Findings and Recommendation Report Summary

Office of the Child Advocate

Case Number: 2023-0827

[redacted] & siblings

Date of Birth: 12/29/2005

Investigation Start: 2/2/2024

Recommendation Issued: 7/30/2025

Case Background

This case came to the attention of the OCA after a complaint was received and a preliminary investigation found concerns for the concerns that [redacted] sibling was absent without legal permission, the condition of the home the child was living in, and the number of children in the home. A full OCA investigation was opened on February 2, 2024, to review why the child was still listed as AWOLP when the agency was aware of where he was residing.

Initial Complaint

The caregiver raised concerns about unpaid daily support, missing clothing allowances, lack of holiday gifts, and failure to inform them about available grants for the children in their care. They also report misleading actions by the foster care worker and inadequate support following a child's runaway incident. The complaint seeks resolution and accountability for these oversights.

Agencies Involved: Wayne County MDHHS, Hands Across the Water and Wolverine Human Services

Definitions

[1] Fictive Kin- individuals who are close to the family but not blood relatives or related to the family through marriage. Examples of fictive kin are long-time neighbors, Godparents, close family friends or mentors. A non-relative or fictive kin placement cannot be used by the agency unless the home is licensed or the court orders placement.

Response received from MDHHS: 11/13/2025

Findings

1. The child advocate finds MDHHS did not follow FOM 722-03B and MCL 712A.13a at the time the [redacted] children were removed and placed into their initial foster homes. At the time of placement, law and policy did not include fictive kin within the definition of a relative. A court order was required to place children in unrelated, unlicensed homes, otherwise known as fictive kin.
    a. The court was not made aware the children were in fictive kin placements without a court order until July 28, 2022, over a month after the children were placed in these homes.
    b. There was no legal relationship between the families and there was no prior relationship between the caregivers and the children prior to the children being placed in the homes.

Responses

MDHHS Response to Finding 1:

MDHHS agrees. The [redacted] siblings included [redacted] and [redacted]

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Response received from MDHHS: 11/13/2025

Findings	Responses
2. The child advocate finds when [redacted] went AWOLP on June 26, 2023, and July 4, 2023, AWOLP policy a. MDHHS did not file an AWOLP petition concerning [redacted] b. MDHHS did not notify NCMEC until June 30, 2023, four days after he went AWOLP. c. [redacted] returned to the home on July 2, 2023, and left again without permission on July 4, 2023. d. The AWOLP petition and notification to the court occurred on July 6, 2023, two days after [redacted] went AWOLP. e. Notification to NCMEC occurred on August 8, 2023, 33 days after [redacted] went AWOLP from his placement.	**MDHHS Response to Finding 2:** MDHHS agrees.
3. The child advocate finds [redacted] was found and interviewed by foster care at his school on September 5, 2023. a. The interview with [redacted] at his school was not marked as an interview with child/youth on return from AWOLP and did not cover policy requirements outlined in FOM722-03A.	**MDHHS Response to Finding 3:** MDHHS agrees.
4. The child advocate finds MDHHS became aware on September 5, 2023, [redacted] was living at the home of [redacted] an unrelated and unlicensed home. a. [redacted] home was visited by the foster care case manager on September 5, 2023. b. An MDHHS-5770 for fictive kin/relative placement was completed on [redacted] for [redacted] placement on October 23, 2023. This assessment was denied on October 25, 2023, due to the suitability of the home. c. Per FOM 722-03B, this was considered a subsequent emergency placement, and the MDHHS-5770 should have been completed immediately.	**MDHHS Response to Finding 4:** MDHHS agrees.

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Response received from MDHHS: 11/13/2025

Findings	Responses
5. The child advocate finds MDHHS did not complete an MDHHS-3130a after the MDHHS-5770 denied [redacted] home.	**MDHHS Response to Finding 5:** MDHHS agrees.
6. The child advocate finds [redacted] was left in an unapproved placement by MDHHS for 169 days. Between September 5, 2023, and February 21, 2024, his placement status in MiSACWIS remained AWOLP.	**MDHHS Response to Finding 6:** MDHHS agrees.
7. The child advocate finds the court was not notified of [redacted] location and status until January 17, 2024. MDHHS was then ordered to assist [redacted] in cleaning the home to make it suitable for placement of [redacted]	**MDHHS Response to Finding 7:** MDHHS agrees.
8. The child advocate finds Western Wayne County MDHHS was not aware of [redacted] placement in [redacted] home at the time her grandchildren were approved for placement with her. Additional assessments were required and could have been completed had staff been aware of [redacted] placement in the home. a. Multiple placement exception requests (PERs) were required for [redacted] [redacted] home due to the number of children in the home (seven minor children). b. Per FOM 722-03e, the local county office is required to route the placement exception requests to DCWL. c. As of the writing of this document, the placement exception requests remain pending and unapproved.	**MDHHS Response to Finding 8:** MDHHS agrees.

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Case Number: 2023-0827

[redacted] [redacted] & siblings

Response received from MDHHS: 11/13/2025

Findings	Responses
9. The child advocate finds FOM 722-03A concerning AWOLP protocol lacks clear guidance and instruction for case managers. a. FOM 722-03A does not include a timeframe on when the court should be notified following a child being located when AWOLP. b. FOM 722-03A does not provide guidance or instruction on how to handle situations when a child refuses to leave an unapproved placement.	**MDHHS Response to Finding 9:** MDHHS agrees in part. MDHHS agrees that FOM 722-03A does not include a timeframe for notification to the court, but there is guidance regarding engagement with the youth when they are located. While there is no current written guidance in policy for when a child refuses to leave an unapproved placement, foster care specialists may consult the Child Locator Unit for support. MDHHS will consider updating policy or issuing other written guidance to direct staff to the Unit when AWOLP incidents fall outside existing parameters.
10. The child advocate finds that leaving a child(ren) in AWOLP status when MDHHS or private agency staff become aware of where a child is living, places the child(ren) at risk and potentially increases risk to other children in the home.	**MDHHS Response to Finding 10:** MDHHS agrees in part. It does not give a quick and accurate location of the child in the placement screen; however, the specialist should be including information on the youth's current unapproved placement in social work contacts when discussing meeting with the youth upon return from AWOLP. Current MiSACWIS functionality does not allow a specialist to enter an unapproved placement; therefore, placement cannot be updated from AWOLP until an approved placement is identified. This is something that has been identified as a needed function in CCWIS as it is being built.

Findings and Recommendation Report Summary

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Case Number: 2023-0827

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Response received from MDHHS: 11/13/2025

Recommendations	Responses
1. The child advocate recommends MDHHS amend FOM 722-03A concerning AWOLP protocol to include a requirement for the court be notified within one business day when a child is found.	**MDHHS Response to Recommendation 1:** MDHHS agrees.
2. The child advocate recommends MDHHS amend FOM 722-03A to include guidance/instruction for case managers on what steps to take if a child is in an unapproved placement and refuses to leave. a. This should include notification to the court which would allow the court to make proper orders to safeguard the child.	**MDHHS Response to Recommendation 2:** MDHHS agrees. The department agrees to explore other avenues and available legal resources to support our specialists when faced with situations in which youth refuse to leave an unapproved placement.
3. The child advocate recommends MDHHS provide additional training to staff on the updated definition of relative to provide a better understanding of who qualifies under the new definition.	**MDHHS Response to Recommendation 3:** MDHHS agrees. MDHHS has already addressed training needs on the updated definition of a relative to provide a better understanding of who qualifies under the new definition. No additional trainings are required. • In May 2025, CI 25-043: Determining a Relative Status Through a Fictive Kin Relationship was released to guide placement decisions. The issuance provides key assessment criteria, considerations, and policy clarifications for determining relative status and remains available to staff. • The updated definition of a relative and the communication issuance itself were also reviewed during an MDHHS leadership and all-staff meeting. • The Office of Workforce Development and Training (OWDT) share all communication issuances with Pre-Service Institute trainers to ensure training materials stay current with policy changes and clarifications.

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Response received from MDHHS: 11/13/2025

Recommendations	Responses
4. The child advocate recommends MDHHS amend FOM 722-03B to require case managers to document how the unrelated caregiver meets the definition of a relative.	**MDHHS Response to Recommendation 4:** MDHHS agrees in part. MDHHS agrees to consider future technological solutions that potentially could be implemented within CCWIS to identify the relationship of a caregiver when meeting the definition of relative. MDHHS is also exploring updates to the MDHHS-5770 Relative Approval and Placement Safety Screen forms to include an assessment question documenting the relationship between the caregiver and the child being placed. Updates to the MDHHS-5770 will not occur until implementation of CCWIS as MiSACWIS updates are limited.
5. The child advocate recommends the appropriate placement exception requests be completed as required for ongoing case IDs 789963 and 691596.	**MDHHS Response to Recommendation 5:** MDHHS agrees.

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Initial Complaint

The caregiver raised concerns about unpaid daily support, missing clothing allowances, lack of holiday gifts, and failure to inform them about available grants for the children in their care. They also report misleading actions by the foster care worker and inadequate support following a child's runaway incident. The complaint seeks resolution and accountability for these oversights.

Agencies Involved: Wayne County MDHHS, Hands Across the Water and Wolverine Human Services

OCA Background

The Office of the Child Advocate (OCA) is tasked with making recommendations to positively effect change in policy, procedure, and legislation by investigating and reviewing actions of the Michigan Department of Health and Human Services (MDHHS), child placing agencies, or child caring institutions. The Child Advocate's Act, Public Act 204 of 1994, also requires the OCA to ensure laws, rules, and policies pertaining to Children's Protective Services (CPS), Foster Care, and Adoption are being followed. The OCA is an autonomous entity, separate from the MDHHS.

This OCA review included reading confidential records and information in the Michigan Statewide Automated Child Welfare Information System (MiSACWIS), service reports and social work contacts. The OCA also interviewed MDHHS staff, and reviewed law and policy surrounding adoption. Due to the confidentiality of OCA investigations, the OCA cannot disclose the identity of witnesses or complainants or sources of statements and evidence.

Family History and Case Background

[redacted] and [redacted] are the birth parents of [redacted] and [redacted] The children were removed from their parents on June 24, 2022, for physical neglect, improper supervision, educational neglect, and parental drug use. [redacted] and [redacted] were placed in an unrelated, unlicensed caregiver's home. [redacted] was placed in a separate unrelated, unlicensed caregiver's home. Both unrelated unlicensed foster homes were documented by MDHHS as unrelated caregivers at initial placement. A court order from a hearing on July 28, 2022, documents the court was made aware "today" (July 28, 2022) that the children were in a fictive kin placement[1] without court approval or order. The referee denied the request for the fictive kin placement. A request was made for the Judge to review the referee's recommendation of this decision. The order following a review of the referee's decision was issued on August 10, 2022, and ordered the fictive kin placements.

On October 7, 2022, MDHHS updated the placements in MiSACWIS to relative homes from unrelated caregivers. The children had not been moved from the unrelated, unlicensed caregivers' homes. They remained in their original placement. Their status in MiSACWIS was the only thing that changed. This

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Family History and Background Continued

change enabled the caregivers to receive payment, as MDHHS policy was revised in October 2022 to allow unlicensed relative caregivers to be compensated. The foster care case was monitored by North Central Wayne County MDHHS (MiSACWIS ID: 691596).

On June 26, 2023, [redacted] was reported to the Ecorse Police Department as a juvenile run away from his foster home placement by his foster mother. A CPS complaint was later received, on June 29, 2023, which stated [redacted] went AWOLP from his placement three days earlier. The complaint was transferred to foster care, the Placement Collaboration Unit (PCU), and the Division of Child Welfare Licensing (DCWL). On July 2, 2023, [redacted] was brought to the River Rouge Police Department by a friend's mother. Ecorse Police Department was contacted due to the missing juvenile report and [redacted] was later transported back to the foster home by law enforcement. On July 4, 2023, [redacted] went AWOLP again.

According to court records, an AWOLP petition concerning [redacted] was drafted by the foster care case manager on July 6, 2023, and approved by the section manager on July 12, 2023. A court order was issued on July 13, 2023, for an ex-parte order granting MDHHS or "its agent" the ability to take [redacted] into custody when located. The court order documents the Ecorse Police Department was notified as well as the National Center of Missing and Exploited Children (NCMEC). A second AWOLP docket hearing was held on August 16, 2023. According to the jurist's report and order, reasonable efforts to locate [redacted] were being made and should continue. [redacted] AWOLP status would continue, and the next hearing was scheduled for September 13, 2023.

On September 5, 2023, [redacted] was found at the home of his friend's grandmother, [redacted] [redacted] [redacted] is an individual who is unrelated to [redacted] and does not fit the updated definition of a relative.

The foster care case manager met with [redacted] at school and completed a home visit at [redacted] home on September 5, 2023. Following this contact, MDHHS did not notify the court or law enforcement authorities that [redacted] had been located. The next court hearing was a review hearing on October 2, 2023. The goals for [redacted] and [redacted] were updated to Another Planned Permanent Living Arrangement (APPLA). The court order does not speak to [redacted] AWOLP status and there was no evidence in the case file the court was made aware [redacted] was located.

On October 23, 2023, a relative/fictive kin home assessment, a MDHHS-5770, was started by the North Central Wayne County fictive kin case manager. This home assessment is required by MDHHS prior to placing a child in a relative, unlicensed foster home. The fictive kin case manager submitted the MDHHS-5770 to their supervisor as a denial on October 25, 2023, and this was approved by the supervisor on November 8, 2023. [redacted] home was denied for placement of [redacted] due to the cleanliness and suitability of the home. After denial of placement, [redacted] remained in [redacted] home and his placement

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Family History and Background Continued

status remained listed as AWOLP in MiSACWIS. The AWOLP status was factually inaccurate as MDHHS was aware of [redacted] location and status.

A separate foster care case (MiSACWIS ID: 789963) was opened regarding [redacted] grandchildren and was monitored by Western Wayne County MDHHS. On December 11, 2023, Western Wayne County MDHHS approved [redacted] [redacted] home for the relative placement of her five grandchildren, (ages 5 to 12 at the time of placement). [redacted] remained in the home, but this was not reflected in the approved MDHHS-5770 relative/fictive kin home assessment completed for [redacted] grandchildren. After placement of [redacted] five grandchildren, [redacted] had seven minor children in her home, including her biological minor child.

According to the jurist's report and order for [redacted] AWOLP docket, a hearing was held on January 17, 2024. The court was provided an update on [redacted] location with [redacted] The court ordered MDHHS to assist [redacted] with cleaning her home to get it approved for [redacted] to be placed there. A second relative/fictive kin MDHHS-5770 assessment was completed on [redacted] home on February 7, 2024, approving [redacted] home for placement of [redacted] [redacted] placement record was later updated on February 21, 2024, after the OCA's investigation began and interviews were being conducted.

OCA Investigation

During the OCA's investigation, the investigator asked MDHHS about the initial placements for the [redacted] children and how the children knew the families. The OCA was informed both unrelated unlicensed foster homes were provided to MDHHS by [redacted] [redacted] as "friends of friends." It was explained the homes were assessed for placement after the placement unit could not locate placement for the children. Neither family fit the definition of a relative at the time of placement and the agency did not have a court order. Additionally, the OCA spoke with both unrelated families who confirmed having no prior relationship with the children prior to taking placement of them in their homes.

MDHHS was asked to explain the delays in reporting [redacted] AWOLP status to the court, however, the case manager and assigned supervisor did not provide a reason for the delay in reporting the AWOLP status. The OCA asked MDHHS staff what the process is once a child is found after being AWOLP. The OCA investigator was informed case managers are required to notify the courts, notify law enforcement, and contact the child after the child is found. After [redacted] was located, the courts and law enforcement were not notified timely. The OCA asked why the placement record was not updated until months after [redacted] was found and why he was not moved from [redacted] home after she was not approved for his placement. The OCA was informed by several MDHHS staff members that because [redacted] placement

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OCA Investigation Continued

with [redacted] was not approved, they could not update his placement record in the system. It was explained once a child is found from AWOLP, their placement must be approved before the MiSACWIS system placement section can be updated to accurately reflect where the child is located. Since [redacted] home study was denied, they left him in AWOLP status. The OCA was further informed [redacted] was not moved as he refused to return to his prior foster home placement and refused to go to any other home. MDHHS staff said they could not force him to leave and did not want him to go AWOLP again. The decision was made to leave him in the home, where they knew his whereabouts and could maintain contact with him.

When conducting interviews with Western Wayne County staff involved with the removal and placement of [redacted] grandchildren, it was discovered they were unaware [redacted] was living in [redacted] home. [redacted] did not inform staff at that time that she had another minor temporary court ward (TCW), [redacted] residing in her home. The OCA was informed that [redacted] placement record in MiSACWIS also did not reflect that she had any placements in her home, leaving them no reason to believe that any other children resided in her home outside of her own minor child. The OCA was informed by Western Wayne County staff, having the information regarding [redacted] residing in [redacted] home may have impacted their decision to place all five of [redacted] grandchildren in her home. Western Wayne staff would have needed to further assess [redacted] ability to care for a total of seven minor children, ensure proper sleeping arrangements, and space in the home with an additional child involved. Additionally, Western Wayne County staff would need to assess any additional risks related to ([redacted] that could negatively impact [redacted] grandchildren being placed in her home.

The OCA investigator spoke with the NCMEC regarding [redacted] after noticing two different case numbers in the foster care file concerning [redacted] The OCA was informed two reports were filed concerning [redacted] One was filed by MDHHS on August 8, 2023, with [redacted] going AWOLP on July 4, 2023. This report had an incorrect spelling of [redacted] name. The OCA was informed this report was closed on November 27, 2023, with a recovery date of November 7, 2023. NCMEC told the OCA, MDHHS provided information regarding [redacted] recovery. The OCA was informed the second report was filed by the foster parent on October 29, 2023, and was still open at the time of the OCA's discussion (May 2024). The OCA learned, that after MDHHS spoke with the OCA investigator, MDHHS notified NCMEC of [redacted] location and the second report was closed.

The OCA held a meeting on July 17, 2024, with MDHHS, Wolverine Human Servies, and Federation for Youth staff. The OCA discussed concerns regarding the status of placement exception requests (PERs). A PER is required per policy, Foster Care Manual (FOM) 722-03E, due to the number of children placed in [redacted] [redacted] home. During this discussion, Wolverine Human Services and MDHHS staff advised the PERs would be completed. As of the writing of this document, the PERs have not been completed.

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OCA Investigation Continued

In summary, the OCA found the initial placements for the Lenny children were out of compliance with both statute and policy due to the unrelated caregivers not fitting the definition of a relative. It was also found that MDHHS did not notify the court or law enforcement of [redacted] AWOLP status within the legal timeframe. Furthermore, [redacted] placement was not updated within MiSACWIS due to him being in an unapproved placement for four and a half months leaving his whereabouts unknown despite his case manager knowing where he was. This caused the Department to be out of compliance for not only [redacted] case but also for the caregivers five grandchildren who were placed in the home with no knowledge of [redacted] being there.

Law and Policy Review

As part of the OCA investigation, the OCA investigator reviewed MDHHS policy manuals regarding the issues identified in the case involving [redacted] [redacted] The following section is a review of what MDHHS policy says regarding relative/fictive kin placements, AWOLP protocol, and the MDHHS-5770 Relative Placement Safety Screen.

Relative/Fictive Kin: MCL 712A.13a(1)(j) defines a relative as an individual who is at least 18 years of age and is either of the following:

(i) related to the child within the fifth degree by blood, marriage, or adoption, including the spouse of an individual related to the child within the fifth degree, even after the marriage has ended by death or divorce, the parent who shares custody of a half-sibling, and the parent of a man whom the court has found probable cause to believe is the putative father if there is no man with legally established rights to the child.

(ii) Not related to a child within the fifth degree by blood, marriage, or adoption, but who has a strong positive emotional tie or role in the child's life or the child's parent's life if the child is an infant, as determined by the department or, if the child is an Indian Child, as determined by the Indian child's tribe.

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Law and Policy Review Continued

Current FOM 722-03B, Placement Selection and Standards, defines a relative as "an individual who is at least 18 years of age and is any of the following:

1. Related to the child within the fifth degree by blood, marriage, or adoption, as a grandparent, great-grandparent, great-great-grandparent, aunt or uncle, great-aunt or great uncle, sibling, stepsibling, nephew or niece, first cousin or first cousin once removed, and the spouse of any of the above, even after marriage has ended by death or divorce.
2. A stepparent, ex-stepparent, or the parent who shares custody of a half-sibling is considered a relative for the purpose of placement.
3. The parent of a man whom the court has found probable cause to believe is the putative father if there is no man with legally established rights to the child. A placement with the parent of a putative father is not to be construed as a finding of paternity or to confer legal standing on the putative father. (MCL 712A.13a(1)(j).
4. Not related to a child within the fifth degree by blood, marriage, or adoption but who has a strong positive emotional tie or role in the child's life or the child's parent's life if the child is an infant, as determined by the department or, if the child is an Indian child, as determined solely by the Indian child's tribe. As used in this section, "Indian child" and "Indian child's tribe" mean those terms as defined in section 3 of chapter XIIB; see NAA 215, Placement/Replacement Priorities for Indian Child(ren).

Note: Placements made with an unrelated caregiver cannot be changed to a relative placement while the child is in their home."

Prior to October 2022, the definition of a relative in both MCL 712A.13a(1)(j) and FOM 722-03B did not include unrelated individuals who have a strong positive emotional tie or role in the child's life or the child's parent's life if the child is an infant. Additionally, FOM 722-03 states the supervising agency must not place a child with an unrelated caregiver unless the unrelated caregiver is licensed, or the court orders the placement. Neither of these things were true when the [redacted] children were placed in unrelated unlicensed homes at the time of initial removal.

AWOLP: FOM 722-03A, Absent Without Legal Permission (AWOLP), states the supervising agency must immediately file a missing person report classifying the child as missing and endangered, after being notified of a child running away from a placement. Policy further outlines the requirement for notification to be provided within 24 hours to the court, the parents if applicable, the LGAL, the NCMEC, complete the 'DHS 3198-A Unauthorized Leave report to Court/Law Enforcement' and send copies to law enforcement and the court. The agency is also to ensure the child is entered into LEIN as missing and endangered. Policy further states that within one business day, the agency is to update the child's placement to AWOLP and

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Law and Policy Review Continued

update their identifying information and description in their record. Actions to locate the child should be documented in the MiSACWIS case file. Following [redacted] going missing, law enforcement, and NCMEC were not notified within the time requirements outlined in policy.

When a child is located, FOM 722-03A states that as soon as possible, but no later than one business day after locating the child/youth, the supervising agency must notify the NCMEC the child/youth has been located and notify local law enforcement the child/youth has been located. The case manager should provide information pertaining to the circumstances of the youth's recovery. In addition, the case manager must meet with the youth as soon as possible, but no later than five business days after locating the youth to determine the factors that contributed to the youth running away, the ways in which placement should respond to those factors, and the activities the youth participated in while missing and/or exploited. The conversation must be documented in the social work contacts in the electronic case record, as "Interview with child/youth on Return from AWOLP." Following [redacted] being located, MDHHS staff did not notify NCMEC or the local law enforcement agency within one business day that he had been located. Additionally, the interview with [redacted] at his school after he was located was not marked as an interview with child/youth on return from AWOLP, and did not cover policy requirements.

Relative Approval & Placement Safety Screen (MDHHS-5770): FOM 722-03B defines an emergency relative placement as an initial placement made by CPS, or a subsequent placement made by a supervising agency when a child has experienced an unplanned placement disruption or is placed in an unrelated home on an emergency basis and there is an immediate need for a placement resource. Emergency relative placements are made based on the results of the MDHHS-5770 Relative Approval & Placement Safety Screen. The MDHHS-5770 must be completed prior to an emergency placement.

If CPS denies placement with a relative caregiver and the child is placed in an unrelated/licensed foster home, then the foster care case manager must review the denied MDHHS-5770 with their supervisor to determine if placement would be appropriate upon further assessment via the MDHHS-3130A. The result of this review must be documented in the initial case service plan.

If further assessment is warranted, the MDHHS-3130A must be completed within 45 calendar days of removal. If the placement recommendation on the MDHHS-3130A is approved, the child must be placed with the relative. If the placement recommendation on the MDHHS-3130A is denied and the child is currently placed in the relative home, then the child is required to change placements, unless the court orders the placement against MDHHS' recommendation. MDHHS did not complete a DHS-3130a after the MDHHS-5770 denied [redacted] home. Furthermore, [redacted] remained living at [redacted] home, in an unapproved, unlicensed home.

[redacted] [redacted]

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Findings

The Child Advocate shall prepare a report of the factual findings of an investigation and make recommendations to the department or the child placing agency if the Child Advocate finds one or more of the following:

a) A matter should be further considered by the department or the child-placing agency.
b) An administrative act or omission should be modified, canceled, or corrected.
c) Reasons should be given for an administrative act or omission.
d) Other action should be taken by the department or the child-placing agency.

The Child Advocate believes the findings should be further considered by the department, and additional actions by MDHHS and other child welfare partners are necessary.

Findings:

1. The child advocate finds MDHHS did not follow FOM 722-03B and MCL 712A.13a at the time the [redacted] children were removed and placed into their initial foster homes. At the time of placement, law and policy did not include fictive kin within the definition of a relative. A court order was required to place children in unrelated, unlicensed homes, otherwise known as fictive kin.
    a. The court was not made aware the children were in fictive kin placements without a court order until July 28, 2022, over a month after the children were placed in these homes.
    b. There was no legal relationship between the families and there was no prior relationship between the caregivers and the children prior to the children being placed in the homes.

2. The child advocate finds when [redacted] went AWOLP on June 26, 2023, and July 4, 2023, AWOLP policy requirements were not met.
    a. MDHHS did not file an AWOLP petition concerning [redacted]
    b. MDHHS did not notify NCMEC until June 30, 2023, four days after he went AWOLP.
    c. [redacted] returned to the home on July 2, 2023, and left again without permission on July 4, 2023.
    d. The AWOLP petition and notification to the court occurred on July 6, 2023, two days after [redacted] went AWOLP.
    e. Notification to NCMEC occurred on August 8, 2023, 33 days after [redacted] went AWOLP from his placement.

[redacted] [redacted]

& siblings

Date of Birth: 12/29/2005

Case Number: 2023-0827

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Recommendation Issued: 7/30/2025

Findings Continued

3. The child advocate finds [redacted] was found and interviewed by foster care at his school on September 5, 2023.
    a. The interview with [redacted] at his school was not marked as an interview with child/youth on return from AWOLP and did not cover policy requirements outlined in FOM722-03A.

4. The child advocate finds MDHHS became aware on September 5, 2023, [redacted] was living at the home of [redacted] an unrelated and unlicensed home.
    a. [redacted] home was visited by the foster care case manager on September 5, 2023.
    b. An MDHHS-5770 for fictive kin/relative placement was completed on [redacted] for [redacted] placement on October 23, 2023. This assessment was denied on October 25, 2023, due to the suitability of the home.
    c. Per FOM 722-03B, this was considered a subsequent emergency placement, and the MDHHS-5770 should have been completed immediately.

5. The child advocate finds MDHHS did not complete an MDHHS-3130a after the MDHHS-5770 denied [redacted] home.

6. The child advocate finds [redacted] was left in an unapproved placement by MDHHS for 169 days. Between September 5, 2023, and February 21, 2024, his placement status in MiSACWIS remained AWOLP.

7. The child advocate finds the court was not notified of [redacted] location and status until January 17, 2024. MDHHS was then ordered to assist [redacted] in cleaning the home to make it suitable for placement of [redacted]

8. The child advocate finds Western Wayne County MDHHS was not aware of [redacted] placement in [redacted] home at the time her grandchildren were approved for placement with her. Additional assessments were required and could have been completed had staff been aware of [redacted] placement in the home.
    a. Multiple placement exception requests (PERs) were required for [redacted] home due to the number of children in the home (seven minor children).
    b. Per FOM 722-03e, the local county office is required to route the placement exception requests to DCWL.
    c. As of the writing of this document, the placement exception requests remain pending and unapproved.

[redacted] [redacted]

& siblings

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Findings Continued

9. The child advocate finds FOM 722-03A concerning AWOLP protocol lacks clear guidance and instruction for case managers.
    a. FOM 722-03A does not include a timeframe on when the court should be notified following a child being located when AWOLP.
    b. FOM 722-03A does not provide guidance/instruction on how to handle situations when a child refuses to leave an unapproved placement.

10. The child advocate finds that leaving a child(ren) in AWOLP status when MDHHS or private agency staff become aware of where a child is living, places the child(ren) at risk and potentially increases risk to other children in the home.

Recommendations

1. The child advocate recommends MDHHS amend FOM 722-03A concerning AWOLP protocol to include a requirement for the court be notified within one business day when a child is found.

2. The child advocate recommends MDHHS amend FOM 722-03A to include guidance/instruction for case managers on what steps to take if a child is in an unapproved placement and refuses to leave.
    a. This should include notification to the court which would allow the court to make proper orders to safeguard the child.

3. The child advocate recommends MDHHS provide additional training to staff on the updated definition of relative to provide a better understanding of who qualifies under the new definition.

4. The child advocate recommends MDHHS amend FOM 722-03B to require case managers to document how the unrelated caregiver meets the definition of a relative.

5. The child advocate recommends the appropriate placement exception requests be completed as required for ongoing case IDs 789963 and 691596.

[redacted] [redacted]

& siblings

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Conclusion

Pursuant to the Child Advocate Act, MCL 722.930, the OCA respectfully submits this report of findings and recommendations.

It is important that the matters addressed in this report be further considered by MDHHS. If implemented, these recommendations may effectuate positive change and can improve the lives of similarly situated children involved in Michigan's child welfare system.

Before publishing, MDHHS has 60 days to provide a written response to this report in defense or mitigation of the action. The published report will include any statement of reasonable length made to the OCA by MDHHS.

Respectfully,

Ryan Speidel, Michigan's Child Advocate
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