



## DEPARTMENT OF HEALTH & HUMAN SERVICES

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

October 15, 2018

Nick Lyon  
Director  
Michigan Department of Health and Human Services  
P.O. Box 30195  
333 S. Grand Ave.  
Lansing, MI 48909-7695

Dear Mr. Lyon:

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

On August 9, 2018 and September 27, 2018, Michigan submitted a title IV-E Plan amendments to the Regional Office. This submissions addressed the following requirements:

*Title IV-E plan provisions effective in federal law on January 1 and February 9, 2018*

- Section 473 of the Act addressing the delay in the phase-in of “applicable child” eligibility criteria in the Adoption Assistance program; and
- Section 475(5)(I) of the Act addressing the need to provide proof of foster care documentation for certain youth in foster care.

Plan Approval

We are pleased to notify you that we have reviewed and approved the revised Michigan title IV-E plan addressing the requirements of the FFPSA indicated above. The effective date of this amendment is July 1, 2018. We wish to thank you and your program and legal staff for your work to finalize Michigan's title IV-E Plan for approval.

Delays

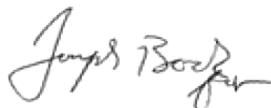
Michigan submitted Attachment B to ACYF-CB-PI-18-07 on August 9, 2018 requesting a legislative delay to implement the following provisions of law:

- 422(b)(15)(A)(vii) of the Act, modifying the title IV-B, subpart 1 plan for protocols to prevent inappropriate diagnoses;
- 471(a)(20)(D) of the Act, addressing criminal record and child abuse and neglect registry checks for adults working in child-care institution; and
- 471(a)(36) of the Act, relating to model licensing standards for foster family homes.

This request is approved. The delayed effective date for these provisions is January 1, 2020. Enclosed are the signed copies of Attachment B and Attachment I.

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

Sincerely,



Jerry Milner  
Associate Commissioner  
Children's Bureau

Enclosure

cc: Gail Collins, Director; CB, Division of Program Implementation; Washington, DC  
Tina Naugler, Director of Regional Programs; CB, Washington, DC  
Kendall Darling, Child Welfare Regional Program Manager; CB, Region 5; Chicago, IL  
Irene Carrillo, Child and Family Program Specialist; CB, Region 5; Chicago, IL

Title IV-E Plan – State/Tribe of MICHIGAN

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## **PLAN SUBMISSION CERTIFICATION**

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

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

Date 8/1/18

Nancy Vreibel

(Signature)

Chief Deputy Director MDESS

(Title)

APPROVAL DATE October 15, 2018

EFFECTIVE DATE: \_\_\_\_\_

July 1, 2018

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

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	A. II. ELIGIBILITY – Non-applicable Child (Currently effective, but beginning October 1, 2009, decreases based on the criteria in 473(e) until July October 1, 2025†7, at which time this authority ends)	AAM 200, pp. 1-4, 6-8
473(a)(1)(A) 473(c)(1)	1. Adoption assistance payments may be made to parents who adopt a child with special needs. In the case of a child who is not an applicable child, as defined in 473(e), for a fiscal year, the child shall not be considered a child with special needs unless:	AAM 200, pp. 2-4
473(c)(1)(A)	a. the State/Tribal agency has determined the child cannot or should not be returned to the home of his or her parents; and	MCL 400.115f(h)(i) AAM 200, p. 2
473(c)(1)(B)	b. the State/Tribal agency has first determined that a specific factor or condition exists with respect to the child (such as ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental or emotional disabilities) because of which it is reasonable to conclude that such child cannot be placed for	MCL 400.115f(h)(ii) AAM 200, pp. 2-4

<b>Federal Regulatory/ Statutory References</b>	<b>Requirement</b>	<b>State/Tribe Regulatory, Statutory, and Policy References and Citations for Each</b>
	adoption without providing adoption assistance or medical assistance under title XIX; and	
473(c)(1)(B)	c. a reasonable, but unsuccessful, effort has been made to place the child without providing assistance except where it would be against the best interests of the child due to such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child.	MCL 400.115f(h)(iii) AAM 200, p. 1, 3-4
473(a)(2)(A)  473(a)(2)(A)(i)  473(a)(2)(A)(i)(II)	2. In the case of a child who is not an applicable child for the fiscal year as defined in 473(e), adoption assistance payments may be made if the child has been determined by the State/Tribal agency pursuant to section 473(c) to be a child with special needs and:	AAM 200, p. 6-8
473(a)(2)(A)(i)(I)(aa)	a. was removed from the home of a relative specified in section 406(a) of the Act (as in effect on July 16, 1996) and placed in foster care in accordance with a voluntary placement agreement with respect to which Federal payments are provided under section 474 (or section 403, as in effect on July 16, 1996), or in accordance with a judicial determination to the effect that	AAM 200, p. 6

<b>Federal Regulatory/ Statutory References</b>	<b>Requirement</b>	<b>State/Tribe Regulatory, Statutory, and Policy References and Citations for Each</b>
	<p>continuation in the home would be contrary to the welfare of the child; and</p> <ul style="list-style-type: none"> <li>i. received AFDC, in that relative's home, under the State plan approved under section 402 of the Act (as in effect 7/16/96), or would have received AFDC under such plan had application been made, in or for the month the voluntary placement agreement was entered into or court proceedings leading to the judicial determination referred to in section 473(a)(2)(A)(i) were initiated; or</li> <li>ii. had been living with a relative specified in section 406(a) of the Act within six months before the month in which a voluntary placement agreement was entered into or court proceedings leading to the judicial determination referred to in section 473(a)(2)(A)(i), were initiated and would have received AFDC in that relative's home under the State plan approved under section 402 of the Act for that month, if in that month the child had been living with such relative and application had been made;</li> </ul> <p>(Tribes, see also section 7 (AFDC))</p>	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
473(a)(2)(A)(i)(I)(bb)	b. meets all the requirements of title XVI of the Act with respect to eligibility for supplemental security income benefits; or	<i>AAM 200, p. 6</i>
473(a)(2)(A)(i)(I)(cc)	c. is a child whose costs in a foster family home or child-care institution are covered by the foster care maintenance payments being made with respect to the minor parent of the child as provided in section 475(4)(B).	<i>AAM 200, p. 6</i>
473(a)(2)(C)(i)	<p>3. In the case of a child who is not an applicable child for the fiscal year as defined in 473(e), the child will be treated as meeting the requirements to receive adoption assistance payments if the child:</p> <ul style="list-style-type: none"> <li>a. meets the requirements of section 473(a)(2)(A)(i)(II); and</li> <li>b. is determined eligible for adoption assistance payments under 473 of the Act with respect to a prior adoption; and</li> <li>c. is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive</li> </ul>	<i>AAM 200, pp. 4-8</i>

<b>Federal Regulatory/ Statutory References</b>	<b>Requirement</b>	<b>State/Tribe Regulatory, Statutory, and Policy References and Citations for Each</b>
	<p>parents have been terminated or because the child's adoptive parents have died; and</p> <p>d. fails to meet the requirements of section 473(a)(2)(A)(i) but will meet such requirements if the child is treated as if the child is in the same financial and other circumstances the child was in the last time the child was determined eligible for adoption assistance payments under section 473 of the Act and the prior adoption is treated as never having occurred.</p>	

## Attachment B: CERTIFICATION OF REQUIRED LEGISLATION

**Instructions for title IV-E agencies:** The official with authority to sign the title IV-E plan must complete and sign either section 1 *OR* section 2 below.

### SECTION 1: Title IV-E agency request for a delayed effective date:

#### **A. Title IV-B of the Act** *Check only those provisions that require legislation<sup>i</sup>:*

I hereby request a delayed effective date and certify that legislation is necessary to comply with the following plan requirements under title IV-B of the Social Security Act (the Act) as amended by Public Law 115-123, The Family First Prevention and Services Act (FFPSA).

- Title IV-B requirement at section 422(b)(15)(A)(vii) of the Act that modifies title IV-B, subpart 1 plan for protocols to prevent inappropriate diagnoses.
- For State title IV-E agencies only*, title IV-B requirements at section 422(b)(19) of the Act, that modifies existing title IV-B, subpart 1 plan requirement related to child maltreatment deaths.

#### **B. Title IV-E of the Act** *Check only those provisions that require legislation<sup>ii</sup>:*

I hereby request a delayed effective date and certify that legislation is necessary to comply with the following plan requirements under title IV-E of the Act as amended by FFPSA:

- Title IV-E plan requirement at 471(a)(20)(D) of the Act, that modifies the requirements for criminal record and registry checks for adults working in child-care institutions.
- For State title IV-E agencies only*, title IV-E plan requirements at section 471(a)(36) of the Act, that requires agencies to follow model licensing standards for foster family homes.

#### **C. Effective Date and Signature**

The delayed effective date is the first day of the first calendar quarter beginning after the close of the first regular session of the legislature that begins after the date of enactment of FFPSA. In the case of a State or Tribe that has a two-year legislative session, each year of the session shall be deemed to be a separate regular session of the legislature.

- The first regular session of the legislature that begins after February 9, 2018 (date of enactment) begins on 1-09-19 and closes on 12-31-19.
- The calendar quarter that begins after the close date above is 1-1-20.
- The delayed effective date for the checked requirement(s) above will be 1-1-20 (The first day of the calendar quarter above).

7/31/18  
(Date)

Nancy Treibel  
(Signature and Title of Designated Agency Official)

CB Approval Date: 10/15/18

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

### SECTION 2: Title IV-E agencies not requesting a delayed effective date:

I hereby certify that legislation is not necessary to comply with the plan requirements under title IV-B/IV-E of the Act, amended by FFPSA and enumerated above. Therefore a delayed effective date is not applicable.

10/15/2018  
(Date)

Joseph Book for Jerry Milner  
(Signature and Title of Designated Agency Official)



## DEPARTMENT OF HEALTH & HUMAN SERVICES

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

November 16, 2018

Nick Lyon  
Director  
Michigan Department of Health and Human Services  
P.O. Box 30195  
333 S. Grand Ave.  
Lansing, MI 48909-7695

Dear Director Lyon:

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

On October 9, 2018, Michigan submitted Attachment C, dated October 5, 2018, to ACYF-CB-PI-18-07 requesting a delay in implementing the following provisions:

- Section 471(a)(37) of the Act providing a certification on preventing increases to the juvenile justice population
- Section 472(k) of the Act addressing limitations on title IV-E Foster Care maintenance payments for placements that are not foster family homes;
- Section 472(c) of the Act addressing the definition of foster family homes; and
- Section 475A(c) of the Act addressing qualified residential treatment program (Q RTP) placements.

The delayed effective date for these provisions is September 29, 2021. Enclosed is a signed copy of Attachment C. We appreciate Michigan alerting us to your plans with respect to these provisions relating to limitations on title IV-E foster care maintenance payments for congregate care placements. Please note that submission of this request at this time is non-binding. Title IV-E agencies have until September 29, 2019 to make a final decision; therefore you may withdraw or revise your request to delay implementation of these provisions at any time before that date.

Again, thank you for your submission. Should you have any questions or concerns, please contact Irene Carrillo, Child Welfare Program specialist in Region 5 at (312) 886-4934 or by e-mail at [irene.carrillo@acf.hhs.gov](mailto:irene.carrillo@acf.hhs.gov). You may also contact Kendall Darling, Child Welfare Regional Program Manager in Region 5 at (313) 353-9672 or by e-mail [kendall.darling@acf.hhs.gov](mailto:kendall.darling@acf.hhs.gov).

Sincerely,



Jerry Milner  
Associate Commissioner  
Children's Bureau

Enclosure

cc: Gail Collins, Director; CB, Division of Program Implementation; Washington, DC  
Tina Naugler, Director of Regional Programs; CB, Washington, DC  
Kendall Darling, Child Welfare Regional Program Manager; CB, Region 5; Chicago, IL  
Irene Carrillo, Child and Family Program Specialist; CB, Region 5; Chicago, IL

## Attachment C: REQUEST FOR DELAY

**Instructions for all state and tribal title IV-E agencies:** Title IV-E agencies may request a delay up to two years, for the following provisions:

- *Preventing increases to the juvenile justice population:* Title IV-E agencies must certify they will not enact policies that will significantly increase the state/tribe's juvenile justice population in response to the restrictions on title IV-E foster care payments in 472(k) of the Act (section 471(a)(37) of the Act),
- *Limitations on IV-E foster care payments for placements that are not foster family homes:* Title IV-E agencies must limit foster care payments to two weeks for child care institutions per section 472(k) of the Act, unless it is a specified placement,
- *Limit on number of children in a foster family home:* Title IV-E agencies must revise the definition of foster family home in accordance with section 472(c) of the Act, and
- *Qualified Residential Treatment Placements (QRTP):* Title IV-E agencies must provide detailed assessment, case planning, documentation, and judicial determination requirements for children to be placed in and continue their placement in a QRTP (475A(c) of the Act).

The Michigan Department of Health and Human Services (Name of Agency) requests a delayed effective date for these provisions. The effective date for the provisions and for claiming FFP for title IV-E prevention services under section 474(a)(6) of the Act will be September 29, 2021 (no later than September 29, 2021).

**Additional Instructions for tribal title IV-E agencies:** Indian tribes, tribal organizations, or consortia with a title IV-E plan approved under section 479B of the Act that require additional time as necessary to comply with section 471(a)(36) of the Act must submit this "Request for Delay" and indicate the delayed effective date below.

- *Tribal Title IV-E Agencies Only: Model Licensing Standards for Foster Family Homes:* Title IV-E agencies must provide HHS specific and detailed information about foster family home licensing standards and waivers of non-safety licensing standards for relative foster family homes (pursuant to waiver authority provided by 471(a)(10)(D) of the Act).

The \_\_\_\_\_ (Name of Tribal Agency) requests additional time as necessary to comply with section 471(a)(36) of the Act. The effective date for this requirement will be \_\_\_\_\_.

**Signature:** This certification must be signed by the official with authority to sign the title IV-E plan (see Attachment I of the Pre-Print), and submitted to the appropriate Children's Bureau Regional Program Manager for approval no later than 120 days from issuance of ACYF-CB-PI-18-07, November 9, 2018.

10.5.18  
(Date)

Nancy Treichel Chief Deputy Director  
(Signature and Title)  
MDHHS

CB Approval Date: 11/16/2018

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