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**OVERVIEW**

The number of placements, or places where a child lives, can impact daily functioning of a child in foster care. To support the safety, permanency, and well-being of a child, all placement decisions on behalf of a child must take into consideration the following three principles:

- Minimizing the trauma experienced by the child and family during the placement process.
- Striving for the first placement to be the best placement, which includes placing the child in his/her community or as close to home as possible.
- Placing the child in the most appropriate, most family-like setting that will meet his/her needs.

All factors outlined in this item must be evaluated to ensure that the selected placement is safe and in the child's best interest. Depending on the circumstances in each case and the specific needs of the child, certain factors should be given more weight than others. In no case is any one factor to be given sole consideration.

**GENERAL  
REQUIREMENTS*****American Indian/Alaska Native Children***

Policy outlined in NAA 215, Placement Priorities for Indian Children, must be followed for children who are identified as American Indian/Alaska Native (AI/AN) or when there is reason to believe the child is AI/AN. Documentation of each placement an AI/AN child has must be maintained in the case service plan to show the efforts to comply with placement priorities.

***Race***

Caseworkers may not routinely consider race, national origin, and ethnicity in making placement decisions. Any consideration of these factors must be done on an individualized basis and only when circumstances indicate that their consideration is warranted. An assessment of race in all placement decisions is not appropriate and must only be made when the individual needs of the child justify consideration; documented first line supervisory approval is necessary; see MEPA Complaint Procedures in this item.

**Exception:** This does not apply to AI/AN children; see NAA 215, Placement Priorities.

## LEGAL AUTHORITY

### ***Federal Laws***

#### **Fostering Connections to Success and Increasing Adoptions Act of 2008, 42 USC 620 et seq.**

Emphasizes the preservation of the sibling bond by requiring the state to make reasonable efforts to place siblings in the same placement.

### ***State Laws***

#### **Probate Code, 1939 PA 288, MCL 712A.13a**

Definitions; petition; release of juvenile; order removing abusive person from home; placement of child; foster care; conditions; duty of court to inform parties; criminal record check and central registry clearance; family-like setting; parenting time; review and modification of orders and plans; release of information; information included with order; abuse defined.

#### **Probate Code, 1939 PA 288, MCL 712A.13b**

Change in foster care placement.

#### **Foster Care and Adoption Services Act, 1994 PA 203, as amended, MCL 722.954a**

Placement of child in supervising agency's care; determination of placement with relative; notification; special consideration and preference to child's relative; documentation of decision; review hearing.

#### **Public Health Code, 1978 PA 368, MCL 333.5131(5)(g)**

Provides an exception to the strict rules of confidentiality required for persons with HIV infection, acquired immunodeficiency syndrome (AIDS) or other serious communicable disease.

## PARENT INVOLVEMENT

Unless harmful to the safety or best interests of the child, the legal parent/guardian of the child must be involved in the selection of any

out-of-home placement. Whenever possible and appropriate, the parent should participate in the following discussions and decisions, even if the court has already ruled that out-of-home placement is required:

- The parent and the caseworker **must** discuss all possible options, such as placement with relatives, licensing of a friend or relative to serve as a caregiver, or other known options. If foster care with a licensed home is selected, the parent should be made aware of available homes and should help select the one that best meets the child's needs.
- Once a preference by the caseworker and parent is established, the caseworker must attempt to facilitate that placement. If necessary, an emergency or temporary placement for up to 30 calendar days may be used while a longer term placement is explored or arranged.
- At the time of placement or placement change (during the applicable family team meeting [FTM]), the caseworker and parent should meet with the caregiver to orient them to the specific needs and characteristics of the child. Information about medications, allergies, cultural practices, food preferences, temperament, sleep schedules, special and/or personal toys, books or clothing that will aid in a smooth transition, and other specifics about the child should be requested from the parent. In the best interest of the child, the caseworker should encourage the caregiver to meet with the birth parent to facilitate an ongoing exchange of child information.
- To the extent possible and appropriate, the caregiver should have phone access to the parent and should consult with the parent whenever major decisions or problems arise. Parental access to the caregiver home may be limited within reason, based on the best interests of the child.
- When selecting the best available placement for a child, the caseworker must discuss all of the placement selection criteria with the parent. The parent's opinion and recommendations regarding the importance of each criteria should be given considerable weight but the final decision remains with the department.

These factors are intended to identify placement preferences, and when taken together, should indicate the placement of choice.

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**PLACEMENT  
SELECTION  
CRITERIA**

The following criteria must be evaluated when making a placement or placement change.

**Permanency Goals**

The case plan must include a goal of permanency. The following are to be evaluated:

***The Ultimate or Long Range Plan For the Child***

Whether the permanency plan is reunification, adoption, legal guardianship, permanent placement with a fit and willing relative(s), or in some cases, another planned permanent living arrangement, evaluate the type and location of initial and ongoing placements. Every placement should be chosen with the long-range plan for the child in mind. The ability to support the plan, even if it changes, must guide selection of placements; see FOM 722-07, Permanency Planning.

***Permanent Family at Earliest Possible Date***

If the plan is reunification, selection of a placement must facilitate and support return home, within weeks, if possible.

***Minimum Number of Placements***

The placement selection should to minimize the number of placements for the child. Whenever possible, the initial placement should become the ongoing placement for the child with the potential for permanency if needed.

***Child's Previous Placement History***

Placement history, including informal and formal placements, should be considered when selecting an ongoing placement. The relationship with the previous caregiver should be considered. Prior placements may indicate a need for prompt action to achieve permanence, a need for more or less structure, the child's inability to relate to parental figures, and ability and/or willingness to relate to a specific caregiver, etc. These conditions may provide important information when considering a placement choice.

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**Placement with  
Relatives**

Preference must be given to placement with a fit and willing relative; see FOM 722-03B, Relative Engagement and Placement.

**Needs of Child**

Selection of a placement must evaluate the:

- Physical, emotional, educational, and safety needs of the child.
- Special needs of the child.
- Specialized services required to meet the needs of the child.
- Accessibility/availability of required services for the child.
- Caregiver's willingness and capacity to meet the needs of the child and the permanency plan.

**Child's Preference**

Discuss and document placement preferences of the child, as age appropriate. Consideration must be given to the child's preference. If the child is not consulted, the reasons why not must be documented within the case service plan.

**Proximity to the  
Child's Family**

Children must not be placed outside of a 75-mile radius of the home from which the child entered custody, unless one of the following exceptional circumstances arise:

- The child's needs are so exceptional that they cannot be met by a family or facility within a 75-mile radius.
- The child requires a placement change and the child's permanency goal is reunification with his/her parents who at that time reside outside of the 75-mile radius.
- The child is to be placed with a relative/sibling outside of the 75-mile radius.
- The child is to be placed in an appropriate pre-adoptive or adoptive home that is outside of the 75-mile radius.

If the child is placed outside the 75-mile radius, a Foster Care Placement Exception Request is required; see Placement Exception Requests in this item.

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If the child is not placed in close proximity to his/her family, the case service plan must document why it is in the child's best interest to be placed away from his/her community.

### Placement of Sibling Groups

Siblings are defined as children who have one or more parents in common. The relationship can be biological, through adoption, or through marriage, and includes siblings as defined by the AI/AN child's tribal code or custom. A sibling relationship continues regardless of legal status or when a marriage ends by death or divorce.

All siblings in out-of-home placement must be placed together, unless:

- One of the siblings has exceptional needs that can be met only in a specialized program or facility.
- Such placement is harmful to one or more of the siblings.
- The size of the sibling group makes one placement impractical, notwithstanding diligent efforts to place the siblings within the same home.

**Note:** For a sibling group, an exception to the limitation on the number of children in a foster home may be obtained; see Placement Exception Requests in this item. Rule variances to foster home capacity may be requested, the process can be found in FOM 922-1, Foster Home Development, Licensing Variances.

A placement exception request is required for each placement which separates or maintains separation of siblings; see Placement Exception Requests in this item.

#### ***Reasonable Efforts Made to Place Siblings Together***

Ongoing efforts to place siblings together are required unless the placement would be contrary to the safety or well-being of any of the siblings. The sibling split rationale must be documented in the case service plan.

If the sibling group is not placed within the same placement, the ongoing efforts made to place the siblings together and the reason

why the siblings are separated must be documented in the case service plan.

### ***Quarterly Reassessment***

Caseworkers are required to make ongoing efforts to place the siblings within the same home. A reassessment of the sibling split placement is required in the case service plan each quarter. The reassessment must also include the efforts and progress made to place all siblings within the same placement. The reassessment must be documented in the case service plan.

### ***Sibling Placement after Termination/Adoption***

Termination of parental rights does not negate a child's relationship with other siblings already in care. Efforts must be made to identify siblings by reviewing prior case records and documenting known information regarding siblings in the child's foster care case file.

Children are related when they share a biological parent regardless of legal status. When placing a child, the relationship of the child to the relative is not restricted to the adult caregiver and every effort must be made to identify and evaluate placement options with the sibling(s).

When there are at least two options for placement, one with an adult relative and the other with a sibling in foster care or an adoptive home, **and both are equal** in placement selection/best interest criteria, preference should be given to placement with the sibling.

There must be an evaluation of the number of children in the home, with an assessment of the proposed caregiver's ability to meet the needs of another child. If this proves impossible or is not in the child's best interest, the reasons for alternative placement must be documented in the case service plan and on the DHS-31, Placement Decision Notice.

## **The Child's and Family's Religious Preferences**

The caseworker must consider parental wishes and the child's feelings and desires whenever possible in selecting a placement which affords the child an opportunity for expression of religious beliefs and practices; see, FOM 722-02, Administrative Rules.

**Least-Restrictive  
Setting**

The caseworker must consider a placement which is the least-restrictive, most family-like, and still meets the needs of the child.

**Continuity of  
Relationship**

The caseworker must consider a placement which preserves and maintains relationships with the relative network, prior service providers, friends, teachers, etc.

**Availability of  
Placement  
Resources for  
Purposes of  
Timely Placement**

The caseworker must consider the placement actually available which best meets the child's needs, is safe, and in the child's best interests.

**Current  
Circumstances of  
Potential  
Placement Family**

Once a decision is made to place a child in a specific home, an evaluation of that family's ability to meet the needs of the specific child and extra demands of an additional placement must be completed prior to placement.

While placement with siblings and relatives is usually in the child's best interest, at times extenuating circumstances in the identified home may negatively impact the success of the placement, and perhaps the child's safety.

Prior to placing a child in any home, caseworkers must consider the following factors within a caregiver home when making placement decisions:

***Number and Ages of Children in the Home***

Caseworkers must realistically consider the caregiver's ability to provide supervision and care given the number and ages of the children (biological, foster, adoptive) already in the home.



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***Special Needs of Children Residing in the Home***

Caseworkers must consider the special needs of all of the children living in the home. Caseworkers must examine whether any of the children residing in the home are receiving a determination of care (DOC) level or adoption subsidy based on difficulty of care rates or demonstrating high risk behaviors; see Placement of a Child Identified with High Risk Behaviors in this item. If children with special needs are residing within the home; caseworkers need to give consideration to the quality of care and quantity of supervision necessary from the caregiver and expected requirements of care needed with the addition of another placement.

***Number of Caregiver(s)***

Consideration should be given to the number of caregivers available considering the specific foster child's current needs and the caregivers' ability to care for this child.

***Support Systems of the Caregiver(s)***

Consideration should be given to the caregiver's support system (family, friends, community) and their ability to offer assistance during times of need. Assess whether the caregiver has participated in trainings, support groups, or mentoring programs that offer the knowledge needed to provide for the specific needs of the child considered for placement.

***Parenting Difficulties Since Last Placement***

Consideration must be given to any identified parenting concerns/difficulties that the caregiver may have recently experienced with other children in the home, including truancy or delinquency issues, mental or physical health concerns, or behavioral problems. If there have been parenting concerns in the past, the caregiver's ability to resolve and manage the situation should be considered. If there are ongoing parental stressors in the home, consider the needs of all children prior to placing another child in the home.

***Significant Changes or Stressors Since Last Placement***

Consideration should be given to the caregiver's recent experiences, significant changes, stressors, or financial problems that may affect the caregiver's capacity to care for a child.

***Children's Protective Services and/or Foster Home Licensing Complaints***

Prior to placement, caseworkers are required to consult with Children's Protective Services and foster home licensing staff to determine if any complaints have been received on this home.

Caseworkers are required to document that the factors were considered and if any issues within the above factors exist, a narrative justification must be made in the placement section of the case service plan.

***Health and Age of the Prospective Caregiver***

Consideration should be given to the caregiver's age and health status when determining his/her ability to provide permanency for the child as well as the caregiver's ability to meet the child's current and ongoing needs.

The age and/or health of the prospective caregiver should be given heightened consideration if:

- The prospective caregiver is under the age of 21.
- The youngest child to be placed is less than 10 years of age and there is more than 50 years age difference between the child and the youngest prospective caregiver.

Caseworkers must document the factors considered. If any issues within the above factors exist, a narrative justification must be made in the placement section of the case service plan.

**PLACEMENT OF  
SPECIAL  
POPULATIONS****Infants and Young  
Children**

When removal from a parent's home is being considered for an infant or young child, decisions must be made to ensure developmentally appropriate parent-child contact, family continuity, stability in placement, and timely permanency. FTMs must be utilized to gather information and discuss an infant's development, family connections and transition planning; see FOM 722-06B, Family Team Meeting. When out-of-home placement is necessary, an infant's distress will be lessened if the new environment can be made very

consistent with the old one. The transition to a foster home should be facilitated by providing a child with familiar objects from the biological home, including but not limited to:

- Blanket.
- Sheets.
- Teddy bear.
- Pacifier.

These objects will provide a young child with a sense of continuity that will increase the sense of security in the midst of this difficult transition.

When an infant/young child who has developed an attachment to foster parents is moved to an adoptive home, arrangements should be made whenever possible for continuing contact between foster parents, adoptive parents and the infant/young child.

## Older Youth

For information on placement of older youth, independent living preparation and placement, placement of a Michigan Children's Institute (MCI) ward with a parent, and placement in an adult foster care facility; see FOM 722-03C, Placement of Older Youth.

## Placement of a Child Identified with High Risk Behaviors

Any foster child identified as at *high risk* for perpetrating physical violence or sexual assault against other children **cannot be placed** with other foster children not so determined. The caseworker must consider a child's history of physical violence and/or sexual assault when making placement decisions.

### ***High Risk Behavior Referral***

The caseworker must refer any child demonstrating a history or current incidences of physically and/or sexually assaultive behaviors for an assessment with a licensed clinician to determine if that child is at high risk for perpetrating physical violence or sexual assault. The clinician must identify children with high-risk behaviors to assist in making placement decisions.

The referral must be completed within five business days of any reported incidents of physical and/or sexually assaultive behaviors.

***Initial Placement***

When initially placing a foster child who has been identified to be at high risk for perpetrating physical violence or sexual assault, the caseworker must assess the foster child's risk to other non-foster children in the home. A foster child with high risk behaviors may be considered for placement with other non-foster children. Prior to placement, the caseworker must assess the potential safety concerns for any child within the placement. The assessment must include the following factors for each child in the placement:

- The chronological and social/emotional age.
- History of victimization and victimizing others.
- Mental and physical capacity.
- The caregiver's ability to provide the necessary supervision to prevent harm to others or self.

***Placement Change***

If it is determined that a foster child is identified to be at high risk for perpetrating physical violence or sexual assault after initial placement, the caseworker must take into consideration the above factors to help determine whether the child can safely stay in his/her current placement.

***Sibling Placements***

Child safety must be the first consideration when making a placement decision. If a child has a history of being physically and/or sexually assaultive toward his/her siblings, that is a potential reason for separating siblings in placement.

Consideration can be given to placing siblings together, if the child has not posed a direct risk to his/her siblings, or to reuniting siblings once the child's behavior stabilizes and appropriate safety plans can be put into place; see Placement Exception Requests in this item.

***Safety Planning***

When a child with high risk behaviors is placed with other children, the caseworker must develop appropriate safety planning with the caregiver to ensure the safety of other children in the home. The safety/behavioral support plan must be documented in the case service plan. This plan must include details about the behaviors of concern and what protecting interventions will be put into place. Interventions can include but should not be limited to:

- Motion alarms.
- Baby monitors.
- Video monitors.
- Ensuring that high risk youth sleep alone in their own room.

**Note:** These interventions are not meant to replace or be used in lieu of a caregiver's supervision and vigilance.

### ***Documentation***

The risk status must be documented in the Mental Health and Well-being and Sexual Behavior sections of the Child Assessment of Needs and Strengths. The safety plan must be included in the Parent-Agency Treatment Plan and Service Agreement.

### ***Monitoring High Risk Status***

If consideration is being given to changing the child's risk status and placement restrictions, the child's therapist/mental health professional must be consulted and she/he must make a determination that the child's behavior has stabilized and does not present further risk to other children in the home.

## **PLACEMENT EXCEPTION REQUESTS**

A placement must not be made if it will result in one of the following:

- More than three foster children in that foster home.
- More than six total children, including the foster family's birth and/or adopted children.
- More than three children under the age of three residing in a foster home.
- More than 75 miles from the home from which the child entered custody; see Proximity to the Child's Family in this item.
- Siblings placed apart; see Placement of Sibling Groups in this item.
- Any foster child identified as at high risk for perpetrating physical violence or sexual assault against other children being

placed with other foster children not so determined; see Placement of a Child Identified with High Risk Behaviors in this item.

- Emergency or shelter care placement in excess of 30 days; see Placement in Emergency or Temporary Facilities in this item.
- Emergency or shelter care placement more than once in a 12 month period; see Placement in Emergency or Temporary Facilities in this item.
- Placement in a jail, correctional, or detention facility; see Placement in Jail, Correctional, or Detention Facilities in this item.
- Placement in a home with an adjudicated juvenile sex offender; see Placement in a Home with an Adjudicated Juvenile Sex Offender in this item.

**Exceptions to these limitations may be made on an individual basis when it is determined to be in the best interest of the child being placed; see Placement Exception Request Approval Path below.**

**Note:** Exceptions cannot be given for increases to licensing capacity or other rules except as outlined in the Bureau of Children and Adult Licensing (BCAL) rules.

### Placement Exception Request Approval Path

#### ***DHS***

When a placement exception request (PER) is needed, the following approval path must be utilized for cases supervised by DHS:

The caseworker must complete a PER and submit it to his/her supervisor for approval.

PERs receiving approval by the supervisor must be forwarded to one of the following for approval:

- In a designated county, the child welfare director. Designated counties include:

- Wayne.
- Oakland.
- Genesee.
- Macomb.
- Kent.
- Ingham.

- In any other county, the county director.

If approval is not received by the child welfare director or county director, placement cannot be made. PERs must be completed and saved in MiSACWIS.

### ***Placement Agency Foster Care***

The following approval path must be utilized for cases supervised by a Placement Agency Foster Care (PAFC) provider:

PAFC caseworker --> PAFC supervisor --> PAFC director --> DHS child welfare director/county director.

If approval is not received by the child welfare director or county director, placement cannot be made. PERs must be completed and stored in MiSACWIS.

## **PLACEMENT PREPARATION**

Preparation for placement will vary with each child and must be adapted to his/her age, experience, individual needs, personality, and circumstances necessitating placement, as well as any special problems presented by the prospect of placement.

The caseworker must prepare the child for placement using age- and ability-appropriate language by discussing the following:

- Reasons for placement.
- Visitation plan with parents and siblings.
- Expected length of placement.
- Expectations regarding maintaining ties to significant others.
- Child's feelings, fears, and questions.
- Clothing, pictures, toys, etc. that the child would like to take along.

**Note:** If the placement is not planned, the caseworker must discuss the issues above with the child at the time of placement or as close to placement as possible.

Placement preparation is also preparing the caregiver to meet the child's needs; therefore when a child is too young to discuss the move, placement preparation activities may include but are not limited to informing the foster parent/caregiver of the child's:

- Sleeping schedule.
- Formula and feeding schedule.
- Medical needs.

See Placement of Infants and Toddlers, in this item, for special considerations when placing this population.

### Documentation

Documentation of this information must be included in the Placement Details section of the case service plan.

### FOSTER CARE PLACEMENT DECISION NOTICE

MCL 722.954a, requires the supervising agency to make a placement decision and document in writing the reason for the decision within 90 days of the child's removal from his or her home.

The caseworker must make the placement decision and document the reason for the decision on the DHS-31, Foster Care Placement Decision Notice.

The DHS-31, Foster Care Placement Decision Notice, must be sent to all of the following:

- Child's attorney, guardian, and/or guardian ad litem (LGAL).
- The prosecutor.
- Mother.
- Father.
- The attorney(s) for the child's mother and father.
- Each relative who expresses an interest in caring for the child.
- Court Appointed Special Advocate (CASA).
- The child if the child is old enough to be able to express an opinion regarding placement.



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**Requests for  
Specific Reasons  
for Placement  
Decisions**

Any of the above, within five business days, may request in writing the evidence that was used to support the placement decision on the DHS-31, Foster Care Placement Decision Notice. The caseworker must explain the reason for the placement decision in writing within 10 business days of receiving the request. A person listed above may ask the child's LGAL to review the decision to determine if it is in the child's best interest.

If the LGAL determines that the placement decision is not in the child's best interest, the LGAL must petition the court within 14 business days of the caseworker's decision. The court must commence a review hearing on the record within seven business days after receiving the petition.

**PLACEMENT  
CHANGE**

Caseworkers must strive to make the first foster care placement the best placement. Every reasonable effort must be made to maintain the stability of a foster care placement. If the child's needs are not met or the current placement is considered harmful to the child, a placement change may be necessary.

When it is necessary to move a child, the original placement selection criteria and standards apply. First consideration must be given to returning the child to the parent or placing the child with siblings or with a suitable relative. If a child's needs have changed, written re-evaluation of the placement selection criteria is required on the DHS-69, Foster Care/Juvenile Justice Action Summary, and summarized in the case service plan.

**Exception:** The placement change of an American Indian/Alaska Native (AI/AN) child must follow the established placement priorities in NAA 215, Placement Priorities for Indian Child(ren), and the policies within NAA 220, Placement/Replacement of Indian Child(ren).

**Notice of  
Placement Change**

Child Placing Agency Rule 400.12405 requires that the caregiver be notified of the intent to move the child 14 days prior to the

intended date of the move unless the child's health and safety is jeopardized. The DHS-30, Foster Parent Notice, must be used to notify the caregiver and the Foster Care Review Board (FCRB) of the intent to move the child.

### ***Notification to MCI Superintendent***

If the child is a MCI/state ward and the current caregiver expresses either a verbal or written interest in adopting the child, the MCI superintendent must be consulted prior to the placement change.

### ***Notification to Court and Child's Lawyer Guardian Ad Litem***

MCL 712A.13b(2)d requires the supervising agency to notify the court with jurisdiction over the child and the child's lawyer guardian ad litem of the change in placement for foster children. Notification is required prior to the placement change. The DHS-867, Notification to Court of Jurisdiction and Child's Lawyer Guardian Ad Litem, is to be used for the notification process. The DHS-867 must include the following information:

- The reason for the change in placement, as indicated in the DHS-30, Foster Parent Notification.
- The number of times the child's placement has been changed.
- Whether the child will be required to change schools.
- Whether the change will separate or reunite siblings or affect sibling visitation.
- Outline of sibling visitation plan.

## **Reasons for Placement Change**

A child's placement may be changed if any of the following circumstances exist:

1. The caregiver requests that the child be moved.
2. The court with jurisdiction orders the child to be returned home.
3. The change in placement is less than 30 calendar days after the child's initial removal from his or her home.
4. The change in placement is less than 90 calendar days after the initial placement and the new placement is with a relative.

5. The supervising agency has reasonable cause to believe that the child has suffered sexual abuse or non-accidental physical injury, or there is substantial risk of harm to the child's emotional well-being within the caregiver's home.

When a caseworker believes that the child is being abused or neglected, a CPS complaint must be made immediately. A licensing complaint must also be made; see FOM 722-13, New Complaints. The following procedures must be followed:

- If the caseworker believes that the child is at a substantial risk in the home, the child must be moved immediately.
  - The assigned CPS caseworker must complete an investigation to determine if there is any evidence of abuse or neglect. If there is substantial evidence that the child is at risk, the child will be immediately moved, if the move has not already taken place.
  - The CPS investigation disposition must be noted in the child's foster care service plan. Disposition of the complaint includes whether the complaint was investigated and whether there was a preponderance of evidence finding.
  - The supervising agency must also include documentation of the reason for the placement change in the child's service plan; see Case Record Documentation below.
  - The caregiver has the option of appealing the decision to the Foster Care Review Board (FCRB), however, the appeal does not stop the move.
6. It is determined that it is in the child's best interest to be moved.

When the placement of the child with a particular caregiver is not meeting the child's needs, the caseworker with his/her supervisor must determine if it is in the child's best interest to remain in the placement. Local office policy may dictate that others are involved in this decision.

The first-line supervisor must review and approve these moves before a change of placement is made in order to prevent unnecessary moves and appeals to the FCRB.

**Note:** If the child is an MCI/state ward and the current caregiver expresses either a verbal or written interest in adopting the child, the MCI superintendent must be consulted prior to the placement change.

### Caregiver Appeal to the Foster Care Review Board and When to Move the Child

If reasons No. 1-4 above apply, the caregiver does not have the right to appeal to the Foster Care Review Board the move of the child from his/her home.

If the change in placement is for reasons No. 5 or 6, the supervising agency is required to:

- Notify (by phone) the State Court Administrative Office Foster Care Review Board (FCRB) program of the proposed change.
- Notify the caregiver of the intended change of placement via the DHS-30, Foster Parent Notification.

**Note:** A copy of the DHS-30, Foster Parent Notification, must be sent to the FCRB.

If the child is to be moved for reason No. 5, the move is to be done immediately, regardless of the caregiver appeal.

When the child is being moved for reason No. 6 above, the child is **not** to be moved pending the outcome of the appeal process and a decision has been made by either:

- The FCRB concurring with the decision to move the child.
- The court ordering the child to be moved.
- In the case of an MCI state ward, the MCI superintendent.

#### ***When Placement Change Is NOT Appealed***

If the caregiver does not appeal the move within three business days from the receipt of the notice, the child may be moved. To comply with Child Placing Agency Rule 400.12405, the agency should not move the child for 14 days after notice. This gives the caregiver and the child time to transition to the next placement. If prior notice is not given, the agency must notify the caregiver, at the time of the change, why prior notice was not given.

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## Appeal Process

Once the FCRB has received an appeal, it will notify the supervising agency of the appeal. The following steps must be taken if the caregiver has made an appeal.

- If the current placement is with a PAFC provider, the agency is to notify DHS by phone within 24 hours of the caregiver's appeal.
- Prior to the FCRB investigation, the supervising agency is to review the decision to move the child and respond to the FCRB with the justification for the change in placement and any other relevant information. If the supervising agency informs the FCRB that the child will not be moved and the issues have been resolved, an investigation will not take place.
- The FCRB will conduct an investigation within seven days of receiving the appeal from the caregiver. The board will investigate the reasons for the move.
- Within three days after the investigation, the FCRB will supply its findings and recommendations to the caregiver, the parents, the supervising agency and the MCI superintendent, if the ward is an MCI/state ward.
- If the FCRB finds that the proposed move is in the best interest of the child, the child will be moved.
- If the FCRB's finding is contrary to the supervising agency's recommendation, the child will remain in the placement, (except when the child was moved from the foster home for reason No. 5), until such time as the court or MCI superintendent has rendered an order or a decision regarding the child's placement.

### *Temporary Wards*

- For temporary wards, the FCRB will notify the court with jurisdiction of the disagreement.
- The court is required to schedule a hearing not less than seven days and no more than 14 days after receiving the notice of disagreement from the FCRB.
- The court must notify the caregiver, all interested parties, and the prosecutor's office of the hearing.

- At the hearing, the court will take testimony from all interested parties and evidence will be considered. The court will make a finding on the record regarding the child's placement.
- If the court finds that it is in the best interest of the child to be moved, it will enter an order authorizing placement of the child elsewhere. If the court believes that the child should remain in the same placement, it will enter an order continuing the placement. The court may also order that the child be returned to the caregiver, even if the child has been moved from the home for abuse or neglect.

**Note:** A court order that orders a child to be moved and/or remain in the same placement and/or specifies placement eliminates title IV-E eligibility for that child -- with the exception of cases where the court has heard all parties and then makes a placement decision; see FOM 722-01, and FOM 902, Specification in Court Orders.

### ***MCI/State Wards***

- In the case of an MCI state ward, the FCRB will notify the MCI superintendent of the disagreement.
- Within 14 days of receipt of the notification of disagreement, the MCI superintendent must make a decision regarding placement and notify the caregivers and the supervising agency of the decision.
- If the MCI superintendent decides that the child should be moved, Section 24 of the Adoption Code (MCL 710.24) allows the caregiver to file a Section 45 motion, (MCL 710.45) accompanied by a petition to adopt which alleges that the decision to deny their request for consent to adopt the child was made arbitrarily and capriciously; see ADM 732-32. If the MCI superintendent has denied the caregiver's request for consent to adoption, inform the FCRB when notifying it of the intent to move the child. The FCRB will not review these appeal requests. The FCRB will inform the caregiver that they must contact the MCI superintendent or an attorney regarding their options.

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**Family Team Meeting**

A family team meeting (FTM) must be held in conjunction with any placement change; see FOM 722-06B, Family Team Meeting.

**Documentation**

The DHS-69, Foster Care/Juvenile Justice Action Summary, must be completed prior to any placement change and must include:

- Reasons for the placement change and why the child was not returned to the parent(s) or placed with siblings or suitable relative.
- Supervisory approval before the placement change, unless the child's health and safety is jeopardized.
- The efforts made by the caseworker to contact appropriate relative family members.
- The evaluation of the appropriateness of continued out-of-home placement.
- Placement change preparation appropriate to the child's capacity to understand which includes an explanation as to why the change is necessary; see Placement Preparation in this item.
- Notification of the placement change to the parents if appropriate.
- Notification to the DHS local office, if a private agency is supervising the case.
- Disposition and documentation of any CPS investigation in the case service plan, if appropriate.
- Documentation that the caregiver was notified of the placement change at least 14 calendar days prior to the move and that he/she was informed of his/her ability to appeal the move to the FCRB. If prior notice was not given, document the reasons why.
- Information about the child, including case service plans, shared with the new provider. See FOM 722-04, Release of

Information, for all required information that must be given to the new caregiver.

If the placement change is an emergency change of placement, the DHS-69, Foster Care/Juvenile Justice Action Summary, must be completed within three business days of the change in placement.

### PLACEMENT WITH AN UNDOCUMENTED CITIZEN

Placement with a caregiver who has an undocumented legal status is prohibited.

### PLACEMENT WITH AN UNRELATED CAREGIVER

The supervising agency may not place a child with an unrelated caregiver unless the unrelated caregiver is licensed. Placement **cannot** occur until the licensing process is complete.

The court may order placement under the Juvenile Code (MCL 712A.13a[5]) which allows court wards to be placed in an unrelated caregiver placement without a foster home license. The following conditions must be met:

- All requirements within the *Placement with Relatives* process must be completed prior to placement; see FOM 722-03B, Relative Engagement and Placement.
- Approval by the county director or local office designee.
- Court approval of the unrelated caregiver placement and a finding that the “conditions of custody at the placement and with the individual with whom the child is placed are adequate to safeguard the child from the risk of harm to the child’s life, physical health, or mental well-being.”

**Note:** Since this is contrary to the Child Care Organizations Act (1973 PA 116) and CPA rule 400.12404(1), the caseworker must submit a referral to the certification worker within one business day of the child’s court-ordered placement.



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**PLACEMENT WHEN  
ANY HOUSEHOLD  
MEMBER HAS A  
CONVICTION FOR  
CERTAIN CRIMES**

Children must not be placed within the home if any household member or non-parent adult has a conviction for the following crimes:

- Child abuse/neglect.
- Spousal abuse.
- Crime against children (including pornography).
- Crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.
- Physical assault, battery, or drug-related offense within the last five years.

If the criminal history check reveals that any member of the household had a criminal conviction, the guidelines in FOM 722-06A, Criminal Record Check (LEIN), must be followed.

**Ongoing Criminal  
History and  
Central Registry  
Checks**

An automated process performs monthly criminal history and weekly Central Registry checks. The named caregivers are cleared for arrests and criminal convictions.

**Note:** This activity is currently restricted to those currently listed on DHS systems and does not include other adults in the home. Manual criminal history and central registry checks for all other adult household members **must** be completed quarterly by the local DHS office and documented in the case service plan. DHS monitors must complete this activity for PAFC cases.

***Good Moral Character Offenses***

The offenses listed in BCAL Pub 673, Good Moral Character, presume a lack of good moral character for the purpose of placement of a child within the home of a relative/unrelated caregiver. The

automated monthly criminal history process identifies named caregivers convicted of offenses listed in BCAL Pub 673, Good Moral Character.

### **DHS Response to Criminal History and Central Registry Match**

A Foster Care Automated Central Registry Match Report or a Foster Care Automated Criminal History Match Report will be issued for each match listing the caregiver's name and offense or central registry information. Monthly match reports are sent to the local office director or district manager. The caseworker may be assigned to complete the monthly match report. Within two weeks of receipt of the report the questions on the report must be answered and the report returned to the DHS central office address at the bottom of the report.

### **PLACEMENT IN A HOME WITH AN ADJUDICATED JUVENILE SEX OFFENDER**

Children must not be placed within the home if a juvenile adjudicated as a sex offender resides within the home. Caseworkers must inquire, prior to any placement, if a juvenile adjudicated for any sex offenses resides in the home. A criminal record check must be completed on all household members, including adolescents and children; see FOM 722-06A, Criminal Record Check, LEIN.

When a foster child resides in a home where a juvenile is adjudicated as a sex offender **subsequent to the foster child's placement, the following activities must occur:**

- A professional assessment completed by a master's level (or higher) clinician. The assessment must evaluate the likelihood of reoccurrence of sexual offense and the safety of children within the home.
- Evaluation of the best interest of the foster child, as it pertains to placement. Consideration must be given to:
  - Increased adult supervision.

- The age of the child, the adjudicated juvenile, and the victim.
  - Foster child's relationship with placement family.
  - Foster child's length of time within the home.
  - Severity of the offense by the adjudicated juvenile.
  - Length of time since the most recent sexual offense.
  - Ensuring that items that could potentially be used as weapons are locked up or out of reach.
- A written safety plan developed with the master's level clinician, the foster parent/relative caregiver, and caseworker.
  - Support/approval of the plan for the foster child to remain in the home obtained from the court, birth parent(s), lawyer-guardian at litem and the foster care supervisor. The safety plan must be signed by the clinician, caregiver, foster parent(s), birth parent(s), caseworker and supervisor and filed in the case file. A copy of the safety plan is given to foster parent/relative caregiver(s).

A placement exception request must be completed; see Placement Exception Requests in this item.

## PLACEMENT IN A RESIDENTIAL SETTING

Residential treatment may be considered after all of the following criteria have been met.

- The child's needs cannot be met by any other type of placement.
- The child's needs can be met in the specific facility requested.
- All community resources have been exhausted.
- The facility is the least restrictive placement to meet the child's needs.

Prior to a child entering residential treatment, the caseworker must:

- Conduct a family team meeting (FTM) to address the reason residential treatment is being recommended and determine if alternate support services and safety plans can be implemented to maintain the child in the community.
- Receive final approval on a residential placement exception request.

**Residential  
Placement  
Exception  
Requests**

A residential placement exception request must be completed:

- Prior to placement in a residential facility.
- Every 90 days from the date of initial placement.
- Prior to a residential placement change or move.

***Approval Path for DHS***

When a residential placement exception request (PER) is needed, the following approval path must be utilized for cases supervised by DHS:

The caseworker must complete a residential PER and submit it to the foster care supervisor for approval.

Residential PERs receiving approval by the foster care supervisor must be forwarded to one of the following:

- In a designated county, the child welfare director. Designated counties include:
  - Wayne.
  - Oakland.
  - Genesee.
  - Macomb.
  - Kent.
  - Ingham.
- In any other county, the county director.

**Placements that exceed 12 months must be forwarded to the business service center director for additional approval.**

If approval is not received by the child welfare director/county director or business service center director, placement cannot be made. Residential PERs must be completed and stored in MiSACWIS.

***Approval Path for PAFC***

The following approval path must be utilized for cases supervised by a Placement Agency Foster Care (PAFC) provider:

PAFC caseworker --> PAFC supervisor --> PAFC director --> DHS child welfare director/county director.

**Placements that exceed 12 months must be forwarded to the business service center director for additional approval.**

If approval is not received by the child welfare director/county director or business service center director, placement cannot be made. Residential PERs must be completed and stored in MiSACWIS.

## PLACEMENT IN AN INPATIENT PSYCHIATRIC HOSPITAL

### Requests for Emergency Admission

A foster child's parent, guardian, or person in loco parentis may request emergency admission of the child to a psychiatric hospital if there is reason to believe that the child is a minor requiring treatment (as defined in this item) **and** the minor presents a serious danger to self or others. A court order is not required.

**Note:** *Person in loco parentis* includes the department or its designee, which may be a PAFC provider, a child caring institution, a foster parent, or a caregiver.

The request must be made to a hospital or preadmission screening unit of the community mental health (CMH) services program in the county where the foster child resides.

If it is determined that emergency admission of the minor is not necessary, a child may still be admitted to a psychiatric hospital as described below.

### Requests for General Admission

A foster child may be admitted to a psychiatric hospital in the following circumstances:

- For MCI wards, the department requests hospitalization.
- For temporary court wards, the department may request hospitalization of the ward if the department is specifically empowered to do so by a court order.

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**Suitable for  
Hospitalization**

The hospital or CMH admissions unit must determine whether the child is suitable for hospitalization. Suitable for hospitalization means:

- The foster child is a minor requiring treatment. This means that the child has a:
  - Substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.
  - Severe or persistent emotional condition characterized by seriously impaired personality development, individual adjustment, social adjustment, or emotional growth, which is demonstrated in behavior symptomatic of that impairment.
- The child is in need of hospitalization and is expected to benefit from hospitalization.
- An appropriate, less restrictive alternative to hospitalization is not available.

**Note:** A child must not be determined to be a minor requiring treatment solely on the basis of one of the following conditions:

- Epilepsy.
- Developmental disability.
- Brief periods of intoxication caused by substances such as alcohol or drugs or by dependence upon or addiction to those substances.
- Juvenile offenses, including school truancy, home truancy, or incorrigibility.
- Sexual activity.
- Religious activity or beliefs.
- Political activity or beliefs.

The placement of any child in Medicaid (MA)-funded psychiatric facilities requires a certification of need for the inpatient psychiatric

services. Either the local Community Mental Health, for elective admissions, or the psychiatric hospital for emergency and urgent admissions will handle the certification if MA reimbursement is expected.

## INSTITUTIONAL PLACEMENT OF A CHILD UNDER 10 YEARS OF AGE

Placement of children less than 10 years of age in residential or other institutional settings of any kind requires an approved residential placement exception request by the business service center director. Approvals will not be granted for periods of more than three months.

### Pre-Ten Waiver Requests

Pre-ten waivers must be submitted to the business service center director, prior to the expiration of the previously granted request. Approvals will not be granted for periods of more than 90 calendar days. The payment authorization to the provider will end at the expiration of the previous waiver, unless this procedure is followed.

**Note:** There is no provision to extend approval beyond an initial 30 calendar days for residential shelter.

Waivers for children younger than 10 require:

- Completion of a residential placement exception request outlining the reasons more time is required to achieve treatment objectives and the progress the child is making; see Residential Placement Exception Requests in this item.
- The most recent case service plan from the residential provider.
- Documentation of the specific efforts being made to return the child to a family setting, including the projected time frame for the movement to a less restrictive setting.
- Any additional documentation supporting the need for continued residential placement.

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**Areas of  
Dysfunction**

The waiver and supporting documentation must demonstrate dysfunction in each of the following areas:

***School***

In addition to the material noted above provide a school report document such as an Individualized Education Plan (IEP) or an independent professional evaluation supporting the contention that a serious school problem exists.

Residential care for preschool age children will rarely be approved. However, if such a placement seems indicated, document non-organic developmental delays that would be addressed by the residential treatment process.

***Community***

Difficulties within the community may be documented in the case service plan. Indicators of dysfunction may include contacts with law enforcement agencies or dysfunctional peer relationships within the school or neighborhood settings.

***Family***

The child's behavior that precludes a placement in a family setting must be clearly documented in the case service plan. A thorough assessment to support the decision that a foster family setting cannot provide for the child or a placement history (with appropriate placement change narratives) of failed foster family settings must be provided.

**Emergency  
Institutional  
Placements for  
Pre-10-Year-Olds**

Although it is expected that the placement process will allow adequate time to obtain the necessary waiver prior to placement, an exception process may be utilized in those instances where a child is a clear danger to self or others and an emergency placement including inpatient psychiatric hospitalization, is needed. This exception may be granted for a period not to exceed 30 calendar days from the date of placement.



The request must be made prior to placement by telephone to the business service center director. If verbal approval for placement is given, the written documentation required above must be submitted within the 30 calendar day exception period.

### PLACEMENT IN JAIL, CORRECTIONAL, OR DETENTION FACILITIES

Secure detention or jail is not to be used as a placement for neglect/abuse wards or MCI (Act 220 and Act 296) wards, unless a delinquency complaint or petition has been filed or an adult criminal charge has been issued and youth has been placed in jail, and the judge has issued an order for detention.

Upon receiving information that a foster child has been detained and placed into a jail or detention facility, the caseworker will take the following action:

- If a foster child is placed in jail or a detention center **without** a delinquency charge and signed court order or adult criminal charge, the caseworker will move the child to a foster care placement as soon as practical but in all cases within five calendar days, unless the court orders otherwise over the caseworker's objection.
- If a foster care child is placed in jail or a detention center **with** a delinquency charge or adult criminal charge and the court disposition is an order to return the child to foster care, the caseworker will move the child to a foster care placement as soon as practical but in all cases within five calendar days, unless the court orders otherwise over the caseworker's objection.

All activity and contacts must be documented within the current case service plan and a placement exception request must be completed; see Placement Exception Request in this item.

### PLACEMENT IN EMERGENCY OR TEMPORARY FACILITIES

Emergency or temporary facilities, including shelter care facilities or family shelter homes, are used for children who are temporarily

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without a home due to court or police intervention; this includes delinquent, non-delinquent, and neglected/abused children.

### Time Limit for Placement

Children must not be placed in an emergency or temporary facility for more than 30 calendar days.

An exception may be made for:

- Children who have an identified and approved placement but the placement is not available within 30 calendar days of the child's entry to an emergency or temporary facility.
- Children whose behavior has changed so significantly that the purpose of assessment is critical for the determination of an appropriate foster placement.

If one or more of these circumstances exist, a placement exception request must be completed; see Placement Exception Request in this item.

**In no case shall a child remain in an emergency or temporary facility more than 45 days.**

### Limits on Number of Placements

Children must not be placed in an emergency or temporary facility more than one time within a 12-month period.

An exception may be made for:

- Children who are absent without legal permission (AWOLP).
- Children facing a direct threat to their safety, or who are a threat to the safety of others such that immediate removal is necessary.
- Children whose behavior has changed so significantly that a temporary placement for the purposes of assessment is critical for the determination of an appropriate foster placement.

If one or more of these circumstances exist, a placement exception request must be completed; see Placement Exception Request in this item.

**Children experiencing a second emergency or temporary facility placement within one year must not remain in the emergency or temporary facility for more than seven calendar days.**

#### **OUT-OF-TOWN INQUIRY (OTI)**

Out-of-town inquiries are complaints/referrals to DHS by another state or country for the investigation and/or supervision of a specific child.

Policy on out-of-town inquiries can be found in the Interstate Compact Manual (ICM) 100-180 and FOM 722-14, Courtesy Supervision.

#### **MEPA COMPLAINT PROCEDURES**

The Multiethnic Placement Act (MEPA) of 1994 as amended by the Interethnic Adoption Provisions of the Small Business Job Protection Act of 1996 and Title VI of the Civil Rights Act of 1964, prohibit discrimination in foster care and adoption placements on the grounds of race, color, or national origin.

Any foster care or adoptive applicant or approved foster care/adoptive parent who has reason to believe that he/she has been denied or delayed the placement of a child because of race, color, or national origin may file a complaint; see ADM 100, Adoption Services.