

CHAPTER 10

REVIEWS

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10.1. DISPOSITIONAL REVIEW HEARINGS

10.1.1. *Purpose*

Following a child's placement in foster care, the court is required to conduct regular review hearings to assess the progress made in efforts to rehabilitate the family. The case plan, developed for and reviewed at the dispositional review hearing, becomes the central and organizing tool in this on-going review process. The court rules state the main objectives of a dispositional review hearing¹:

A dispositional review hearing is conducted to permit court review of the progress made to comply with any order of disposition and with the case service plan prepared pursuant to MCL 712A.18f and court evaluation of the continued need and appropriateness for the child to be in foster care.

10.1.2. *Time*

The Juvenile Code is specific as to the time when dispositional review hearings must be held. MCL 712A.19 states:

[I]f a child subject to the jurisdiction of the court remains in his or her home, a review hearing shall be held not more than 182 days from the date a petition is filed to give the court jurisdiction over the child and no later than every 91 days after that for the first year that the child is subject to the jurisdiction of the court. After the first year that the child is subject to the jurisdiction of the court, a review hearing shall be held no later than 182 days from the immediately preceding review hearing before the end of that first year and no later than every 182 days from each preceding review hearing thereafter until the case is dismissed. A review hearing under this subsection shall not be canceled or delayed beyond the number of days required, regardless of whether a petition to terminate parental rights or another matter is pending. Upon motion by any party or in the court's discretion, a review hearing may be accelerated to review any element of the case service plan prepared according to section 18f.²

[I]f a child is subject to the jurisdiction of the court and removed from his or her home, a review hearing shall be held not more than

¹. MCR 3.975(A)

². MCL 712A.19(2); MCR 3.975(C); MCR 3.975(D)

182 days after the child's removal from his or her home and no later than every 91 days after that for the first year that the child is subject to the jurisdiction of the court. After the first year that the child has been removed from his or her home and is subject to the jurisdiction of the court, a review hearing shall be held not more than 182 days from the immediately preceding review hearing before the end of that first year and no later than every 182 days from each preceding review hearing thereafter until the case is dismissed. A review hearing under this subsection shall not be canceled or delayed beyond the number of days required in this subsection, regardless of whether a petition to terminate parental rights or another matter is pending. Upon motion by any party or in the court's discretion, a review hearing may be accelerated to review any element or the case service plan prepared according to section of 18f.³

If a child is under the care and supervision of the agency and is either placed with a relative and the placement is intended to be permanent or is in a permanent foster family agreement, the court shall hold a review hearing not more than 182 days after the child has been removed from his or her home and no later than every 182 days after that so long as the child is subject to the jurisdiction of the court, the Michigan Children's institute, or other agency. A review hearing under this subsection shall not be canceled or delayed beyond the number of days required in this subsection, regardless of whether a petition to terminate parental rights or another matter is pending. Upon the motion of any party or at the court's discretion, a review hearing may be accelerated to review any element of the case service plan.⁴

Upon motion of any party, or in the court's discretion, a review hearing may be accelerated to review any element of the case plan.⁵ The court is required, at the dispositional hearing and at every regularly scheduled review hearing, to consider whether an earlier review hearing would be appropriate.⁶ In deciding whether to shorten the interval between review hearings, the court shall, among other factors, consider⁷:

- (a) the ability and motivation of the parent to make changes needed to provide the child a suitable home environment;

³. MCL 712A.19(3); MCR 3.975(C); MCR 3.975(D)

⁴. MCL 712A.19(4); MCR 3.975(C); MCR 3.975(D)

⁵. MCL 712A.19(2), (3), (4); MCR 3.975(D)

⁶. MCL 712A.19(9); MCR 3.975(D)

⁷. MCL 712A.19(9)

- (b) the reasonable likelihood that the child will be ready to return home earlier than the next scheduled dispositional review hearing.

10.1.3. *Notice*

The court is to ensure that notice of a dispositional review hearing is given in writing to the appropriate persons in accordance with the court rules.⁸

The persons to receive written notice of a review hearing are⁹:

- (a) The agency. The agency shall advise the child of the hearing if the child is 11 years of age or older.
- (b) The foster parent or custodian of the child.
- (c) If the parental rights of the child have not been terminated, the child's parents.
- (d) If the child has a guardian, the guardian for the child.
- (e) If the child has a guardian ad litem, the guardian ad litem for the child.
- (f) A nonparent adult if the nonparent adult is required to comply with the case service plan.
- (g) If tribal affiliation has been determined, the elected leader of the Indian tribe.¹⁰
- (h) The attorney for the child, the attorneys for each party, and the prosecuting attorney if the prosecuting attorney has appeared in the case.
- (i) If the child is 11 years of age or older, the child.
- (j) Other persons as the court may direct.

10.1.4. *Evidence*

The same rules of evidence applicable to initial disposition, apply at review hearings.¹¹ That is, the Michigan Rules of Evidence do not apply and all relevant and material evidence, including oral and written reports, may be received by the court and be relied upon to the extent of their probative value.¹²

10.1.5. *Updated Services Plan*

The court shall consider the case service plan and any report by the Agency responsible for the care and supervision of the child concerning efforts to prevent removal or to rectify conditions that caused removal of

⁸. In accordance with MCR 3.920 and MCR 3.920(B)(2)

⁹. MCL 712A.19(5)

¹⁰. If there is any indication as to specific tribal affiliation, the petitioner must notify that tribe. *In re NEGP*, 245 Mich.App. 126 (2001)

¹¹. MCR 3.975(E)

¹². MCR 3.973(E)

the child from the home.¹³ The court is also required to consider any written or oral information concerning the child from the child's parent, guardian, custodian, foster parent, child caring institution, relative with whom a child is placed, attorney, lawyer-guardian ad litem, or guardian ad litem, in addition to any other evidence offered at the hearing.¹⁴ The Agency is required to consult with the foster parents when it updates and revises the case service plan, and shall attach a statement summarizing the information received from the foster parents to the updated and revised plan.¹⁵ The report of the Agency that is filed with the court must be accessible to the parties and offered into evidence.¹⁶ The parties shall be given an opportunity to examine and controvert written reports and may be allowed to cross-examine individuals making reports when such individuals are reasonably available.¹⁷ Written reports, other than those portions made confidential by law, and case service plans, and court orders, including all updates and revisions of these, shall be available to the foster parents, child caring institution, or relative with whom the child is placed.¹⁸

10.1.6. *Review of Case Progress*

The statute requires the court to review on the record all of the following¹⁹:

- (a) Compliance with the case service plan with respect to services provided or offered to the child and the child's parent, guardian, custodian, or nonparent adult if the nonparent adult is required to comply with the case service plan and whether the parent, guardian, custodian, or nonparent adult if the nonparent adult is required to comply with the case service plan has complied with and benefited from those services.
- (b) Compliance with the case service plan with respect to parenting time with the child. If parenting time did not occur or was infrequent, the court shall determine why parenting time did not occur or was infrequent.
- (c) The extent to which the parent complied with each provision of the case service plan, prior court orders, and an agreement between the parent and the agency.
- (d) Likely harm to the child if the child continues to be separated from his or her guardian, or custodian.

13. MCL 712A.19(6)

14. MCL 712A.19(11)

15. MCL 712A.18f(5)

16. MCL 712A.19(11); MCR 3.975(E)

17. MCR 3.973(E)

18. MCL 712A.18f(5)

19. MCL 712A.19(6)

- (e) Likely harm to the child if the child is returned to his or her parent, guardian, or custodian.

After review of the case service plan, the court is to determine the extent of progress made toward alleviating or mitigating the conditions that caused the child to be placed in foster care or that caused the child to remain in foster care.²⁰

10.1.7. *Supplemental Orders*

Following the review of case progress, the court may modify any part of the case service plan, including, but not limited to, prescribing additional services that are necessary to rectify the conditions that caused the child to be placed in foster care or to remain in foster care and prescribing additional actions to be taken by the parent, guardian, custodian, or nonparent adult to rectify the conditions that caused the child to be placed in foster care or to remain in foster care.²¹ The court is also to determine the continuing necessity and appropriateness of the child's placement.²² Thus the court may enter the following supplemental orders²³:

- (1) order return of the child home,
- (2) change the placement of the child,
- (3) modify the dispositional order,
- (4) modify any part of the case service plan,
- (5) enter a new dispositional order, or
- (6) continue the prior dispositional order

10.1.8. *Returning Child Home Without Review Hearing*

Unless waived, if not less than 7 days notice is given to all parties prior to the return of a child home, and if no party requests a hearing within the 7 days, the court may issue an order without a hearing permitting the agency to return the child home.²⁴

10.1.9. *Use of Interactive Video Technology*

²⁰. MCL 712A.19(7); MCR 3.975(F)(2)

²¹. MCL 712A.19(7)(a)&(b)

²². MCL 712A.19(8)

²³. MCR 3.975(G); *See* MCL 712A.19(8)

²⁴. MCL 712A.19(10); MCR 3.975(H)

Two-way interactive video technology may be used to conduct review hearings.²⁵ All proceedings at which such technology is used must be recorded verbatim by the court.²⁶

10.2. PERMANENCY PLANNING HEARING

10.2.1. Purpose

Time is the child's most scarce commodity. The years can pass quickly without permanent decisions being made as to where the child should spend his or her childhood and who his or her primary caretakers will be. Experience with foster care in the preceding decades has taught us that failure to decide on a long-term plan for a child is a more pervasive and harmful problem than deciding wrongly. Considering how difficult these decisions are -- between termination of parental rights and return of a child to an environment that may not be quite what we would like it to be -- temporizing, or putting off the decision, is very, very common.

The first permanency option at a permanency planning hearing is for the child to be returned to the biological parents.²⁷ A second permanency option is termination of parental rights and adoption.²⁸ A third permanency option is to place children in a legal guardianship.²⁹ A fourth permanency option is to place a child with a "fit and willing relative."³⁰ Continued temporary foster care is the least favored permanency option available to the court, but appropriate in some cases. In such cases, the court may place a child in another planned permanent living arrangement, such as semi-independent living with the goal of emancipation.³¹

Michigan law requires that if a child remains in foster care for an extended time without parental rights to the child being terminated, the court shall conduct a permanency planning hearing at which the court may determine whether and when³²:

- 1) the child is to return to the parent, guardian or legal custodian;
- 2) a petition to terminate parents' rights should be filed;
- 3) the child may be placed in legal guardianship;

²⁵. MCR 3.904(B)(2)

²⁶. MCR 3.904(C)

²⁷. MCR 3.976(A)(1)

²⁸. MCR 3.976(A)(2)

²⁹. MCR 3.976(A)(3)

³⁰. MCR 3.976(A)(4)

³¹. MCR 3.976(A)(5)

³². MCL 712A.19a; MCR 3.976(A)

- 4) the child may be permanently placed with a fit and willing relative; or
- 5) the child may be placed in another planned permanent living arrangement, but only in those cases where the agency has documented to the court a compelling reason for determining that it would not be in the best interest of the child to follow one of the options listed in subrules (1)-(4).

10.2.2. *Time*

If a child remains in foster care and parental rights to the child have not been terminated, the court shall conduct a permanency planning hearing within 12 months after the child was removed from his or her home. Subsequent permanency planning hearings shall be held no later than every 12 months after each preceding permanency planning hearing during the continuation in foster care.³³

If proper notice for a permanency planning hearing is provided, a permanency planning hearing may be combined with a dispositional review hearing under section 19(2) to (4), but no later than 12 months from the removal of the child from his or her home, from the preceding permanency planning hearing, or from the number of days required under subsection (2).³⁴

The court shall conduct a permanency planning hearing within 30 days after there is a judicial determination that reasonable efforts to reunite the child and family are not required.³⁵

10.2.2.a. *Reasonable Efforts*

Reasonable efforts to reunify the child and family must be made in all cases except³⁶:

- (a) There is a judicial determination that the parent has subjected the child to aggravated circumstances as provided in section 18(1) and (2) of the child protection law, MCL 722.638.
- (b) The parent has been convicted of 1 or more of the following:
 - (i) Murder of another child of the parent.

³³. MCL 712A.19a(1)

³⁴. MCL 712A.19a(1); MCR 3.976(B)(2) and (3)

³⁵. MCL 712A.19a(2); *See also* MCR 3.976(B)(1) which provides: "An initial permanency planning hearing must be held within 28 days after a judicial determination that reasonable efforts to reunite the family or to prevent removal are not required . . ."

³⁶. MCL 712A.19a(2); MCR 3.965(D)(2)

- (ii) Voluntary manslaughter of another child of the parent.
 - (iii) Aiding and abetting in the murder of another child of the parent or voluntary manslaughter of another child of the parent, the attempted murder of the child or another child of the parent, or the conspiracy or solicitation to commit the murder of the child or another child of the parent.
 - (iv) A felony assault that result in serious bodily injury to the child or another child of the parent.
- (c) The parent has had rights to the child's siblings involuntarily terminated.

10.2.2.b. *Permanency Planning Hearings Cannot Be Canceled*

A permanency planning hearing shall not be canceled or delayed beyond the number of months required by this subsection or days as required under subsection (2), regardless of whether there is a petition for termination of parental rights pending.³⁷

10.2.2.c. *Court-approved Permanency Plan is Mandatory*

The Michigan Court Rules were amended to require that a judicial determination to finalize the court-approved permanency plan be made within the time limits.³⁸

10.2.3. *Notice*

Written notice of a permanency planning hearing must be served at least 14 days before the hearing and must include a brief statement of the purpose of the hearing and notice that the hearing may result in further proceedings to terminate parental rights.³⁹

Notice shall be served on the following⁴⁰:

³⁷. MCL 712A.19a(1); MCR 3.976(B)(3)

³⁸. MCR 3.976(B)(4)

³⁹. MCL 712A.19a(4); MCR 3.976(C)

⁴⁰. MCL 712A.19a(4); *See also* MCR 3.976(C), which provides that parties entitled to participate in a permanency planning hearing include: the parents of the child, if the parent's have not been terminated; the child, if the child is of an appropriate age to participate; foster parents; pre-adoptive parents; and relative care givers.

- (a) The agency. The agency shall advise the child of the hearing if the child is 11 years of age or older.
- (b) The foster parent or custodian of the child.
- (c) If the parental rights of the child have not been terminated, the child's parents.
- (d) If the child has a guardian, the guardian of the child.
- (e) If the child has a guardian ad litem, the guardian ad litem for the child.
- (f) If tribal affiliation has been determined, the elected leader of the Indian tribe.
- (g) The attorney for the child, the attorneys for each party, and the prosecuting attorney if the prosecuting attorney has appeared in the case.
- (h) If the child is 11 years of age or older, the child.
- (i) Other persons as the court may direct.

10.2.4. *Evidence*

At permanency planning hearings, all relevant and material evidence, including oral and written reports, may be received by the court and relied upon to the extent of its probative value. The parties are to be afforded an opportunity to examine and controvert written reports so received and may be allowed to cross-examine individuals who made the reports when those individuals are reasonable available.⁴¹ The court is required to consider any written, or oral information concerning the child from the child's parent, guardian, custodian, foster parent, child caring institution, or relative with whom the child is placed, in addition to any other evidence offered at the hearing.⁴²

10.2.5. *Permanency Planning Options*

At each permanency planning for a child in foster care, the court must review the permanency plan for a child and must determine a permanency plan for the child.⁴³

10.2.5.a. *Return Home*

The statute creates a series of rebuttable presumptions for the permanency planning hearing, which creates a hierarchy of preferred choices for

⁴¹. MCR 3.976(D)(2)

⁴². MCL 712A.19a(8)

⁴³. MCR 3.976(A)

children in foster care. The preferred resolution is for the child to be returned to the biological family.⁴⁴

If parental rights to the child have not been terminated and the court determines at a permanency planning hearing that the return of the child to his or her parent would not cause a substantial risk of harm to the child's life, physical health, or mental well-being, the court shall order the child returned to his or her parent. In determining whether the return of the child would cause a substantial risk of harm to the child, the court shall view the failure of the parent to substantially comply with the terms and conditions of the case service plan prepared under section 18f of this chapter as evidence that return of the child to his or her parent would cause a substantial risk of harm to the child's life, physical health, or mental well-being. In addition to considering conduct of the parent as evidence of substantial risk of harm, the court shall consider any condition or circumstance of the child that may be evidence that a return to the parent would cause a substantial risk of harm to the child's life, physical health, or mental well being.⁴⁵

Thus the first presumption in the statute, reflecting the State policy, which prefers children in their own homes, is that children be returned to his or her parent. Note that the statute *requires* that children be returned to their parents' custody unless return would cause "a substantial risk of harm." MCR 3.965(C)(2) requires "If continuing the child's residence in the home is contrary to the welfare of the child, the court shall not return the child to the home, but shall order the child placed in the most family-like setting available consistent with the child's needs." The statute reflects an appreciation that removal and continued placement in foster care contains its own risks to children; foster care is by no means problem-free.

The centrality of the case plan is also reflected in this provision. Failure of a parent to substantially comply with the terms and conditions of the case plan can itself be considered evidence that a return would cause a substantial risk of harm to the child. The statutory structure attempts to identify the family problem reasonably clearly, focus rehabilitative efforts on those problems in a twelve-month period, and then come to some long-term plan at the permanency planning hearing. A parent's failure to even cooperate with the case plan is some indication that they are unwilling or unable to correct the problems that brought the child under the jurisdiction of the court.

10.2.5.b. *Initiate Termination Proceedings*

⁴⁴. MCR 3.976(E)(1)

⁴⁵. MCL 712A.19a(5)

The second most preferred resolution of the permanency planning hearing is that the agency files a petition to terminate the parents' rights to the child so that the child may be eligible for adoption.⁴⁶

If the court determines at a permanency planning hearing that the child should not be returned to his or her parent, the court shall order the agency to initiate proceedings to terminate parental rights to the child not later than 42 days after the permanency planning hearing, unless the agency demonstrates to the court that initiating the termination of parental rights to the child is clearly not in the child's best interests.⁴⁷

If the court decides that return of the child to the parents would cause a substantial risk of harm, the default position is that the agency must file a petition for termination of parental rights within 42 days. That is, if the court decides nothing else but that the child cannot be returned to the parents, the Agency is required to act. The court itself does not direct the filing of the petition; it must, after all, objectively consider such a petition at a later time. The statute requires that the Agency act if the court makes no more findings than that the child must continue in foster care.

The Agency is relieved of its obligation to file a termination of parental rights petition, however, if it demonstrates to the court that initiating termination is *clearly* not in the child's best interests.⁴⁸ A delay in filing the termination petition is not warranted if the Agency pleads they are too busy or that the termination petition would cause the parents considerable distress. The focus at this point is on the *child's* interests.

10.2.5.c. *Legal Guardianships and/or Placement with "Fit and Willing" Relatives*

Alternate options available for a child's long-term care are a legal guardianship or permanently placing the child with a fit and willing relative.⁴⁹ Although these options are not always favored, they can be a practical solution for an older child who does not wish his or her parental rights terminated or a child who is unlikely to be adopted, but whose potential legal guardian or relative has the ability to protect the child on an ongoing basis even after dismissal of court wardship.⁵⁰ The court, however, must be assured that the potential legal guardian or relative will

⁴⁶. MCR 3.976(E)(2)

⁴⁷. MCL 712A.19a(6)

⁴⁸. MCR 3.976(E)(2)

⁴⁹. MCR 3.976(A)(3); MCR 3.976(A)(4)

⁵⁰. Court policies have frowned on legal guardianships for children under 10 years old.

not just hand the child back to the parent, circumventing the court's protection of the child.

10.2.6. *Other Permanency Planning Options*

The least favored result of the permanency planning hearing is that the child be continued in foster care, either for a limited period or on a long-term basis. The statute [MCL 712A.19a(7)], however, provides that: If the agency demonstrates that initiating the termination of parental rights to the child is clearly not in the child's best interests, then the court shall order either of the following alternative placement plans⁵¹:

- (a) If the court determines that other permanent placement is not possible, the child's placement in foster care shall continue for a limited period to be stated by the court.
- (b) If the court determines that it is in the child's best interests based upon compelling reasons, the child's placement in foster care may continue on a long-term basis.

Option (a) above recognizes that a rehabilitative plan may be proceeding appropriately but will require some additional time. For example, a long-term residential drug treatment program may be required and the parent is several months shy of completing it. The requirement that the court state the limited term of foster care helps maintain the discipline of the permanency planning philosophy.

Option (b), the option of long-term foster care reflects the situation in which a youngster may be placed in another planned permanent living arrangement such as semi-independent living leading to emancipation or where the child is placed with a foster family using a Permanent Foster Family Agreement. "Permanent Foster Family Agreement" is defined in the statute as⁵²:

- ...an agreement for a child 14 years old or older to remain with a particular foster family until the child is 18 years old under standards and requirements established by the Department of Human Services, which agreement is among all the following:
- (i) The child.
 - (ii) If the child is a temporary ward, the child's family.
 - (iii) The foster family.
 - (iv) The child placing agency responsible for the child's care in foster care.

⁵¹. MCL 712A.19a(7); Also see MCR 3.976(E)(3), which cites three other options as a permanency plan, including: (a) continuing the placement of the child in foster care for a limited period to be set by the court while the agency continues to make reasonable efforts to finalize the court-approved plan for the child; (b) placing the child with a fit and willing relative; or (c) placing the child in an alternative planned permanent living arrangement.

⁵². MCL 712A.13a(1)(i)

The court may only agree to placing a child in another planned permanent living arrangement in cases where the Agency has documented that there is a compelling reason for determining that it would not be in the child's best interest to return the child home, petition to terminate parental rights, place the child in a legal guardianship, or place the child permanently with a fit and willing relative.⁵³

10.3. REVIEW OF CHILD'S PROGRESS AT HOME

10.3.1. Purpose

The court may take jurisdiction of a child and continue the child with his or her parents, or may return a child home during the dispositional review process, but wish to retain jurisdiction. The court is required to periodically review the progress of a child not in foster care over whom it has retained jurisdiction.⁵⁴

10.3.2. Time

For a child who remains at home following the initial dispositional hearing, the progress review must take place no later than 182 days after the original order of disposition. The review shall occur no later than 182 days after the child returns home when the child is no longer in foster care.⁵⁵

10.3.3. Procedure

The court rules do not require a hearing for this review but require that "the court shall periodically review the progress of a child not in foster care over whom it has retained jurisdiction."⁵⁶

10.4. CHANGE IN PLACEMENT OF COURT WARDS AT HOME

10.4.1. Generally

The court may not order a change in placement of a child solely on the basis of a progress review.⁵⁷ If the child over whom the court has

⁵³. MCR 3.976(A)(5)

⁵⁴. MCR 3.974(A)(1)

⁵⁵. MCR 3.974(A)(2)

⁵⁶. MCR 3.974(A)(1)

⁵⁷. MCR 3.974(A)(3)

jurisdiction is at home the court must conduct a hearing before it can order the placement of the child. The parties are to receive notice of the hearing. as provided in MCR 3.920 and MCR 3.921.⁵⁸

10.4.2. *Emergency Removal*

If the court orders removal of the child from the parent to protect the child's health, safety, or welfare, the court must conduct an emergency removal hearing no later than 24 hours after the child has been taken into custody, excluding Sundays and holidays as defined in MCR 8.110(D). Unless the child is returned to the parent pending the dispositional review, the court must make a written determination that the criteria for placement listed in MCR 3.965(C)(2) are satisfied.⁵⁹ Those criteria are⁶⁰:

If continuing the child's residence in the home is contrary to the welfare of the child, the court shall not return the child to the home, but shall order the child placed in the most family-like setting available consistent with the child's needs.

If the child remains in placement on an emergency basis, a review hearing must commence within 14 days after the child is placed by the court, except for good cause shown. The same procedure and rules of evidence that apply to the dispositional review hearing apply to a review hearing following emergency removal.⁶¹

10.5. POST TERMINATION REVIEW HEARING

10.5.1. *Purpose*

In order to remain eligible for federal foster care funds, each State must have an on-going review system of children in foster care, including children who are permanent wards of the court awaiting adoption.⁶² Michigan requires courts to conduct a hearing every 91 days after the hearing for the first year following termination of parental rights to the child. If a child remains in a placement for more than 1 year following termination of parental rights to the child, a review hearing must be held no later than 182 days from the immediately preceding review hearing before the end of the first year and no later than every 182 days from each preceding review hearing thereafter until the case is dismissed.⁶³ The post termination reviews are to review the appropriateness of the child's

⁵⁸. MCR 3.974(B)(2)

⁵⁹. MCR 3.974(B)(3)

⁶⁰. MCR 3.965(C)(2)

⁶¹. MCR 3.974(C)

⁶². 42 USC 675(5)

⁶³. MCL 712A.19c

placement and the progress being made toward the child's adoption or other permanent placement.⁶⁴ The court is required to make findings on whether reasonable efforts have been made to establish a permanent placement for the child, and may enter such orders, as it considers necessary in the best interests of the child.⁶⁵

10.6. FOSTER CARE REVIEW BOARD

10.6.1. *Generally*

The Foster Care Review Board Program is a system of third party review established by law and intended to improve children's foster care programs throughout the State.⁶⁶ The program is administered by the State Court Administrative Office of the Michigan Supreme Court and is comprised of citizen volunteers serving on thirty local boards operating throughout the state. Board volunteers receive an initial two-day orientation training and two days of additional training each year.

10.6.2. *Case Reviews*

If the Foster Care Review Board selects a foster case for review, the court and supervising agency are required to cooperate with the review.⁶⁷ Local review boards consist of five volunteer citizens who meet one day per month to review cases of four to six sibgroups of children in foster care as a result of child abuse or neglect. The review happens in two stages: First the volunteers review the case materials detailing the reasons for the out of home placement and the agency's plan for services to the child and family. In the second stage the volunteer board conducts interviews with interested persons – the caseworker, parents, foster parents, attorneys for the children or parents and sometimes relatives, therapists or the children themselves. Following the review, the local board makes written advisory recommendations to the court, the supervising agency and the interested persons. Once a case is selected for Foster Care Review Board, a local board will do a review once every six months to determine whether the purpose for which the child has been placed in foster care, as described in the initial placement plan, is being achieved, and whether the plan continues to be appropriate based on a review.⁶⁸

10.6.3. *Recommendations for Policy and System Reform*

⁶⁴. MCL 712A.19c(1)(b) and (c)

⁶⁵. MCR 3.978(C)

⁶⁶. MCL 722.131-139a

⁶⁷. MCL 722.136

⁶⁸. MCL 722.137(1)(b)

A statewide Advisory Board (made up of volunteer members of local boards and others) meets regularly to review their experiences and to identify systemic barriers, which inhibit permanent placements for children. The authorizing statute requires the Foster Care Review Board to publish an annual report of their activities including⁶⁹:

- (c) An identification of problems that impede the timely placement of children in a permanent placement and recommendations for improving the timely placement of children in a permanent placement.

10.6.4. *Reviewing Changes in Foster Care Placement*

Foster parents may appeal to the Foster Care Review Board if the supervising agency intends to move or has moved a child to another foster home and the child has been in the care of the foster parents for over 30 days (or over 90 days if the new placement is intended to be with a relative).⁷⁰ See discussion in Chapter 4, **PLACEMENT**.

10.6.5. *Staff and Contact Information*

Lansing Office

Foster Care Review Board Program
State Court Administrative Office
PO Box 30048
Lansing, MI 48909
(517) 373-1956
FAX (517) 373-8922

- Debra Kailie: Boards 14, 16, 17, 18, 19

⁶⁹. MCL 722.139(2)(c)

⁷⁰. MCL 712A.13b

- Gayle Robbert: Boards 20, 21, 22, 23, 24, 25

Detroit Office

Foster Care Review Board Program
 State Court Administrative Office
 Cadillac Place
 3034 West Grand Blvd, Suite 8-400
 Detroit, MI 48202
 (313) 456-0645
 FAX (313) 456-0650

- Brenda Baker-Mbacke: Boards 3, 5, 11, 12, 13, 15
- Jim Novell: Boards 2, 7, 9
- Toyur Mackey: Boards 1, 4, 6, 8, 10

Gaylord Office

Foster Care Review Board Program
 State Court Administrative Office
 400 West Main St, Suite 113
 PO Box 9
 Gaylord, MI 49735
 (989) 732-0494
 FAX (989) 731-4538

- Kevin Sherman: Boards 26, 27, 28, 29, 30

Foster Care Review Boards	
Board Number	County (ies)
1 - 10	Wayne
11	Oakland
12	Macomb
13	Genesee
14	Huron, Lapeer, Sanilac, St. Clair
15	Livingston, Monroe, Washtenaw
16	Ingham

17	Hillsdale, Jackson, Lenawee
18	Barry, Clinton, Eaton, Gratiot, Ionia, Montcalm, Shiawassee
19	Saginaw, Tuscola
20	Branch, Calhoun, St. Joseph
21	Kent
22	Kalamazoo
23	Muskegon
24	Allegan, Ottawa, Van Buren
25	Berrien, Cass
26	Bay, Clare, Gladwin, Isabella, Midland
27	Benzie, Lake, Manistee, Mason, Mecosta, Newaygo, Oceana, Osceola
28	Antrim, Arenac, Crawford, Grand Traverse, Iosco, Kalkaska, Leelanau, Missaukee, Ogemaw, Oscoda, Otsego, Roscommon, Wexford
29	Alcona, Alpena, Charlevoix, Cheboygan, Chippewa, Emmet, Luce, Mackinac, Montmorency, Presque Isle
30	Alger, Baraga, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee, Ontonagon, Schoolcraft