a condition of each contract entered into by a child care institution to provide foster care, the presence on-site of at least 1 official who, with respect to any child placed at the child care institution, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally-appropriate activities, and who is</p>	<p>MCL 722.111 et seq.</p> <p>Michigan Administrative Rules, Child Care Institutions, R 400.4101-400.4666</p> <p>Foster Homes and Foster Family Group Homes, R 400.9101- 400.9506</p> <p>Child Placing Agencies R 400.12101- 400.12808</p>

Title IV-E State Plan Pre-Print
Section 4.A

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>provided with training in how to use and apply the reasonable and prudent parent standard in the same manner as prospective foster parents are provided the training pursuant to paragraph 471(a)(24).</p> <p>The standards for foster family homes and child care institutions shall include policies related to the liability of foster parents and private entities under contract by the State involving the application of the reasonable and prudent parent standard, to ensure appropriate liability for caregivers when a child participates in an approved activity and the caregiver approving the activity acts in accordance with the reasonable and prudent parent standard.</p> <p>The State/Tribal agency may provide waivers of such standards only on a case-by-case basis for non-safety standards (as determined by the State/Tribe) in relative foster family homes for specific children in care. The State/Tribal agency must describe which standards it most commonly waives, or if the agency has elected not to waive the standards, the reason for not waiving these standards.</p> <p>State/Tribal agencies that provide such waivers must describe training provided to caseworkers to use the waiver authority and the state/tribal agency process or tools provided to assist</p>	<p>CI 15-178, Reasonable and Prudent Parent Standard</p> <p>FOM 722-11 pp 1-9 FOM 772-6J pp 1-2</p> <p>See ATTACHMENT X</p> <p>Not required until April 1, 2019 unless a legislative delay or a delay for tribes, tribal organizations or consortia is approved by the Secretary</p>

Title IV-E State Plan Pre-Print
Section 4.A

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>caseworkers in waiving non-safety standards per the authority provided in 471(a)(10)(D) to quickly place children with relatives.</p> <p>The agency must describe any steps the agency is taking to improve caseworker training or the process.</p> <p>(Tribes, see section 7)</p>	
471(a)(36)(A)	<p>The State/Tribal agency shall maintain licensing standards that are in accord with model standards identified by the Secretary, and if not, shall document the reason for the specific deviation and a description as to why having a standard that is reasonably in accord with the corresponding national model standards is not appropriate for the agency.</p>	<p>See ATTACHMENT X</p> <p>Not required until April 1, 2019 unless a legislative delay or a delay for tribes, tribal organizations or consortia is approved by the Secretary.</p>



STATE OF MICHIGAN
DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

GRETCHEN WHITMER
GOVERNOR

ROBERT GORDON
DIRECTOR

Response to Family First Prevention Services Act: Deviation from Model Licensing Standards and Waivers for Foster Family Homes

- 1. Whether the agency foster family home licensing standards are consistent with the final model licensing standards identified by HHS and if not, the reason for the deviation:

The following outlines each standard, indicating whether Michigan foster home licensing standards are consistent with the final model licensing standards identified by HHS.

SECTION A (FOSTER FAMILY HOME ELIGIBILITY)

- A.a (Threshold Requirements) Yes
 - A.a.i (18 or older) Yes
 - A.a.ii (Income/Resources) Yes
 - A.a.iii (Able to Communicate) Yes
 - A.a.iv (Functional literacy) Yes
- A.b (Physical and Mental Health) No

Reason for deviation: Each applicant must submit a medical statement that affirms the applicant has no known condition which would affect the care of a foster child. This statement must be signed by a qualified professional within the 12-month period prior to licensure, but the actual physical exam does not need to have been conducted within that 12-month period.

 - A.b.i (Disclosure) Yes
 - A.b.ii (Physical & mental health history) Yes
 - A.b.iii (Further documentation) Yes
 - A.b.iv (Immunizations - children) No

Reason for deviation: The Michigan Department of Public Health has determined if a family does not immunize their own children, the home cannot be licensed for children less than seven years of age. While this stipulation is in the Foster Home Licensing Technical Assistance (TA) Manual, it is not specifically stated in licensing rules. MDHHS' Division of Child Welfare Licensing (DCWL) plans to recommend updating this during the rule revision process, planned for early 2020, to require immunizations for all members of the household.
 - A.b.v (Pertussis vaccine – infant caregivers) No

Reason for deviation: This is not currently a requirement in Michigan. DCWL plans to consider updating this during the rule revision process, planned for early 2020.

- A.c (Background Checks) Yes
- A.c.i (Criminal records/abuse and neglect registry) Yes
- A.d (Home Study)
- A.d.i (On-site visit) Yes
- A.d.ii (In-home interview) Yes
- A.d.iii (Interview or observe) Yes
- A.d.iv (References) Yes

SECTION B (FOSTER FAMILY HOME HEALTH AND SAFETY)

- B.a (Living Space)
- B.a.i (Drinking water) Yes
- B.a.ii (Kitchen) Yes
- B.a.iii (Bathroom) Yes
- B.a.iv (Heating/Cooling) Yes
- B.a.v (Phone) Yes
- B.b (Condition of the Home) Yes
- B.b.i (Lighting, ventilation, trash, recycling) Yes
- B.b.ii (Rodent/Insect infestation) Yes
- B.b.iii (Water heater temperature) Yes
- B.b.iv (Weapons and ammunition) Yes
- B.b.v (Pets) Yes
- B.b.vi (Access to hazardous materials) Yes
- B.b.vii (Swimming pools, hot tubs, spas)

- B.b.vii.1 (Barriers) No

Reason for deviation: As a state, Michigan does not require swimming pools to have barriers on all sides. According to the U.S. Consumer Product Safety Commission (CPSC), many communities have enacted safety regulations requiring barriers for residential in-ground and above-ground swimming pools and some states and localities have incorporated CPSC guidelines for safety barriers into their building codes, but others have not. Local ordinances must be followed by applicants.

- B.b.vii.2 (Safety device on access points) Yes
- B.b.vii.3 (Life-saving device) Yes
- B.b.vii.4 (Pump and filtering system) Yes
- B.b.vii.5 (Safety cover) No

Adequate adult supervision is required at all times around water activity to ensure child safety. DCWL plans to recommend updating the rules during the rule revision process, planned for early 2020, to require safety covers that are to remain locked when hot tubs and spas are not in use.

SECTION C (FOSTER HOME CAPACITY)

- C.a (Parenting Youth) Yes
- C.b (Siblings) Yes
- C.c (Meaningful Relationship) Yes

C.d (Family with Special Training)Yes
SECTION D (FOSTER HOME SLEEPING ARRANGEMENTS)Yes

SECTION E (EMERGENCY PREPAREDNESS)

E.a (Smoke Detector)Yes
E.b (Carbon Monoxide Detector) No

Reason for deviation: Currently at least one carbon monoxide detector that is approved by a nationally recognized testing laboratory must be installed and maintained in an area of the home as recommended by the manufacturer. DCWL plans to recommend updating the rules to require carbon monoxide detectors on each level of occupancy of homes during the rule revision process, planned for early 2020.

E.c (Fire Extinguisher) No
Reason for deviation: This is not a requirement in Michigan. DCWL plans to recommend updating the rules to require at least one operable fire extinguisher to be readily accessible during the rule revision process, planned for early 2020.

E.d (Fire Hazards)Yes
E.e (Written Emergency Evacuation Plan)Yes
E.f (Emergency Telephone Numbers)Yes
E.g (First-aid Supplies)Yes

SECTION F (TRANSPORTATION)Yes

SECTION G (TRAINING) No

Reason for deviation: CPR training is now included in state statute, PA 116 (as of March 28, 2018). This requirement supersedes licensing rules and is now being enforced. DCWL plans to recommend updating the rules to require applicants to complete pre-licensing CPR training during the rule revision process, planned for early 2020.

SECTION H (FOSTER PARENT ASSURANCES)

H.a (Corporal/Degrading Punishment)Yes
H.b (Illegal Substances, Alcohol, Drugs)Yes
H.c (Smoking in the Family Foster Home) No

Reason for deviation: Michigan rules stipulate that individuals may not smoke any substance inside the foster home while foster children are placed in the home. The initial foster home evaluation required before certifying the home for licensure includes an assessment of the suitability of the home for potential foster children's individual needs and characteristics; therefore, should a child's health status (e.g., asthma) indicate that a home in which any adult members smoke (even if not in the presence of the child) would be inappropriate, the home's license would stipulate that no children with such health issues are to be placed there.

H.d (Reasonable and Prudent Parent Standard)Yes

2. Whether the agency waives non-safety licensing standards for relative foster family homes (pursuant to waiver authority provided by section 471(a)(10)(D) of the Act), and if so, how caseworkers are trained to use the waiver authority and whether the agency has developed a process or provided tools to assist caseworkers in waiving these non-safety standards to quickly place children with relative (section 471(a)(36) of the Act):

Michigan Response:

- A. Michigan does waive non-safety licensing standards for relative foster family homes. Licensing rules allow for the approval of a variance request, as follows:

R 400.9102 Rule variance.

Rule 102. (1) The department may grant a variance from an administrative rule if all the following provisions are satisfied:

- (a) The agency and the foster parent have reviewed and agreed with the request.
- (b) The agency requests the variance, in writing, from the department.
- (c) The proposed variance from the rule assures that the health, care, safety, protection, and supervision of a foster child 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 agency and the foster parent. The variance may be time-limited or may remain in effect as long as the foster parent continues to assure that the health, care, safety, protection, and supervision of foster children are maintained.

This is accomplished with a variance request, via the following procedure:

- a. A written request for a variance to a foster family/group home licensing rule is to be prepared.
- b. If the variance is being requested at the time of initial licensure, the completed home study must also accompany the variance request.
- c. Required information in the variance request includes identification of the licensing rule that is in noncompliance, the proposed alternative and requested time frame, as well as documentation assuring that the provisions in Rule 102(1) have been met.
- d. Requests are forwarded/routed to the DCWL for review and approval by the DCWL director.
- e. The decision to approve or deny the request by DCWL is communicated/transmitted through MISACWIS as well as in a letter provided to the requesting child placing agency and the foster parent. The letter will contain reasons and conditions for the decision, as well as the identified time frame for approval.

- B. Caseworkers are trained on the variance process with the following resources:
- a. Certification and Special Evaluation Training
 - b. MISACWIS DCWL Workflow Job Aid
 - c. Workshops presented annually at MDHHS Worker Conference
 - d. On-site training as requested

- e. DCWL-facilitated monthly teleconference calls with foster home licensing supervisors
- C. Processes and tools to help caseworkers in waiving non-safety standards for relatives include the following resources:
- a. Child Placing Agency (CPA) Rule Book
 - b. Foster Home (FH) Rule Book
 - c. Foster Home Licensing Technical Assistance (TA) Manual
 - d. Children's Foster Care Manual
 - e. Communication issuances
 - f. Job aids
 - g. DCWL monthly foster-home licensing supervisor conference calls
 - h. Central office and field consultants
 - i. MDHHS public website
 - j. MISACWIS Help and Training Resources

Rank	% of Top	Description of Standards Most Commonly Approved for Variance for Relative Foster Homes	FH Rule
Through: Q2 FY 2018			
1	23	Foster home applicant/licensee qualifications. A foster home applicant or licensee shall meet all the following qualifications: Have a defined legal source of income, and be capable of managing that income, to meet the needs of the foster family.	400.9201.g
2	20	Bedrooms. A foster parent shall ensure that bedrooms comply with all the following provisions: Have not less than 40 square feet of floor space per person, excluding closets.	400.9306.1.b
3	15	Child capacity; living arrangement. A minor child, 3 years of age or older, shall not routinely share the same bedroom with a parent.	400.9401.6
4	11	Bedrooms. A foster parent shall ensure that bedrooms comply with all the following provisions: Have a latchable door that leads directly to a means of egress. As used in this rule, latchable means that the door can be closed and will remain closed until someone opens it. Latchable does not mean lockable.	400.9306.1.e
5	10	Bedrooms. A foster parent shall ensure that bedrooms comply with all the following provisions: Provide an adequate opportunity for both rest and privacy and access to adult supervision as appropriate for the age and functioning level of each child.	400.9306.1.a
6	9	Bedrooms. A foster parent shall ensure that bedrooms comply with all the following provisions: Have a finished ceiling, floor-to-ceiling permanently affixed walls, and finished flooring.	400.9306.1.d
7	6	Child capacity; living arrangement. A child shall not share a bedroom with a non-parent adult unless 1 of the following conditions exists: The child and adult are siblings of the same sex.	400.9401.5.a
8	6	Bathrooms; water supply; sewage disposal. A foster parent shall ensure that the foster home water supply is from a source that is approved for a private home by the health authority.	400.9305.4