
OVERVIEW

Program Orientation

The purpose of foster care is to provide a temporary safe and stable environment for children while services are being completed to reunify children and families. Permanency planning, service provisions, and effective case management are key to eliminating the trauma of separation from parents and family while in temporary foster care. Foster care must be viewed as a short-term solution to an emergency situation and permanency planning must continue throughout the child's placement in care.

The foster care program for children provides placement and supervision of children who have been abused and/or neglected and cannot remain in their family home because they would be at risk of further harm. Services must be focused on resolving the problems which necessitated removal.

Selection of a placement for a child outside of the child's own home must be dictated by safety, the needs of the child, and the child's best interests including the child's need for permanency. This placement, depending on an individual child's needs, is to:

- Promote a safe return home.
- When reunification is not possible, promote permanency for the child. When families cannot be reunified, children must be prepared for safe, appropriate permanent placements. A placement is considered permanent if it is intended to last until the child reaches adulthood.

Philosophy Statement

Children have a right to a stable home environment that provides for their safety, nurtures their development, and promotes a sense of belonging.

Foster care must be viewed as a temporary solution to an emergency situation. Foster care provides protection of the child from abuse or neglect, as identified during the protective services process, where temporary removal from the parent's home is ordered by the court.

Removal of children from their parent or legal guardian occurs only when the parent or legal guardian is absent, or unable or unwilling to provide adequate care. Efforts to reunify must begin immediately after removal. Permanent arrangements must be initiated when reunification efforts are unsuccessful or when such efforts would place the child at risk.

Relative care is a key to substantially reducing the trauma related to the of removal from parents and family while in temporary foster care. A child's relative network must be the preferred out-of-home placement for both temporary and permanent circumstances; see [FOM 722-03, Placement Selection and Standards](#).

The selection of the relative/unrelated caregiver or foster care provider should involve family decision-making, where possible and appropriate, and includes a thorough assessment of the family's potential to provide for the child with consideration given to the input of the parent.

An appropriate permanent placement for all children in a family is the primary goal of foster care. A solution focused approach must be used with parents and significant others involved to resolve the issues which led to out-of-home care.

Foster care must be directed toward assisting and supporting parents in their role as caregivers. If reunification after temporary placement cannot be achieved, foster care must be directed to establish permanence outside of the family home, with preference for placement within the child's relative network.

The child's family home is always the preferred permanent placement. Child neglect is rarely intentional. Parents can be provided with support and services to be able to care for their children appropriately.

DEFINITIONS

Case Service Plan

Case service plans are used to document case planning and service provision to children in foster care and their families. Casework service **requires** the engagement of the family in development of the case service plan. This engagement must include an open conversation between all parents/guardians and the specialist; see [FOM 722-08, Case Service Plans- Overview, Types, and Timeframes](#).

Legal Father

A man married to the mother at any time from a child's conception to the child's birth, unless a court has determined, after notice and a hearing, the child was conceived or born during the marriage, but is not the issue of the marriage, a man who legally adopts the child, a man who by order of filiation or by judgment of paternity is judicially determined to be the father of the child, a man judicially determined to have parental rights, and a man whose paternity is established by the completion and filing of an acknowledgment of parentage.

Unrelated Caregiver

An unlicensed individual, not related to the child by blood, marriage, or adoption who do not meet the relative definition in [FOM 722-03B, Relative Engagement and Placement](#), meets the criteria for an unrelated caregiver service type and living arrangement. Putative parents are included in this service type.

Foster Care

Children are placed in the care of an individual, who resides with the child and who has been licensed or approved by the State/Tribal agency to be a foster parent. The Michigan Department of Health and Human Services (MDHHS) has placement and care responsibility of the child(ren), and the agency has deemed the individual capable of adhering to the following:

- Reasonable and prudent parent standards.
- Providing 24-hour substitute care for children placed away from their parents or other caretakers.
- Providing care for not more than five children in the home including the foster family or relative caregiver's biological and adopted children.

This includes, but is not limited to, placements supervised by a private child placing agency under contract with MDHHS, placements supervised by tribal governments through an agreement with MDHHS, placements in foster family homes, relative's homes, group homes, emergency shelters, child caring institutions (CCI), and pre-adoptive placements. A child is in foster care regardless of whether the foster care facility is licensed, and payments are being made for the care of the child, whether adoption assistance payments are being made prior to the

finalization of an adoption, or whether there is federal matching of any payments.

Non-Parent Adult

A person who is 18 years of age or older and who, regardless of the person's residence, meets all the following criteria in relation to a child:

- Has substantial and regular contact with the child.
- Has a close personal relationship with the child's parent or with a person responsible for the child's health or welfare.
- Is not the child's parent or otherwise related to the child by blood or affinity to the third degree.

This may include, for purposes of case planning, a boyfriend or girlfriend. A non-parent adult is a person responsible for the child's health or welfare.

Placement Episode

A placement episode begins when a child is removed from their home to an out-of-home living arrangement or when a case is opened with the living arrangement coded as out-of-home.

Primary Caretaker

The adult living in the household who assumes the most responsibility for childcare. When two adult caretakers are present **and** there is doubt about which one assumes the most childcare responsibility, the adult legally responsible for the children must be selected. If this rule does not resolve the question, the legally responsible adult perpetrator must be selected. Only **one** primary caretaker can be selected.

Relatives

As defined in MCL 712A.13a, a relative is defined as an individual who is at least 18 years of age and 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. A relative may

also be an individual who is at least 18 years of age and 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.

Secondary Caretaker

The adult who has routine responsibility for childcare but less responsibility than the primary caretaker. A non-parent adult may be a secondary caretaker even though they have minimal responsibility for care of the child(ren).

Supervising Agency

The child placing agency (CPA) supervising the family foster care placement of a child. This may be either the local MDHHS office, the private child placing agency under contract with MDHHS, or tribal social services agency to provide foster care services.

OUTCOMES FOR CHILDREN

MDHHS is committed to improving results for children and families involved in the child welfare system, including:

- Reducing the number and rate of children removed from their families.
- Increasing the number and rate of children entering foster care who are placed in their own neighborhoods or communities.
- Reducing the number of children placed in institutional and group home care and shifting resources from group and institutional care to relative care, family foster care, and family centered services.
- Decreasing the length of stay for children in out-of-home placement.
- Increasing the number and rate of children reunified with their families.
- Decreasing the number and rate of children re-entering out-of-home placement.

- Reducing the number of foster care replacements for children in care.
- Increasing the number and rate of siblings placed together.
- Reducing any disparities associated with race/ethnicity, gender, or age in each of these outcomes.

POLICY CONTACT

Questions about this policy item should be emailed to the Child Welfare Policy (Child-Welfare-Policy@michigan.gov) mailbox.

LEGAL AUTHORITY

Federal

Public Law 96-272

The Adoption Assistance and Child Welfare Act of 1980, [42 USC 670 et. seq.] amends the Social Security Act and provides the federal legal base for placement services to children. The intent of this law is to strengthen permanency planning for children within each of the states.

Public Law 95-608, ICWA

Provides the federal requirements regarding removal and placement of Indian children in foster or adoptive homes and allows the child's tribe to intervene in the case. The intent of Congress under ICWA was to protect the best interests of Indian children and families and to promote the stability and security of Indian tribes and cultures [25 USC 1902]. See Indian Child Welfare Act in NAA 100.

Public Law 109-248, Adam Walsh Child Protection and Safety Act of 2006

Expands the national sex offender registry by integrating the information from state sex offender registry systems and ensuring that law enforcement has access to the same information nationwide. There are several child welfare provisions which increase criminal background check procedures concerning prospective foster and adoptive parents.

Specifically, the law requires states to have procedures in place to conduct criminal background checks including fingerprint-based checks through a National Crime Information Database of prospective foster and adoptive parents before the placement of a child.

States must check any child abuse and neglect registry in each state in which prospective foster and adoptive parents and any other adults living in the home have resided in the preceding five years and to respond to child abuse and neglect registry check requests made by other states.

The law requires states to have safeguards in place to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the state and to prohibit the state from sharing the information obtained from a registry for purposes of background checks of foster and adoptive parents for any other purpose.

State Laws

[Michigan Compiled Laws](#)

Social Welfare Act, MCL 400.1 et seq.

The Social Welfare Act provides that the department investigate, when requested by the court, matters pertaining to dependent, neglected and delinquent children and wayward minors, under the jurisdiction of the probate court and provide supervision and foster care as provided by court order.

Juvenile Code, MCL 712A.1 et seq.

The Juvenile Code requires that each child under the jurisdiction of the court must receive care, guidance, and control, preferably in their own home, conducive to the child's welfare... and that, if a child is removed from the control of their parents, the child must be placed in care as nearly as possible equivalent to the care which should have been given to the child by their parent.

Child Care Organization Licensing Act, MCL 722.101 et seq.

The Child Care Organization Licensing Act provides protection of children placed out of their own home through the establishment of standards of care for child placement agencies, institutions, and family foster homes as well as provision of penalties for noncompliance with promulgated administrative rules.

Child Protection Law, MCL 722.621 et seq.

The Child Protection Law requires the reporting of child abuse and neglect by certain persons permits the reporting of child abuse and neglect by all persons; and provides for the protection of children who are abused or neglected.

Foster Care Review Board, MCL 722.130 et seq.

Permanently established the State Foster Care Review Board (FCRB) in the State Court Administrative Office (SCAO) and requires it to create local foster care review boards. The FCRB must review the foster care system and make recommendations concerning the foster care system to appropriate groups and agencies. The local review boards review the initial placement plan and subsequent progress report of children placed into foster care. Written findings and recommendations regarding the care, maintenance, supervision, and the plan for permanence for the child in foster care are submitted to the childcare organization and Family Division of the Circuit Court within 30 days of the review.

Michigan Indian Family Preservation Act (MIFPA) MCL 712B.1 et seq.

The state counterpart to ICWA. MIFPA provides additional protections to Indian families and a requirement to provide notice to and collaborate with an Indian child's tribe.

2007 PA 218

Amends 1973 PA 116, Child Care Organizations Act (MCL 722.111 et seq.).

MCL 712A.19a

The court must conduct permanency planning hearings periodically to review the status of the child and the progress being made toward the child's return home, or to show why the child should not be placed in the permanent custody of the court.

MCL 712A.13b

Requires the agency to notify the court and the child's LGAL (lawyer-guardian ad litem) when a foster child changes placement. Providing notice of the change in placement could alert the court and LGAL to potential problems, especially if a child frequently

changes placements. The law allows the agency to send the notice to the court electronically.

MCL 712A.19

Allows MDHHS to implement concurrent planning. Concurrent planning is a process of working towards family reunification, while at the same time establishing an alternative permanency plan in case the child cannot be returned home safely.