
OVERVIEW

DHS prohibits the use of corporal punishment as a means of disciplining a foster child, in all out-of-home foster care placements which includes licensed foster homes, unlicensed caregiver homes, and child caring institutions. DHS allows the use of seclusion in compliance with applicable licensing rules for child care institutions. This policy defines corporal punishment and seclusion/isolation, and specifies reporting requirements.

Psychotropic medication must not be used as a method of discipline or restraint for any child. Psychotropic medications are not to be used in lieu of or as a substitute for identified psychosocial or behavioral interventions and supports required to meet a child's mental health needs; see FOM 802-1, Psychotropic Medication in Foster Care.

DHS prohibits the use of any treatment modality where the regulation, control, and discipline of problem behaviors is carried out by youth/residents rather than adults/staff members.

DHS prohibits any form of peer-on-peer restraint; see definition below.

DEFINITIONS

Corporal punishment is hitting, paddling, shaking, slapping, spanking, or any other use of physical force as a means of behavior management.

(Reference: R. 400.9101, subsection c)

Seclusion/Isolation is the involuntary placement of a minor child in a room alone, where the minor child is prevented from exiting by any means, including the physical presence of a staff person if the sole purpose of that staff person's presence is to prevent the minor child from exiting the room. Seclusion does not include the use of a sleeping room during regular sleeping hours to ensure security precautions appropriate to the condition and circumstances of a minor child placed in the child caring institution as a result of an order of the family division of circuit court under section 2(a) and (b) of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, if the minor child's individual case treatment plan indicates that the security precautions would be in the minor child's best interest.

(Reference: PA 116, MCL 722.112b)

Minor child includes a person who is less than 18 years of age or a person who is a resident in a child caring institution, foster family home, or foster family group home, who is at least 18 but less than 21 years of age, and who meets the requirements of the young adult voluntary foster care act.

(Reference: PA 116, MCL 722.111o)

Peer-on-peer restraint is the application of physical force by one or more youth that reduces or restricts the ability of an individual to move his arms, legs, or head freely.

REPORTING REQUIREMENTS

Child Caring Institutions

Corporal Punishment

The Bureau of Children and Adult Licensing (BCAL) must report to the Division of Continuous Quality Improvement (DCQI), confirmed rule noncompliance regarding the use of corporal punishment that:

1. Involves a foster child.
2. Occurs in a child caring institution.

BCAL must make the report within 24 hours (or the next business day) of the confirmation of noncompliance, using the Corporal Punishment, Seclusion, or Restraint Notification Form, in the Juvenile Justice On Line Technology (JJOLT) System.

Seclusion/Isolation

All child caring institutions must report the use of seclusion/isolation to the DCQI within 24 hours (or the next business day) of the use of seclusion/isolation. The child caring institution must report incidences of seclusion/restraint using the Corporal Punishment, Seclusion, or Restraint Notification Form, in the JJOLT System.

Child Placing Agencies – Corporal Punishment

Licensed Foster Homes

A Child Placing Agency (Public and Private) must submit a BCAL-259, Special Investigation Report, to BCAL when a confirmed rule noncompliance regarding the use of corporal punishment occurs in

a foster home certified for licensure by the child placing agency; see Licensing rules for Child Placing Agencies – R.400.12316.

As an interim process, upon receipt of the BCAL-259, BCAL must report to the DCQI confirmed rule noncompliance regarding the use of corporal punishment. BCAL must make the report within 10 business days of receiving the BCAL-259, using the Corporal Punishment, Seclusion, or Restraint Notification Form, in the JJOLT System.

Upon implementation of MiSACWIS, child placing agencies must directly report confirmed rule noncompliances regarding the use of corporal punishment. The child placing agency must make the report within 24 hours or the next business day of the confirmed occurrence, using the Corporal Punishment, Seclusion, or Restraint Notification Form, in the JJOLT System.

Unlicensed Caregivers

Upon implementation of MiSACWIS, child placing agencies must report confirmed rule noncompliances regarding the use of corporal punishment. The child placing agency must make the report within 24 hours or the next business day of the confirmed occurrence, using the Corporal Punishment, Seclusion, or Restraint Notification Form, in the JJOLT System.

EVALUATION PROTOCOL

Each time a Corporal Punishment, Seclusion, or Restraint Notification Form, is completed, an email notification is automatically sent to DCQI, BCAL, and the DHS foster care worker with case management or monitoring responsibility for the child involved in the incident. The email notification will include the Corporal Punishment, Seclusion or Restraint Notification Form, as an attachment.

Each Corporal Punishment, Seclusion and Restraint Notification Form, as well as the monthly summary reports must be reviewed by DCQI and BCAL. DCQI must review the reports and identify trends which may require further review of the child placing agency by BCAL. When deemed necessary, BCAL must review individual cases.

BCAL must review a sample of applicable cases during their routine on-site reviews.

Note: Reporting to the DCQI does not replace reporting requirements as established in the Child Protection Law (PA 238) or applicable licensing rules (Licensing Rules for Child Placing Agencies, Licensing Rules for Child Caring Institutions).