

Licensing Rules For Child Placing Agencies

Effective Date: 7/3/2023



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

CHILDREN'S SERVICES AGENCY

DIVISION OF CHILD WELFARE LICENSING

CHILD PLACING AGENCIES

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These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of health and humans services by sections 2, 5, 10, and 14 of 1973 PA 116, and Reorganization Nos. 1996-1, 1996-2, 2003-1, 2004-4, and Executive Order 2015-004; MCL 722.112, 722.115, 722.120, and 722.124, and Executive Reorganization Order No. 2015-1, MCL 400.227.330.3101, 333.5111, 445.2001, 445.2011, and 400.226)

R 400.12707 of the Michigan Administrative Code is rescinded, and R 400.12101, R 400.12102, R 400.12103, R 400.12104, R 400.12202, R 400.12203, R 400.12204, R 400.12205, R 400.12206, R 400.12207, R 400.12208, R 400.12209, R 400.12210, R 400.12211, R 400.12212, R 400.12213, R 400.12214, R 400.12301, R 400.12302, R 400.12303, R 400.12304, R 400.12305, R 400.12306, R 400.12307, R 400.12308, 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 400.12318, 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 400.12401, R 400.12402, R 400.12403, R 400.12404, R 400.12405, R 400.12409, R 400.12411, R 400.12413, R 400.12415, R 400.12417, R 400.12418, R 400.12419, R 400.12420, R 400.12421, R 400.12422, R 400.12501, R 400.12502, R 400.12503, R 400.12504, R 400.12505, R 400.12506, R 400.12507, R 400.12509, R 400.12510, R 400.12511, R 400.12601, 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 400.12708, R 400.12709, R 400.12710, R 400.12711, R 400.12712, R 400.12713, 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 amended, as follows:

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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.
- (b) "Agency" means a child-placing agency as defined in section 1 of the act, MCL 722.111.
- (c) "Case record" means the individual file, including electronic records, kept by an agency concerning a child who has been placed by the agency.
- (d) "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.
- (e) "Concurrent planning" means simultaneously planning for reunification and alternative permanence.
- (f) "Contractor" means a person contracted to perform services or to provide supplies to a child placing agency.
- (g) "Corporal punishment" means hitting, paddling, shaking, slapping, spanking, or any other use of physical force as a means of behavior management.
- (h) "Department" means the Michigan department of health and human services.
- (i) "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.
- (j) "Emergency placement" means a placement that is made in response to a sudden unexpected occurrence which demands immediate action.
- (k) "Foster care" means a child's placement outside the child's parental home by and under the supervision of a child placing agency, the court, or the department. Foster care does not include the delegation of a parent's or guardian's powers regarding care, custody, or property of a child or ward under a properly executed power of attorney under the safe families for children act, 2018 PA 434, MCL 722.1551 to 722.1567.
- (l) "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 is temporarily placed by a parent or guardian for a limited time in a foster home as defined by the act or has been released by a parent to the department or a child placing agency pursuant to section 22 of chapter X of the probate code of 1939, 1939 PA 288, MCL 710.22.
 - (ii) Is either of the following:
 - (A) Placed with or committed to the department for care and supervision by a court order under section 2 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2.
 - (B) Is 18 years of age or older, was in foster care prior to turning 18, and agrees to remain in care following termination of court jurisdiction.
- (m) "Foster parent" means the person or persons, including tribal members, to whom a foster home license is issued.
- (n) "Gender" or "gender identity" means a person's internal identification or self-image as a man, boy, woman, girl, or another gender identity.
- (o) "Gender expression" means how a person publicly expresses or presents their gender, which may include behavior and outward appearance such as dress, hair, make-up, body language, and voice. Components of gender expression may or may not align with gender identity.
- (p) "Human behavioral science" means a course of study producing a degree from an accredited college or university that is approved by the department for the specific positions when required by the act and these rules.

(q) “Independent living” means the placement, by an agency, of a youth who is not less than 16 years of age 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.

(r) “Infant” means a child between birth and the date of the child’s first birthday.

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

(t) “Parent” means a legal parent and includes a custodial parent, noncustodial parent, or adoptive parent.

(u) “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.

(v) “Sexual orientation” means a person’s identity in relation to the gender or genders to which they are attracted.

(w) “Social service aide” means an individual who is employed, contracted, or a volunteer who has specified case-support duties as defined by department or agency policy.

(x) “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.

(y) “Social service worker” means a person who performs social services functions covered by these rules.

(z) “SOGIE” means an individual’s sexual orientation, gender, identity, and expression.

(aa) “Staff” means an individual who is 18 years of age or older and who is employed by a child placing agency for compensation.

(bb) “Tribe” means a federally recognized tribe.

(cc) “Volunteer” means a person who is not an employee and does not receive compensation but donates his or her work and acts at the direction of and within the scope of duties determined by the child placing agency.

(2) A term defined in the act has the same meaning when used in these rules.

History: Eff. January 1, 2001, Am. Eff. March 1, 2007, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

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, and that the alternative aligns with the intent of the administrative rule.

(2) The department shall enter its decision, including the qualifications under which the variance is granted, in the records of the department and a signed copy must 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 comply with the intent of the rule.

History: Eff. January 1, 2001, Am. Eff. July 3, 2023.

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 is considered qualified for the position.

History: Eff. January 1, 2001, Am. Eff. July 3, 2023.

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 is only 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, Am. Eff. July 3, 2023.

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, Am. Eff. July 3, 2023.

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 the areas of foster care services as provided in R400.12203 to R 400.12214.

History: Eff. January 1, 2001, Am. Eff. March 1, 2007, Am. Eff. July 3, 2023.

R 400.12203 Financial stability.

Rule 203. (1) An agency shall demonstrate sufficient financing, on an ongoing basis, to ensure the agency is carrying out its programs and meeting the requirements for licensing. A plan of financing must include all 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, Am. Eff. July 3, 2023.

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) There is a completed written plan to ensure appropriate supervision is provided on a regular basis.

(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, Am. Eff. July 3, 2023.

R 400.12205 Required staff.

Rule 205. (1) An agency shall employ or contract for all 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 3 years 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 must 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 may 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 may 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 licensing worker.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12206 Staff qualifications; volunteer, contractors on central registry.

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) A staff member must be of responsible character and suitable and able to meet the needs of children and families served by the agency.

(3) An agency's policy on staff qualifications must state all 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 is ineligible for employment if the responsibilities of the position includes unsupervised contact with children.

(4) A volunteer or contractor who is listed on the central registry as a perpetrator of child abuse or child neglect may not have unsupervised contact with children.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12207 Staff responsibilities.

Rule 207. (1) An agency shall designate the chief administrator as 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 is administratively responsible for all the following functions:

(a) The licensee or chief administrator has the administrative capability to operate a child placing agency and provide the level of care and program stipulated in the application.

(b) A chief administrator must demonstrate the administrative capability to oversee the on-site, day-to-day operation of the institution and for ensuring compliance with these rules.

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

(d) 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.

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

(f) Provide space to individuals served to be interviewed privately by police, regulatory staff, children's protective services, 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 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) Facilitating services and parenting time for children for purposes of reunification.

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

(d) Conducting evaluations of private family homes for purposes of adoption.

(e) Supervising and assessing 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 may not have responsibility for any of the following:

(a) Case planning.

(b) Selecting placements.

(c) Foster home certification.

(d) Conducting foster care and licensing case contacts for purposes of foster care or adoption case planning, or licensing certification contacts.

(e) Conducting adoptive family evaluations.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

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 must contain all 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 must conform to the job description.

History: Eff. January 1, 2001, Am. Eff. July 3, 2023.

R 400.12209 Orientation and training.

Rule 209. (1) An agency shall ensure and document all the following:

(a) 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.

(b) 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.

(c) 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 subrule (1) of this rule.

(2) The orientation and training specified in subrule (1) of this rule for each social service worker must include all the following topics:

(a) Characteristics and needs of children and families served by the agency, including trauma-informed parenting, human trafficking, systemic racism, and SOGIE training.

(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, Am. Eff. July 3, 2023.

R 400.12210 Grievance handling.

Rule 210. An agency shall have a written grievance handling procedure as mandated by section 8a of the foster care and adoption services act, 1994 PA 203, MCL 722.958a, and known as the "foster parent's bill of rights law."

History: Eff. January 1, 2001, Am. Eff. July 3, 2023.

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 consent is provided by the appropriate legal parent, the department, or the court.

(3) Video cameras in a bedroom of any foster child over the age of 2 is strictly prohibited.

History: Eff. January 1, 2001, Am. Eff. July 3, 2023.

R 400.12212 Personnel records.

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

(2) The personnel record must 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, tribal 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 must 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 must be conducted every 12 months.

(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, Am. Eff. July 3, 2023.

R 400.12213 Record Management.

Rule 213. An agency shall do all 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, Am. Eff. July 3, 2023.

R 400.12214 Compliance with the child protection law.

Rule 214. An agency shall comply with the child protection law, 1975 PA 238, MCL 722.621 to 722.638.

History: Eff. March 1, 2007, Am. Eff. July 3, 2023.

PART 3. FOSTER HOME CERTIFICATION

R 400.12301 Department authorization.

Rule 301. (1) The department shall authorize an agency to certify foster homes for licensure.

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

History: Eff. January 1, 2001, Am. Eff. July 3, 2023.

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 and characteristics of children served.

(c) Types and numbers of foster homes needed.

(d) Types of services provided to children, parents, relatives, and foster families.

(e) Geographical area covered.

History: Eff. January 1, 2001, Am. Eff. July 3, 2023.

R 400.12303. Policy and procedures.

Rule 303. (1) 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) An agency may not be more restrictive than the department's policies or administrative rules governing licensing and services.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

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 based on the needs of children referred to 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, Am. Eff. July 3, 2023.

R 400.12305. Certification training.

Rule 305. (1) An agency shall ensure that all social service workers supervisors of social service workers who perform foster home certification functions must receive complete certification training and special evaluation trainings provided by the department within 6 months of assignment to the certification function. Workers must pass the written exam.

(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. Supervisors of social service workers who perform foster home certification functions must complete certification and special evaluation training prior to supervising the certification of foster homes and must pass the written exam.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

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 a person who has met the requirements of subrule (1) of this rule has received an application and information regarding all 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.

(3) An agency shall provide the licensee an application for renewal of the license and document the action not less than 60 calendar days before the expiration date of the license. A renewal application must be provided to a license, regardless of any pending recommendation for disciplinary action of the license.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12307 Orientation.

Rule 307. An agency foster parent orientation must consist of an overview of all the following areas:

- (a) Purposes of foster care.
- (b) Characteristics and needs of the children placed by the agency.
- (c) Child 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 parents and relatives.
- (i) Parenting time and sibling visits.
- (j) Agency foster care policies and procedures.
- (k) Agency foster parent training requirements.
- (l) Supportive services and resources.
- (m) Trauma responsive care.
- (n) Collaboration in transportation planning.
- (o) Provisions of the children's ombudsman act
- (p) Provisions of the child protection law.
- (q) Foster care review board appeal procedures.
- (r) Foster parent bill of rights law.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12308 Application submission.

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

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

(3) An agency may consider an application withdrawn after 60 days if the applicant fails to cooperate, after attempts to actively engage the family, with the completion of the licensing process, provided there are no known non-compliances that would result in disciplinary action.

History: Eff. January 1, 2001, Am. Eff. July 3, 2023.

R 400.12309 Criminal history; central registry "good moral character" convictions.

Rule 309. (1) The agency shall obtain from a foster home applicant or licensee the name of, and a signed release for, a criminal history and child protective services check to obtain any of the following information from each adult member of the household, including children who turn 18 years of age while living in the home:

- (a) Conviction of a crime other than a minor traffic violation.
- (b) Involvement in a confirmed abuse or neglect of a child or adult.
- (c) Placement on court-supervised parole or probation.

(2) If an applicant, licensee, or adult member of the household is a member of a federally recognized Indian tribe or identifies that they have lived on a reservation, the certifying child placing agency must contact the specific tribal jurisdiction, including tribal social services or the tribal court, to determine whether that jurisdiction has relevant background information to provide to the certifying child placing agency regarding the licensing assessment. In the event the tribe does not respond to the inquiry, the department may proceed with the licensing assessment.

(3) The agency shall require a foster home applicant or licensee to undergo a fingerprint-based, criminal history check.

(4) The agency shall require any adult member of the household to undergo a state-based, criminal history background check and, if applicable, contact with the appropriate tribal jurisdiction as referenced in subrule (2) of this rule. Upon the agency receiving information that an additional adult is residing in the home, the agency shall immediately obtain a release from the additional adult for the information required in subrule (1) of the rule.

(5) A license will not be issued or maintained by an applicant or licensee unless the department has made a determination under section 2 of 1974 PA 381, MCL 338.42, regarding the applicant, licensee, or adult member of the household's "good moral character" and convictions.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12310 Initial evaluation.

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

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

(3) The agency shall assess all the following:

(a) The applicant or licensee's family and marital status and history, including current and past level of family functioning and relationships, and any incidents of domestic violence, elder abuse, or child abuse, as a perpetrator.

(b) The circumstances surrounding any criminal convictions or arrests for each member of the household, including minor children.

(c) Physical, mental, and emotional health of each member of the household, including any history of substance use disorder or treatment.

(d) Current mental health or substance use, or both.

(e) Parenting skills and strategies for building healthy relationships with children.

(f) Methods of discipline of children.

(g) Adjustment and special needs of the applicant's own children, including children not living in the home.

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

(i) Existence of a social support system including alternate care providers.

(j) Willingness to accept a child's spirituality, or religious beliefs or practices, even if they differ from the foster parent.

(k) Willingness to accept and support a child's SOGIE.

(l) Safety and maintenance of the applicant's house and property, including but not limited to, the following:

(i) Sufficient beds and sleeping space.

(ii) Pets.

(iii) Weapons.

(iv) Fire or water hazards.

(m) The age, number, gender, race, ethnic background, and characteristics of children preferred by the applicants, including those characteristics that an applicant or licensee would not accept.

(4) The agency will collect all the following:

(a) Three current references, related or non-related, from the applicant or licensee.

(b) A medical statement that includes all treatments, prescriptions, and medications for each adult member of the household that indicates that the member has no known condition which would affect the care of a foster child. The statement must be signed by a physician, physician's assistant, or nurse practitioner within the 12-month period preceding the date of the initial evaluation. Any subsequent household member added to the household must provide the medical statement within 90 days.

(c) Information regarding any past or current, or both, mental health or substance use disorder treatment by any member of the household.

(d) The inspection results in compliance with R 400.9305.

(5) An agency shall document placement specifications consistent with the information contained in the evaluation. The placement specifications must include the following:

(a) The age number, SOGIE, race, ethnic background, and characteristics of children preferred by the applicants.

- (b) Characteristics of children best served by the family.
- (c) 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.

(6) An agency shall inform the applicant of the department's policies and procedures regarding concurrent planning.

(7) An agency shall provide the applicant with a copy of the final initial evaluation.

History: Eff. January 1, 2001, Am. Eff. March 1, 2007, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

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 must 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) A description of the role and the expectation to cooperate with the lawyer guardian ad litem and the state and tribal court, including the role of other appointed state and tribal attorneys.

(f) The agency schedule of foster care payments to foster parents.

(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, Am. Eff. July 3, 2023.

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 must provide for all of the following:

(a) Not less than 12 hours of training to be completed by each person named on the license before a recommendation is made for licensure, taking into account the individual training needs of the foster parents. Not more than 3 hours of the orientation may be included as part of the 12 hours of training.

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

(3) The training specified in subrule (2)(a) of this rule must address all 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) Calming and soothing supports for children, including sensory modulation and de-escalation techniques.

(e) Importance of the foster child's parents and relatives.

(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.
- (k) Reasonable and prudent parent standards.
- (l) Firearm storage and safety.
- (m) The unique needs of foster children based on individual identities related to culture, race and ethnicity, religion and spirituality, and SOGIE.
- (n) Human trafficking.
- (o) Trauma-informed parenting, including the effects of discipline in the household.
- (4) At least 1 adult member of the household must have training in and maintain a current certification in first aid and cardiopulmonary resuscitation 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, Am. Eff. July 3, 2023.

R 400.12313 Behavior support policy; life-saving intervention.

Rule 313. (1) An agency’s behavior support policy must identify appropriate and specific methods of behavior support for foster children.

(2) An agency shall ensure that methods of behavior support for a foster child are positive, consistent, and compassionate based on each foster child’s needs, stage of development, and behavior, and promote self-regulation, self-esteem, and independence.

(3) All the following are prohibited:

(a) Corporal punishment, any type of restraint, including physical, chemical, mechanical, or noxious substances; or any kind of punishment inflicted on the body.

(b) Confinement or seclusion in an area such as a closet or a room.

(c) Withholding food, clothing, rest, toilet use, or entrance to the foster home.

(d) Mental or emotional cruelty.

(e) Verbal abuse, threats, including the use of derogatory or discriminatory language, negative references to the child’s or the child’s family SOGIE, yelling at youth, ridicule, or humiliation.

(f) Prohibiting visits or communication with a foster child’s family.

(g) Denial of necessary educational, medical, mental health, or social work services.

(4) A foster parent may use life-saving intervention to prevent a foster child from harming himself or herself, or other persons.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12314 Religion and spirituality policy.

Rule 314. (1) An agency’s religion policy must ensure that the foster child may participate or choose not to participate in religious or spiritual instruction, engage or choose not to engage in religious or spiritual practices, or attend or choose not to attend religious or spiritual services.

(2) A foster child may not be required to attend religious or spiritual services or follow specific religious or spiritual doctrine.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12315 Communication.

Rule 315. An agency’s communication policy must ensure that a child is able to communicate with family and friends in a manner consistent with the child’s expressed wishes, appropriate to the child’s functioning, and in accordance with the child’s treatment plan.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12316 Personal possessions.

Rule 316. An agency must address all the following:

- (a) Ensure 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) Safe storage of a child's personal possessions.
- (c) All gifts and clothing that are given to or purchased for the child during placement with the foster family remain the property of the foster child.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12317 Allowance and money.

Rule 317. (1) The agency must 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, the child's parent, 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, Am. Eff. July 3, 2023.

R 400.12318 Clothing.

Rule 318. The agency foster parents must specify both of the following:

- (a) 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, unless returned to the child's parent or parents.

History: Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12319 Transfer of enrollment or license.

Rule 319. (1) Prior to requesting the transfer of an enrollment or license, the receiving agency must provide the applicant/licensee with the following:

- (a) Orientation of the receiving agency.
 - (b) Application.
- (2) The current certifying agency must provide the receiving agency with the following:
- (a) The most recent application for a license.
 - (b) The initial evaluation and current reevaluation and any other relevant licensing home study reports.
 - (c) The most recent copy of the licensing transaction record.
 - (d) All completed special evaluation reports and any associated corrective action plans.
 - (e) All record clearance documents for all members of the household, including any administrative review team assessments.
 - (f) Other information that might assist the agency considering the transfer with making an informed decision.
- (3) The agency considering the transfer must review all information in subrule (2) of this rule. Prior to acceptance of the transfer, the receiving agency must make at least 1 home visit.
- (4) If the agency considering the transfer declines to accept a transfer of the license or enrollment, the agency must inform the applicant or licensee in writing and provide a copy to the certifying agency.

(5) Written approval must come from the receiving agency's chief administrator or his or her designee prior to the transfer of the license during a special evaluation. When a license is transferred during a special evaluation, the receiving agency must complete the special evaluation.

(6) Written approval must come from the receiving agency's chief administrator or his or her designee prior to the transfer of the license during a provisional status.

(7) If there is an existing corrective action plan, the receiving agency is responsible for ensuring compliance.

(8) Transfer of a license during a pending disciplinary action must be approved by the department prior to the transfer.

(9) The receiving child placing agency must submit transfer documents to the department within 7 calendar days after the decision has been made to accept the transfer.

History: Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12320 Supervision.

Rule 320. (1) An agency shall ensure an appropriate level of care and supervision for the foster child at all times consistent with a child's age, level of functioning, and treatment plan.

(2) A foster parent shall identify at least 1 adult who would care for the foster child for an extended overnight period. The identified adult must have both a central registry and a criminal history background check.

(3) A foster parent shall notify the agency of any extended, overnight period when the period will exceed 3 days.

(4) A foster parent shall notify any foster child's 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, Am. Eff. July 3, 2023.

R 400.12321 Hazardous materials policy.

Rule 321. (1) Federal standards for a foster family or group home include specific safety requirements for weapons, pools, hot tubs, and spas, as these pose a particular preventable danger to children.

(2) Dangerous equipment and objects, weapons, chemicals, medications, poisonous materials, cleaning supplies, and other hazardous materials that may present a risk to children placed in the foster home must be stored securely and out of the reach of children, as appropriate for the age and functioning level of the children.

(3) Unless carried in the licensed home and on the licensed property as permitted by law, firearms and ammunition must be stored as follows:

(a) Firearms must be all the following:

(i) Locked in compliance with 1 of the following:

(A) By a cable-lock.

(B) By a trigger-lock.

(C) In a gun safe.

(D) A solid metal gun case.

(E) A solid wood gun case.

(ii) Unloaded.

(iii) Separate from ammunition; however, as long as the firearm is stored in compliance with paragraph (i)(C) to (E) of this subdivision, the ammunition may be stored together with the firearm in the same locked safe or case.

(iv) Inaccessible to children.

(b) Ammunition must be stored in a locked location and inaccessible to children.

(c) All applicable laws regarding the possession, use, transportation, and storage of firearms and ammunition, including for hunting, still apply.

(d) Licensees with a CPL may possess a firearm pursuant to the law in a vehicle on the licensed property, provided it is done so in a manner that prevents foster children from having access to it, such as being on the licensee's person or stored in a locked container.

(e) Licensees may engage in hunting, range shooting, and target practice with a foster child in accordance with the reasonable and prudent parent standard as defined in section 1 of chapter XIAA of the probate code of 1939, 1939 PA 288, MCL 712A.1.

History: Eff. January 5, 2015, Am. Eff. January 10, 2020, Am. Eff. July 3, 2023.

R 400.12322 Unusual incident policy.

Rule 322. (1) An agency's unusual incident policy must include immediate notification to the agency by the foster parent of any of the following incidents:

(a) The death of a foster child.

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

(c) The foster child is missing.

(d) Any illness that results in treatment at a hospital emergency room or inpatient hospitalization of a foster child.

(2) An agency's unusual incident policy must 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) Pregnancy of a foster child.

(c) Incidences of child-on-child abuse.

(d) Involvement with law enforcement by anyone in the home pursuant to a criminal investigation.

History: Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12323 Emergency procedures.

Rule 323. (1) An agency's emergency policy must include procedures for each of the following situations:

(a) Fire.

(b) Tornado.

(c) Serious accident or injury.

(d) Epidemic.

(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, Am. Eff. July 3, 2023.

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 must include a determination and assessment of all 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 must include all the following:
 - (a) The age, number, SOGIE, race, ethnic background, and characteristics of children preferred by the applicants.
 - (b) Characteristics of children best served by the home.
 - (c) 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 assess the results of the record check.
- (7) An agency shall provide the foster parent with a copy of the reevaluation upon request.
- (8) An agency shall complete a reevaluation and 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, Am. Eff. July 3, 2023.

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 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 must comply with all of the following requirements:
 - (i) Upon determining a rule noncompliance that is correctable by the foster parent, the agency must develop a written corrective action plan with the foster parent on the form prescribed by the department.
 - (ii) Be completed within 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 all of the following conditions exist:
 - (a) The foster parent has signed an acceptable corrective action plan.
 - (b) The foster parent has been informed, in writing, of the facts and the basis for the provisional license.
 - (c) The foster parent has been notified of his or her right to appeal 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 when all the following conditions exist:

(a) The applicant or the foster parent falsifies the application or the applicant or the foster parent willfully and substantially violates the act or 1 or more of the licensing rules for foster homes.

(b) The agency has provided the applicant or the foster parent with all the following:

(i) A copy of the special evaluation report outlining the facts and the basis for the recommended action.

(ii) Written notice that the agency's recommendation for disciplinary action has been referred to the department for a final decision.

(iii) Written notice to the applicant or foster parent of their right to appeal the department's decision for licensing 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, Am. Eff. July 3, 2023.

R 400.12326 Borrowed home.

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

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

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

(c) The initial evaluation and current reevaluation.

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

(e) Verification 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) The requirements in subdivisions (a) to (g) of this subrule do not apply to foster homes licensed by a tribe. A completed "Verification of Tribal Foster Home Safety Requirements" form is required when borrowing a foster home licensed by a tribe.

(2) Only in an after-hours emergency placement will a verbal agreement be acceptable. During an after-hours emergency placement, the certifying agency must provide a verbal summary of the information in subrule (1)(a) to (h) of this rule to the borrowing agency. Written borrowed home protocol must be completed and documented within 3 calendar days of an after-hours emergency placement.

(3) The borrowing agency is responsible for requesting the items identified in subrule (1)(c), (d), and (e) of this rule annually for the duration of the child's placement., The certifying agency must provide the items in subrule (1)(c), (d), and (e) of this rule annually for the duration of the child's placement.

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

History: Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12327 Special evaluation.

Rule 327. (1) Upon receipt of any information that relates to possible noncompliance with any foster home rule, the agency must do all the following:

(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 an evaluation, in cooperation with child protective services, when applicable, 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 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 may 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) The allegations.

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

(d) Findings of fact based upon the evaluation.

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

(f) Any change in the agency's decision regarding the number, SOGIE, age, race, religion, spirituality, 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.

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

(6) An agency shall do all 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 the foster parent 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 must be notified there is a corrective action plan and what is required of the foster parent in that plan.

History: Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12328 Foster home record.

Rule 328. (1) An agency shall maintain a foster home record in the manner in which is prescribed by the department for each foster care home.

(2) The record must 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 the following information about each child:

- (i) Name, age, sex, 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, Am. Eff. July 3, 2023.

PART 4. FOSTER CARE SERVICES

R 400.12401 Department authorization.

Rule 401. The department shall authorize an agency to receive children for placement in licensed foster homes.

History: Eff. January 1, 2001, Am. Eff. July 3, 2023.

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) The racial, ethnic, and cultural identity, heritage, spirituality, and background of the children served.
- (c) Types of services provided to foster children and their families.
- (d) Geographical area covered.

History: Eff. January 1, 2001, Am. Eff. July 3, 2023.

R 400.12403. Policy and procedures.

Rule 403. (1) An agency shall provide a copy of the policies and procedures to the foster parents of a home where the agency places a child.

(2) An agency may not be more restrictive than the department policies or the administrative rules governing licensing and services.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12404 Placement.

Rule 404. (1) An agency shall only place a child with an adult who is a relative of the child, a legal custodian, or in a licensed foster home, except as permitted in R 400.12503(2)(b) and R 400.12709.

(2) Initial consideration must be given to placement with a relative or placing siblings together, or both.

(3) An agency's placement of a child in a foster home must 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) Proximity to the child's parents, family, or community.
- (b) The physical, emotional, and educational needs of the child.
- (c) The permanency goal of the child.
- (d) Expressed preferences of the child, and the child's parent or parents
- (e) The child and child's family's religious or spiritual, or both, preference.
- (f) The foster parents' ability and willingness to accept and support the child's SOGIE.
- (g) The child's racial, ethnic, cultural identity, heritage, and spiritual background.
- (h) The continuity of relationships, including relationships with parents, siblings, relatives, foster parents, previous foster parents, and other persons significant to the child.

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

(5) Before the placement of a child, the agency shall document preparation of all relevant parties, including the child or infant, which must include an explanation of all the following:

(a) The circumstances necessitating placement.

(b) The child's individual needs.

(c) Any special problems presented.

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

(a) All the following child characteristics:

(i) Gender identity.

(ii) Race.

(iii) Height and weight.

(iv) Eye color and hair color.

(v) Identifying marks.

(vi) Religious or spiritual 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 tribal ancestry was assessed.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

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 must be documented in the child's record.

- (2) An agency shall first consider returning the child to a parent.
- (3) The agency shall document all 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 of all relevant parties, including the child or infant, which includes an explanation 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 the documentation required in subrules (2) and (3) of this rule must 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 must 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, Am. Eff. July 3, 2023.

R 400.12406 Rescinded.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12407 Rescinded.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12408 Rescinded.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12409 Education policy.

Rule 409. An agency's education policy must 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, Am. Eff. July 3, 2023.

R 400.12410 Rescinded.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12411 Clothing.

Rule 411. An agency must ensure that a foster child has the minimum required clothing specified by the department's policy and leaves the foster home with not less than the minimum required clothing.

History: Eff. January 1, 2001, Am. Eff. July 3, 2023.

R 400.12412 Rescinded.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12413 Medical and dental care policy.

Rule 413. (1) An agency's medical and dental care policy must include all 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) A comprehensive medical examination, including a behavioral/mental health and trauma screening, within 30 calendar days from the date the child entered into an out-of-home placement, regardless of the date of the last physical examination.
 - (ii) A physical examination every 14 months.
 - (d) Current immunizations for each child as required by section 5111 of the public health code, 1978 PA 368, MCL 333.5111. All 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 that is signed by the parent stating immunizations are not being administered due to religious, medical, or other reasons is sufficient documentation of immunizations, unless the child is a temporary court ward, a motion is heard, and order is entered by the circuit court for the child's case. A waiver must be accompanied by a certification by the local health department that the parent or parents received education on the risks of not receiving the vaccines being waived and the benefits of vaccination to the individual and the community as required by section 5111 of the public health code, 1978 PA 368, MCL 333.5111, and R 325.176(12).
 - (iii) If documentation of immunization or a copy of the waiver is unavailable, then immunizations must begin within 30 calendar days of placement.
 - (e) A dental examination must be completed within 3 months before entry into foster care or an initial dental examination must be completed not more than 90 calendar days after entry into a foster care out-of-home placement. A child entering foster care under 1 year of age must have an initial dental exam within 3 months of his or her first birthday.
 - (f) A dental re-examination must be obtained at least every 9 months, unless a greater frequency is indicated.
- (2) An agency shall maintain a file 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, Am. Eff. July 3, 2023.

R 400.12414 Rescinded.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12415 Unusual incident reporting policy.

Rule 415. An agency must adhere to the following incident reporting protocols:

(a) Immediate notify the child's parents; the department licensing authority; the lawyer guardian ad litem and court, as applicable; the department and the foster child's parents, if any of the following occurs:

- (i) The death of a foster child.
- (ii) The foster child is absent without legal permission.
- (iii) Attempted removal or removal of the foster child from the foster home by any person who is not authorized by the agency.
- (iv) Any medical and mental illness or condition that results in treatment at a hospital emergency room or inpatient hospitalization of a foster child.

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

- (i) Any injury of a foster child that requires medical treatment.
- (ii) A foster child's involvement with law enforcement authorities.
- (iii) Pregnancy of a foster child.
- (iv) Incidences of a foster child being abused, including child-on-child abuse.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12416 Rescinded.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12417 Foster parent information.

Rule 417. (1) An agency shall provide a foster parent with all 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 as provided in federal law.

- (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 regarding the child, or the child's siblings who do not reside in the foster home as provided in federal law, or both, that will enable the foster parent to provide a stable, safe, and healthy environment for the foster child and the foster family.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

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 must 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.

(5) An agency shall involve the child's parent or parents and the foster parents in the development of service plans to enable the parent or parents and foster parents to understand the plan for the child and the parents' and the foster parent's role in assisting the agency in carrying out the plan. An agency shall give a copy to and review the parent-agency treatment plan with the parent or parents and foster parents. The agency must inform the parent or parents and foster parent that the information in the parent-agency treatment plan and any other information about the child and the child's family is confidential

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

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12419 Initial service plans.

Rule 419. (1) The initial service plan, as required in R 400.12418(2)(a), must include all 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 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 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 contact between the child, siblings, the child's family, and any other person.

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

(2) If parental rights have not been terminated, the service plan must include all 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, Am. Eff. July 3, 2023.

R 400.12420 Updated service plans.

(1) An updated service plan, as required in R 400.12418(2)(b), must include all 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 that includes any changes made since the previous plan and that 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 behavior support plan that includes any changes made since the previous plan and is to be used by the foster parents.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12421 Visitation and family time; in person contact.

Rule 421. (1) An agency shall develop a plan of visitation and family time for each child in foster care consistent with the child's service plans, as required by R 400.12419 and R 400.12420 to ensure the safety and well being of the child.

(2) An agency social service worker shall visit the foster child, and the foster parent, if applicable, in the child's placement at least once every month.

(3) An agency shall facilitate in-person contact 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.

(4) An agency shall facilitate in-person contact between siblings who are not placed together except when there is a court determination that contact is detrimental to either child.

History: Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12422 Foster care case record.

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

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

(3) The record must contain all the following information:

- (a) Initial service plan.
- (b) Any required updated service plans.
- (c) Medical, mental health, 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 records under the retention schedule 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 must be returned to the child's referring agency.

History: Eff. January 5, 2015, Am. Eff. July 3, 2023.

PART 5. INDEPENDENT LIVING SERVICES

R 400.12501 Department authorization.

Rule 501. The department shall authorize an agency 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 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, mental health, 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, Am. Eff. July 3, 2023.

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 must cover at least all the following areas:
 - (a) Eligibility requirements for youth to participate in the program.
 - (b) Types of living arrangements provided or approved.
 - (c) Agreement between youth and agency.
 - (d) Service plans.
 - (e) Supervision provided by the agency.
 - (f) Amount of financial support and how it is disbursed. An agency may not withhold financial support intended for the youth while the youth is actively involved in the program.
 - (g) Education, vocational training, and employment.
 - (h) Human trafficking awareness and prevention for youth.
 - (i) Medical, dental, and mental health care.
 - (j) Independent living record.
 - (k) 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, Am. Eff. July 3, 2023.

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 the following must 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.

(3) An independent living home, staffed and operated by the child placing agency, must be clean, safe, and appropriate to the needs of the youth it serves.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

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 agreement 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, Am. Eff. July 3, 2023.

R 400.12506 Education/vocational training/employment.

Rule 506. An agency shall ensure that it works with a youth involved in independent living in the following areas as outlined in the youth's service plan:

(a) Employment.

(b) Job training.

(c) Education.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

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 must 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 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, Am. Eff. July 3, 2023.

R 400.12508 Rescinded.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

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 store and maintain each child's record in a manner to ensure confidentiality and to prevent unauthorized access.

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

(a) All 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, Am. Eff. July 3, 2023.

R 400.12510 Independent living agreement.

Rule 510. (1) There must be a mutual agreement between the youth and the agency specifying all 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 1 time per calendar month.
- (d) The location where the youth is living.

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

History: Eff. January 5, 2015, Am. Eff. July 3, 2023.

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 the following:

- (a) Basic information about health, housing, counseling and 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, , Am. Eff. July 3, 2023.

PART 6. ADOPTION EVALUATION SERVICES

R 400.12601 Department authorization.

Rule 601. The department shall authorize an agency 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 must include all 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, Am. Eff. July 3, 2023.

R 400.12603 Policy and procedures.

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

(2) 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, Am. Eff. July 3, 2023.

R 400.12604 Orientation.

Rule 604. (1) An agency shall provide an orientation for prospective applicants for adoption before an adoptive application is provided.

(2) The orientation must include a review of all the following:

(a) Program statement, policies, and procedures.

(b) Needs and characteristics of children legally eligible for adoption.

(c) Services and resources available.

(d) Fees and charges.

(e) Legal process.

(f) Training requirements.

(g) Post adoption service availability.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

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 must include the dates and places of contacts and persons interviewed or observed.

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

(a) A minimum of 1 visit at the residence of the applicants for adoption to conduct observations of, and interviews with, each member of the household to determine all the following:

(i) Marital and family status and history, including current and previous 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 use disorder of each member of the household.

(vi) Parenting skills and attitudes toward children.

(vii) Methods of calming children and responding to challenging behaviors.

(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 and support 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 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 must 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 must 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 the following:
 - (i) Sufficient beds and sleeping space.
 - (ii) Pets.
 - (iii) Weapons.
 - (iv) Fire 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 characteristics of children preferred by the applicants.

History: Eff. January 1, 2001, Am. Eff. March 1, 2007, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12606 Training requirements.

Rule 606. An agency shall document that an applicant for adoption has, at a minimum, training in all 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, developmental, and emotional needs of adoptive children.

- (e) Impact of adoption on the family.
- (f) Post adoption service availability.
- (g) Trauma.
- (h) SOGIE.
- (i) Human trafficking.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

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 must 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, SOGIE, age, race, ethnic background, religion or spirituality, and 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 must 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, Am. Eff. July 3, 2023.

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 must contain all 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 adoptive family evaluation 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 must be forwarded to the central office of the branch or associate office.

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

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

PART 7. ADOPTION PLACEMENT SERVICES

R 400.12701 Department authorization.

Rule 701. The department shall authorize an agency to accept and place children for purposes of adoption.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12702 Program statement.

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

(2) The statement must include all the following information:

(a) Types of adoptions provided by the agency, including whether the agency accepts children released under the section 20 of chapter XII of the probate code of 1939, 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 must include specific charges for expenses and services within and outside the agency, and differentiate between the charges that are refundable and the charges that are not refundable.

(e) Services and functions provided directly or indirectly, including all 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) Therapeutic 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, Am. Eff. July 3, 2023.

R 400.12703 Policy and procedures.

Rule 703. (1) An agency shall have and follow written policies and procedures for the adoption services provided under R 400.12704 to R 400.12713.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12704 Safeguarding rights.

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

(a) Birth parents who are considering release of , 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, Am. Eff. July 3, 2023.

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 chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20.

- (2) The information must include a review of all 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, Am. Eff. July 3, 2023.

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 the following criteria:

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

(3) There must 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 must be based on the child evaluation, as required by R 400.12708, reviewed every 90 days, and updated annually, as needed.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12707 Rescinded.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12708 Child evaluation.

Rule 708. (1) A social service worker shall complete a written assessment of each child available for adoption. The assessment must include all available information about the child, and meet all requirements of section 27 of chapter X of the probate code of 1939, 1939 PA 288, MCL 710.27.

(2) An agency must 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, Am. Eff. July 3, 2023.

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, spirituality, SOGIE, and background. The child's racial, ethnic, and cultural identity, heritage, spirituality, SOGIE, 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, orientation as required by R 400.12604, 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 must 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 overnight 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 must be approved in writing by the MCI superintendent or the court with jurisdiction over the child.

(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.

(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 chapter X of the probate code of 1939, 1939 PA 288, MCL 710.23d.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12710 Adoptive parent information.

Rule 710. (1) An agency must provide adoptive parents with all 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, SOGIE, and religious or spiritual 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, Am. Eff. July 3, 2023.

R 400.12711 Placement.

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

(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, cultural, spiritual, identity, heritage, and background. The child's racial, ethnic, and cultural, spiritual 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.

(d) The child's SOGIE, 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, Am. Eff. July 3, 2023.

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 ensure 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, or as required by the sending state where the adoption originated.

(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, Am. Eff. July 3, 2023.

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 must contain, at a minimum, all the following:

(a) Orientation documentation as required by R 400.12604.

(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 400.12712.

(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 department.

(5) The department must permanently retain all adoption records for children adopted in Michigan under section 27b of the probate code of 1939, 1939 PA 288, MCL 710.27b. The adoption agency must forward any adoption records for children adopted in Michigan to the department 1 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, Am. Eff. July 3, 2023.

PART 8 INTER-COUNTRY ADOPTION

R 400.12801 Department authorization.

Rule 801. (1) The department shall authorize an agency to evaluate applicants for inter-country adoption.

(2) The department shall authorize an agency 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, Am. Eff. July 3, 2023.

R 400.12802 Program statement.

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

- (a) Placement programs, by country.
- (b) Eligibility requirements for adoptive parents established by the agency and the specific countries.
- (c) Services available, either directly or indirectly, both before and after adoption.
- (d) Procedures for completing adoptive evaluations.
- (e) A clear delineation of fees, charges, or other consideration or thing of value for adoption services. Differences in fees for different countries must be clearly stated.
- (f) 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 must be clearly identified.

(2) 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 must be kept on file at the agency.

(3) 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 must be on file at the agency and available for review. The agreement must conform to the laws and regulations of the United States, this state, and the foreign country.

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

(5) Where a child requires readoption in the state of residence where they will be living, the agency shall coordinate with the family's home study agency to ensure all legal requirements of the family's home state are followed.

History: Eff. January 5, 2015, Am. Eff. July 3, 2023.

R 400.12803 Policies and procedures.

Rule 803. (1) The agency shall have and follow written policies and procedures for inter-country adoption services, including the requirements in R 400.12604, R 400.12605, and R 400.12808.

History: Eff. January 5, 2015, Am. Eff. July 3, 2023.

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 400.12605.

(2) Adoptive family evaluations accepted from other states or agencies in this state must be 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, Am. Eff. July 3, 2023.

R 400.12805 Fees.

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

- (a) That all fees are to be covered in a written agreement with applicants.
- (b) What specific services are covered by the fees.
- (c) Whether fees can change during an agreement.
- (d) Fees associated with modifying the agreement.
- (e) Specific fees for each country.
- (f) Fees associated with changing countries.
- (g) What fees can be transferred during the agreement.
- (h) What fees are refundable and at what points in time.
- (i) How fees are to be paid to individuals in other countries.
- (j) Which fees are to be paid to individuals in other countries.

History: Eff. January 5, 2015, Am. Eff. July 3, 2023.

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 must 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, Am. Eff. July 3, 2023.

R 400.12807 Supervision.

Rule 807. (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, 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 808. (1) An agency shall permanently retain a case record for each adoptive child after adoptive placement.

- (2) The child record must contain all of the following:
- (a) Orientation documentation as required by R 400.12604.
 - (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 must contain all 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, the agency shall forward its child records to the department.
 - (8) If a child-placing agency ceases operation, the agency's adoptive applicant family records must be shredded or returned to the applicant family if services to the applicant family were terminated 3 or more years before the closure. Records must be forwarded to the central adoption division for all other records.

History: Eff. January 5, 2015, Am. Eff. July 3, 2023.

The Michigan Department of Health and Human Services (MDHHS) does not discriminate against any individual or group on the basis of race, national origin, color, sex, disability, religion, age, height, weight, familial status, partisan considerations, or genetic information. Sex-based discrimination includes, but is not limited to, discrimination based on sexual orientation, gender identity, gender expression, sex characteristics, and pregnancy.