



STATE OF MICHIGAN

OFFICE OF CHILDREN'S OMBUDSMAN

LANSING

GRETCHEN WHITMER

GOVERNOR

RYAN SPEIDEL

DIRECTOR

Report of:

Findings and Recommendations
The involvement of Wellspring
with [REDACTED]

Under state law a record of the Office of Children's Ombudsman's is confidential, shall only be used for purposes set forth in this act, is not subject to court subpoena, and is not discoverable in a legal proceeding. Additionally, a record of the Office of Children's Ombudsman's is exempt from disclosure under the Freedom of Information Act.

Date: 26-Jan-2021

Case No.: 2020-0045

Summary:

On August 6, 2020, the Office of Children's Ombudsman (OCO) opened an investigation into the involvement of Wellspring Lutheran Services (Wellspring) with [REDACTED].

The OCO completed 27 case actions, including review of confidential records and information in the Michigan Statewide Automated Child Welfare Information System (MiSACWIS—the department’s computerized case file system), Department of Health and Human Services (DHHS) forms, foster care service plans, court orders, Children’s Protective Services (CPS) histories, a Foster Care Review Board (FCRB) report, and a packet of information that CPS provided to Wellspring foster care personnel. The OCO completed 13 interviews, including interviews of the DHHS [REDACTED]; the Wellspring [REDACTED], [REDACTED], [REDACTED] and [REDACTED]; the [REDACTED] and other [REDACTED]; and the [REDACTED].

The objective of this review was to identify areas for improvement in the child welfare system. By looking at how this family’s case was handled by Wellspring, this review reinforces the safety and well-being of a child is the shared responsibility of the family, community, and both law enforcement and medical personnel aiding children and families. It is not intended to place blame, but to highlight areas of concern regarding

the handling of this case and advocate for changes in the child welfare system on behalf of similarly situated children.

Purpose, Scope & Summary of Investigation:

On August 6, 2020, the OCO opened an investigation into Wellspring's and Kalkaska County DHHS' involvement with [REDACTED] foster care placement. The objective of this review was to investigate Kalkaska County DHHS' and Wellspring's handling of the processes and procedures as mandated by law, policy and rules regarding relative foster care placement and the involvement of CPS and foster care staff, the court, Foster Care Review board (FCRB), and medical personnel.



Paula Cunningham, OCO Investigator
Office of Children's Ombudsman
P.O. Box 30026
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Finding(s):

<u>Primary Agency of Focus:</u>	Wellspring Lutheran Services
<u>Secondary Agency(ies):</u>	Kalkaska County DHHS
Wellspring did not comply with time requirements in policy for evaluating proposed relative placements, which led to the relatives not getting placement of their great-granddaughter. Delay in beginning the relative safety screening led to the relatives not receiving initial placement consideration. In addition, the agency's failure to complete the maternal relative's home study within 45 days of [REDACTED]'s removal led to that relative not receiving the "special consideration and preference" for placement provided to relatives in Michigan Compiled Laws, MCL 722.954a(5).	

<u>Primary Agency of Focus:</u>	Wellspring Lutheran Services
<u>Secondary Agency(ies):</u>	Kalkaska County DHHS
<p>From ██████'s birth, it took 188 days for Wellspring to finalize the great-grandmother and great-grandfather's home assessment for placement of ██████. Wellspring recommended moving ██████ to the great-grandparents home. This decision was reversed when the Foster Care Review Board determined that ██████ should remain in the foster home. Wellspring changed their recommendation to align with the Foster Care Review Board.</p> <p>This case is a sample of growing evidence to indicate that child placing agencies often slow or otherwise inhibit relative placement on the basis of little evidence and with knowledge of a potential relative placement. As this is potentially a growing area of concern, the Office of Children's Ombudsman is going to track complaints of similar nature to ascertain if there is a pattern of behavior among child placing agencies that can be identified.</p>	

<u>Primary Agency of Focus:</u>	Wellspring Lutheran Services
<u>Secondary Agency(ies):</u>	Kalkaska County DHHS
<p>In this case, the unrelated licensed foster parents were given all the limited procedural rights pertaining to re-placement they were entitled to under Michigan law. Pursuant to Michigan Compiled Laws, MCL 712A.13b, Wellspring provided the foster parents notification of the intended re-placement of ██████ in August and the foster parents' right to appeal that re-placement; the Foster Care Review Board reviewed the foster parents' appeal of the intended re-placement; and the court conducted a hearing and issued an order regarding the foster parents' appeal.</p> <p>However, ██████'s great-grandparents received none of the rights pertaining to relative placements they were entitled to under Michigan law and related DHHS children's services policy. Wellspring did not complete a home study within 45 days of removal as required by Children's Foster Care Manual FOM 722-03B; Wellspring did not document in writing, making a final placement decision and the reasons for it; nor did Wellspring provide the necessary written notice of the decision and reasons supporting it to ██████'s relatives within 90 days of removal as required by Michigan Compiled Laws, MCL 722.954a(4); and, most importantly, Wellspring's delays in implementing the rights due ██████'s relatives undermined the preference in Michigan Compiled Laws, MCL 722.954a and Children's Foster Care Manual FOM 722-03B for placement of children with fit and willing relatives.</p>	

Recommendation(s):

<u>Primary Agency of Focus:</u>	DHHS Children's Services Agency
To help prevent the above findings from occurring in the future the OCO recommends that DHHS Children's Services Agency amend the Children's Foster Care Manual policy FOM 722-03B to establish clearer deadlines for completing the DHHS 5770 Relative Placement Safety Screen. Deadlines should be stringent enough to allow for more timely consideration of interested relatives and possible resolution of identified concerns.	

<u>Primary Agency of Focus:</u>	DHHS Children's Services Agency
To help prevent the above findings from occurring in the future the OCO recommends that DHHS Children's Services Agency update the <i>Foster Care Placement Decision Notice</i> form, also known as DHS-31 to require the following:	
A. Documentation of case-specific reasons for denying an identified relative placement of a child without disclosing confidential information.	
The current form only requires a caseworker to check a box next to a statement, such as, "attempts to identify relatives were unsuccessful" or "available relatives do not meet current DHHS standards for placement." As a matter of basic fairness, a relative who has come forward to serve as a foster parent for the child deserves to receive in writing specific reasons for the agency's refusal to place the child with him or her. This proposed amendment to the DHHS-31 would align practice regarding interested relatives with Michigan laws that require agencies to state in writing their reasons for denying any person a foster home license.	
B. Require an individual completing the form to select that either the Relative Placement Safety Screen form (form MDHHS-5770) and/or the Children's Foster Care Relative Placement Home Study form (form DHS-3130a) were provided to the potential foster care family.	
The OCO also recommends the addition of a date box to complete after selecting form MDHHS-5770 and/or DHS-3130a. It is recommended that the date box be utilized to document the date in which the potential foster family was provided MDHHS-5770 and/or DHS-3130a.	
The OCO believes that the updates to form DHS-31 will assist the department in documenting and validating when the required home study and/or relative placement	

study forms were provided to the potential foster family allowing for greater compliance with Michigan law and department policy.

Primary Agency of Focus:

DHHS Children's Services Administration

To ensure private agency foster care (PAFC) providers' timely response to completing relative's assessments, affording the relatives "special consideration and preference" as required by Michigan Compiled Laws, MCL 722.954a(5), the OCO recommends amending relevant policy to require additional oversight by the monitoring DHHS caseworker in cases where a relative has been identified and has expressed interest in placement.

According to Children's Foster Care Manual FOM 914, MDHHS Responsibilities for PAFC Managed Cases, the DHHS monitoring caseworker is not required to attend court hearings unless ordered to do so by the court. The monitoring caseworker is not required to approve service plans or court reports completed by the PAFC provider. The monitor does not have contact with the case members unless they contact the monitor, or the monitor becomes aware of a policy violation. The OCO is aware that in some counties the monitoring caseworker can have up to 90 cases, and it is not the intention of the OCO to add required responsibility to the monitors in general, but just in cases where a relative has been identified.

The OCO recommends building alerts or ticklers into the new MDHHS case management tool, the Comprehensive Child Welfare Information System (CCWIS), to help the department hold a PAFC accountable for completing all relative assessments in accordance with timeframes in FOM722-03B.



Ryan Speidel, Interim Children's Ombudsman
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STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

GRETCHEN WHITMER
GOVERNOR

ELIZABETH HERTEL
DIRECTOR

June 15, 2021

Suzanna Shkreli
Office of Children's Ombudsman
The Arbaugh Building, Suite 103
401 S. Washington Square
Lansing, MI 48933

Dear Ms. Shkreli:

The following is the updated Michigan Department of Health and Human Services (MDHHS) response to the findings and recommendations from the Office of Children's Ombudsman (OCO) Report of Findings and Recommendations regarding [REDACTED].

This report contains confidential information from a Children's Protective Services file. The Michigan Child Protection Law [MCL 722.627, section 7(3)] prohibits the release of this information to any individual/entity not authorized under Section 7(2) of the law. Pursuant to Section 13(3), release of this confidential information to an unauthorized individual/entity may subject you to criminal and/or civil penalties.

Finding(s):

<u>Primary Agency of Focus:</u>	Wellspring Lutheran Services
<u>Secondary Agency(ies):</u>	Kalkaska County DHHS
Wellspring did not comply with time requirements in policy for evaluating proposed relative placements, which led to the relatives not getting placement of their great-granddaughter. Delay in beginning the relative safety screening led to the relatives not receiving initial placement consideration. In addition, the agency's failure to complete the maternal relative's home study within 45 days of [REDACTED]'s removal led to that relative not receiving the "special consideration and preference" for placement provided to relatives in Michigan Compiled Laws, MCL 722.954a(5).	

<u>Primary Agency of Focus:</u>	Wellspring Lutheran Services
<u>Secondary Agency(ies):</u>	Kalkaska County DHHS
From [REDACTED]'s birth, it took 188 days for Wellspring to finalize the great-grandmother and great-grandfather's home assessment for placement of [REDACTED]. Wellspring recommended moving [REDACTED] to the great-grandparents home. This decision was	

reversed when the Foster Care Review Board determined that ██████ should remain in the foster home. Wellspring changed their recommendation to align with the Foster Care Review Board.

This case is a sample of growing evidence to indicate that child placing agencies often slow or otherwise inhibit relative placement on the basis of little evidence and with knowledge of a potential relative placement. As this is potentially a growing area of concern, the Office of Children's Ombudsman is going to track complaints of similar nature to ascertain if there is a pattern of behavior among child placing agencies that can be identified.

<u>Primary Agency of Focus:</u>	Wellspring Lutheran Services
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In this case, the unrelated licensed foster parents were given all of the limited procedural rights pertaining to re-placement they were entitled to under Michigan law. Pursuant to Michigan Compiled Laws, MCL 712A.13b, Wellspring provided the foster parents notification of the intended re-placement of ██████ in August and the foster parents' right to appeal that re-placement; the Foster Care Review Board reviewed the foster parents' appeal of the intended re-placement; and the court conducted a hearing and issued an order regarding the foster parents' appeal.

However, ██████'s great-grandparents received none of the rights pertaining to relative placements they were entitled to under Michigan law and related DHHS children's services policy. Wellspring did not complete a home study within 45 days of removal as required by Children's Foster Care Manual FOM 722-03B; Wellspring did not document in writing, making a final placement decision and the reasons for it; nor did Wellspring provide the necessary written notice of the decision and reasons supporting it to ██████'s relatives within 90 days of removal as required by Michigan Compiled Laws, MCL 722.954a(4); and, most importantly, Wellspring's delays in implementing the rights due ██████'s relatives undermined the preference in Michigan Compiled Laws, MCL 722.954a and Children's Foster Care Manual FOM 722-03B for placement of children with fit and willing relatives.

Recommendation(s):

<u>Primary Agency of Focus:</u>	DHHS Children's Services Agency
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To help prevent the above findings from occurring in the future the OCO recommends that DHHS Children's Services Agency amend the Children's Foster Care Manual policy FOM 722-03B to establish clearer deadlines for completing the DHHS 5770 Relative

Placement Safety Screen. Deadlines should be stringent enough to allow for more timely consideration of interested relatives and possible resolution of identified concerns.

MDHHS Response to Recommendation: MDHHS recognizes the importance of placing children with their relatives and prioritizes engaging them at every point during a foster care or adoption case. As a result of the recommendation, the Children's Services Agency reviewed policy and determined that current deadlines, when followed, allow for timely investigation and licensure of interested relatives.

<u>Primary Agency of Focus:</u>	DHHS Children's Services Agency
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To help prevent the above findings from occurring in the future the OCO recommends that DHHS Children's Services Agency update the *Foster Care Placement Decision Notice* form, also known as DHS-31 to require the following:

- A. Documentation of case-specific reasons for denying an identified relative placement of a child without disclosing confidential information.

The current form only requires a caseworker to check a box next to a statement, such as, "attempts to identify relatives were unsuccessful" or "available relatives do not meet current DHHS standards for placement." As a matter of basic fairness, a relative who has come forward to serve as a foster parent for the child deserves to receive in writing specific reasons for the agency's refusal to place the child with him or her. This proposed amendment to the DHS-31 would align practice regarding interested relatives with Michigan laws that require agencies to state in writing their reasons for denying any person a foster home license.

- B. Require an individual completing the form to select that either the Relative Placement Safety Screen form (form MDHHS-5770) and/or the Children's Foster Care Relative Placement Home Study form (form DHS-3130a) were provided to the potential foster care family.

The OCO also recommends the addition of a date box to complete after selecting form MDHHS-5770 and/or DHS-3130a. It is recommended that the date box be utilized to document the date in which the potential foster family was provided MDHHS-5770 and/or DHS-3130a.

The OCO believes that the updates to form DHS-31 will assist the department in documenting and validating when the required home study and/or relative placement study forms were provided to the potential foster family allowing for greater compliance with Michigan law and department policy.

MDHHS Response to Recommendation: Foster care policy FOM 722-03B pg. 22 requires Child Placing Agencies to send the DHHS-31, which notifies a relative of the placement decision, and a copy of the Relative Placement Safety Screen (DHHS-5770) or Relative Placement Home Study (DHHS-3130A). Both reports have a “Placement Recommendation” section requiring the agency to write a “rationale and explanation for their placement recommendation”.

MDHHS agrees to add a checkbox to the DHHS-31 where Child Placing Agencies can acknowledge they provided either the 5770 or 3130a to the family as well as the date the form was provided. Proposed enhancements to the form should occur within 90 days.

<u>Primary Agency of Focus:</u>	DHHS Children’s Services Administration
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To ensure private agency foster care (PAFC) providers’ timely response to completing relative’s assessments, affording the relatives “special consideration and preference” as required by Michigan Compiled Laws, MCL 722.954a(5), the OCO recommends amending relevant policy to require additional oversight by the monitoring DHHS caseworker in cases where a relative has been identified and has expressed interest in placement.

According to Children’s Foster Care Manual FOM 914, MDHHS Responsibilities for PAFC Managed Cases, the DHHS monitoring caseworker is not required to attend court hearings unless ordered to do so by the court. The monitoring caseworker is not required to approve service plans or court reports completed by the PAFC provider. The monitor does not have contact with the case members unless they contact the monitor, or the monitor becomes aware of a policy violation. The OCO is aware that in some counties the monitoring caseworker can have up to 90 cases, and it is not the intention of the OCO to add required responsibility to the monitors in general, but just in cases where a relative has been identified.

The OCO recommends building alerts or ticklers into the new MDHHS case management tool, the Comprehensive Child Welfare Information System (CCWIS), to help the department hold a PAFC accountable for completing all relative assessments in accordance with timeframes in FOM722-03B.

MDHHS Response to Recommendation: As a result of this recommendation, the Children’s Services Agency reviewed areas where oversight exists regarding timely completion of relative home studies. On 9/30/20, MDHHS directed, through Communication Issuance CI 20-141, county and private agency staff to access the Data Warehouse Portal to create reports, including the CW-6025, which track and monitor upcoming and overdue initial and annual Relative Placement Home Studies.

Additionally, MDHHS will request a tickler function for relative assessments be added to the new CCWIS system currently under development and will consult with the State Court Administrative Office on additional training regarding the importance of relative placements for the Foster Care Review Board.

Thank you for the opportunity to respond to this Report of Findings and Recommendations. If you have questions or concerns, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Demetrius Starling". The signature is written in a cursive style with a long horizontal stroke at the end.

Demetrius Starling
Senior Deputy Director
Children's Services Agency