
OVERVIEW

When a court orders a child to be removed from their home collaboration between Children's Protective Services (CPS) and foster care staff must occur in order to ensure continuity of care for the child and family, and minimize the potential negative impacts of removal.

DEFINITIONS

Foster care is defined as care provided to a juvenile in a foster family home, foster family group home, or child caring institution licensed or approved under 1973 PA 116, MCL 722.111 to 722.128, or care provided to a juvenile in a relative's home under a court order.

Non-offending parent is defined as an unadjudicated parent for whom there is not a preponderance of evidence of abuse or neglect.

Electronic Case Management System - a system that supports a workflow, management collaboration, storage of images and content, decision formulation, and processing of electronic files or cases.

MiSCES - Michigan Child Support Enforcement System.

COURT ORDERED PLACEMENTS

A written court order from the Family Division of Circuit Court must exist that makes the Michigan Department of Health and Human Services (MDHHS) responsible for the child's placement, care, and supervision, unless the child is in a voluntary placement; see *Voluntary Foster Care Placement of Children* in this item.

The department assumes legal, financial, and service responsibility at the point it accepts a child for placement and care. Each local MDHHS office has been delegated the responsibility and authority to accept such children.

The court is responsible for providing complete and accurate documents to the local office staff, including:

- Original or true copy of the petition.

- Original or true copy of the order placing the child with the MDHHS.

MDHHS and/or private child placing agency (CPA) staff **must have the required court material in their possession, physically or electronically**, and review this material for accuracy and completeness prior to assuming responsibility for the child. All court material is to be date stamped upon receipt. The acceptance date is the date the court signs the order. For additional court order requirements; see [FOM 902, Funding Determinations and Title IV-E Eligibility](#).

State Ward Commitment Orders

Commitment orders for state wards must include all of the following:

1. The words “committed to the Department of Health and Human Services,” or words with the same meaning.
2. A reference to the public act under which the department is accepting the youth, such as Act 220 or Act 296.
3. A statement identifying the director of MDHHS as the special guardian to receive any governmental benefits due the youth.

Removal Record

When a child is removed and placed in the care and custody of MDHHS, a removal record must be added within the electronic case management system. The removal record must be completed within 30 days of the child’s removal from a parent, guardian, or adoptive home. Case specific knowledge will be needed. The removal record can be completed by a MDHHS worker. A private agency worker cannot complete a removal record. For step-by-step instructions on how to enter a removal record; see the electronic case management system's help to [record a child's removal](#).

**VOLUNTARY
FOSTER CARE
PLACEMENT OF
CHILDREN**

MDHHS accepts voluntary foster care placement of children in limited situations for no longer than 180 days. Acceptable situations for voluntary foster care placement of minors include parental absence due to:

- Hospitalization.
- Incarceration.
- Residential treatment.

Voluntary foster care is not appropriate and may not be used as an alternative or substitute for court-ordered foster care placement when the child needs out-of-home care for protection.

Voluntary foster care must not exceed 180 days, except when the placement involves a minor parent and the youth's children; see [BEM 201, Minor Parents](#).

Compliance with all child placing agency licensing rules is required during the period of time the child remains in voluntary care.

Note: If MDHHS has certified the child as eligible for adoption medical subsidy and temporary out-of-home placement is necessary due to the child's certified medical condition, see [AAM 640, Post Placement - Use of the Adoption Medical Subsidy Program](#).

**Parent/Guardian
Request**

The parent/legal guardian must use the DHS-3813, Request for Assistance/Voluntary Foster Care, to request voluntary foster care placements. This agreement provides for the emergency and routine medical care of the child and states the child will be returned to the parent/legal guardian upon request. One of the following must sign the application:

- Both parents/guardians, if both have legal rights to the child, regardless of physical custody.
- One legal parent/guardian, if the parent/guardian is the sole legal parent.

- One legal parent/guardian if the other cannot be located, see [FOM 722-06G, Efforts to Identify and Locate Absent/Putative Parent](#).

**American
Indian/Alaskan
Native Children**

For American Indian/Alaskan Native children, see [NAA 230, Voluntary Foster Care Placement](#).

**CASE
RESPONSIBILITY
AND PROGRAM
TYPE**

**CPS Responsibility
for Placement and
Supervision**

Prior to removal of a child from the home, the provision of services to an abused or neglected child and the parents are the responsibility of CPS. Additionally, CPS must retain case management responsibility under the following circumstances:

Out-of-Home Placement Lasting Seven or Fewer Days

In certain circumstances, the court may remove a child with the expectation that the child's out-of-home placement will be seven calendar days or less. In these situations, CPS must retain case management responsibility.

Additionally, CPS must resume case management responsibility if CPS transfers a case to foster care and the court orders a child to be returned home or placed with a non-offending parent within seven days of the removal date.

Note: In these situations, a foster care program type must be temporarily opened to determine the funding source and make payments for the child's care.

Exception: In the event CPS retained case management responsibility due to the expectation that the court would return the child home within seven calendar days of removal, but the child continued in out-of-home care longer than seven days, CPS must transfer the case to foster care on the eighth day. Completion of the Initial Service Plan (ISP), due within 30 days of the child's initial

removal, is the responsibility of foster care; see [FOM 722-08, Case Service Plans - Overview, Types, and Timeframes](#).

Immediate Placement with the Non-Offending Parent

When a non-offending parent **immediately** assumes care and custody of the child as the result of a CPS investigation, with or without court jurisdiction, CPS maintains case responsibility; see [PSM 715-4, CPS Coordination with Foster Care](#) and [PSM 715-2, Court Intervention And Placement of Children](#).

Exception: If the child has a sibling, who concurrently enters foster care then case management is transferred to foster care; see *Placement with a Non-Offending Parent and Siblings in Foster Care*, in this item.

Relative Placements without Court Jurisdiction

Supervision of a child voluntarily placed with relatives **without** court jurisdiction is the responsibility of CPS.

Foster Care Responsibility for Placement and Supervision

Provision of services to an abused and/or neglected child is the responsibility of foster care staff when all of the following criteria are met:

- The court orders removal of the child from the home.
- The court orders placement of the child with MDHHS for care and supervision.
- The court expects the placement with MDHHS will last longer than seven calendar days.
- MDHHS places the child in a non-parental, out-of-home setting that provides 24-hour substitute care; see [FOM 901-7, Service Types and Living Arrangements](#).

Note: This includes placements supervised by a private child placing agency.

Placement with Respondent/Adjudicated Parent and Siblings in Foster Care

When at least one child in a sibling group is placed in foster care and at least one child in the sibling group remains at home with the respondent/adjudicated parent, case management for the family, including the child who remains in the home with the parent, is transferred to foster care. **Children who continue to reside in the home are not considered to be in foster care.** Services and case planning must be provided to the child who remains at home, regardless of court wardship, however participation by the child is voluntary when the court does not have jurisdiction of that child.

Placement with a Non-Offending Parent and Siblings in Foster Care with Court Jurisdiction

If the court takes jurisdiction of and removes a sibling group and at least one child is placed in foster care and at least one child is **immediately** (within 7 calendar days of removal) placed or continues placement with a non-offending parent, the entire case is transferred to foster care for case management. However, **the child residing with the non-offending parent is not considered to be in foster care.** The foster care caseworker is responsible for supervising and providing case management services to the child placed with the non-offending parent.

The non-offending parent is not to be included as an assessment household. The non-offending parent's individual participation is voluntary but the non-offending parent may be required to participate in case/treatment planning for the child.

The caseworker is responsible for determining if a custody order exists and whether it contains specific orders or concerns. If the non-offending parent does not have full legal and physical custody of the child, then the caseworker must provide the parent with the [DHS-1450, How to Change A Custody or Parenting Time Order](#), and assist the parent in changing the custody/parenting time order.

Once the child is in the full care, custody, and control of the non-offending parent, then the caseworker **may** make a recommendation to the court via a [JC 36, Request to Terminate Court Jurisdiction](#), to terminate jurisdiction of that child, if it is determined continued oversight is no longer necessary to protect the child's well-being and safety.

Placement with a Non-Offending Parent, Siblings in Foster Care, and Court Dismisses Jurisdiction

If the court takes jurisdiction of and removes a sibling group and at least one child in the sibling group is placed in foster care, while at least one child in the sibling group is placed with a non-offending parent, **and** the court dismisses jurisdiction of the child placed with the non-offending parent, then the foster care case for that child must be closed.

Relative Placements with Court Jurisdiction

Supervision of a temporary, state, or permanent court ward placed in a relative's home **after a court-ordered removal** is the responsibility of foster care; see [FOM 722-03B, Relative Engagement and Placement](#).

**COORDINATION
BETWEEN
PROGRAMS**

It is vital that coordination occurs between CPS and MDHHS/private CPA foster care and licensing staff. CPS must begin collaborative contact with foster care as soon as a decision is made to place a child in an out-of-home placement that is expected to last more than seven calendar days. Collaborative contact may include but is not limited to, providing notification of court proceedings, FTMs, and/or medical appointments.

The local MDHHS office and private CPAs must work together to ensure there are adequate procedures for making appropriate placements in emergencies. All placement selection criteria must be evaluated when making placement decisions; see [FOM 722-03, Placement Selection and Standards](#), with priority given to relative caregivers; see [FOM 722-03B, Relative Engagement and Placement](#).

**Case Assignment
in the Electronic
Case Management
System**

Foster care assumes case management responsibility upon removal. Therefore, a child in foster care must have a primary foster care supervisor and primary foster care caseworker assigned to the youth's ongoing case in the electronic case management

system **immediately upon removal**. For removals occurring after normal business hours, case assignment must be completed in the electronic case management system by the next business day.

If the electronic case management system case assignment(s) do not occur on the same day as the removal date, written notification of the pending case assignment must be provided to the primary foster care supervisor and/or the primary foster care caseworker immediately upon removal. Additionally, the electronic case management system case assignment date must be updated to reflect the date the notice of pending case assignment was sent.

Exception: For private CPA, the case assignment date must reflect the effective date of the signed DHS-3600, Individual Service Agreement. If there is a gap between the removal date and the effective date of the DHS-3600, a MDHHS foster care caseworker must be assigned to the case during that time.

Transfer to Foster Care Checklist

CPS must complete the Transfer to Foster Care Checklist in the electronic case management system and upload the following documents within five business days of the removal date:

- Copy of the petition.
- Court order placing child in out-of-home placement.
- Copy of DHS-3762, Medical Authorization Card.
- A current photograph of the child, taken within the past 12 months.
- DHS-3, Sibling Placement Evaluation, if applicable.
- DHS-120, American Indian/Alaska Native Child Case Notification, if applicable.
- MDHHS-5598, American Indian/Alaska Native Child Ancestry Verification, if applicable.
- Approved [DHS-5770, Relative Placement Safety Screen](#), if the child was placed with a relative upon removal. **The DHS-5770 must be completed in the electronic case management system.**

- [DHS-729, Confidential Notice to Friend of the Court of Children's Protective Services Disposition and Family Court Action.](#)
- [DHS-990, Relative Notification Letter](#) attachments, if returned prior to case transfer.
- [DHS-987, Relative Documentation.](#)
- [DHS-1105, Family Team Meeting Report](#), if the Family Team Meeting occurred prior to case transfer.
- [DHS-1555-CS, Authorization to Release Confidential Information.](#)
- Documentation of FIS/ES notification of removal.
- Any other reports, as applicable, not contained in the electronic case management system (for example, psychological evaluation, medical reports, school reports, etc.).

The CPS caseworker must upload the DHS-154, Children's Protective Services Investigation Report, and DHS-152, Updated Service Plan, if applicable, into the electronic case management record as soon as possible upon approval so this information is available to the foster care caseworker.

The foster care supervisor must review the case information received from CPS. The CPS supervisor and foster care supervisor are peer members. If there is a question of transfer information being substandard, the section manager can intercede without disrupting the transfer process or the implementation of services to that child and/or family.

Family Team Meeting (FTM) or Case Conference

The best practice to facilitating case transfer is to hold a family team meeting (FTM) with the family, CPS, and foster care staff, within five business days of a child's removal; see [FOM 722-06B, Family Team Meeting](#). If holding a full FTM is not possible, then a case conference is required between CPS and foster care staff, within five business days of the child's removal. The primary CPS

caseworker and supervisor, the primary foster care caseworker and supervisor, and other staff, as appropriate, must attend the case conference.

The following topics must be addressed during the FTM/case conference:

- CPS activity.
- Recommended objectives and treatment services for the parent(s)/legal guardian(s) and child, including:
 - Services currently provided to the parent(s)/legal guardian(s).
 - Immediate physical, medical, mental health, or educational needs of the child.
- Responsibility for the first parenting time **or** a summary of parenting time that has already occurred.
- Known trauma history of the child and family, including the child's response to removal and placement.
- School placement of children – discussion to ensure that the children can remain in their school of origin as often as possible, and that staff are in touch with the school district foster care liaison. See [FOM 723, Education Services](#), for how make education best interest determinations and how set up and pay for transportation.
- Safety concerns, including:
 - Caseworker contact with the parent/legal guardian and child.
 - Parent/child contact and level of supervision recommended.
 - Placement considerations, including the child's behavioral needs and level of supervision required in the placement.

Parenting Time

A child removed from the parents' custody is required to have an initial face-to-face visit with the parents within seven calendar days of the removal date.

The supervising agency must provide parenting time unless:

- The court suspends parenting time.
- An approved exception exists; see [FOM 722-06I, Maintaining Connections: Parenting Time, Sibling Visitations, and Contact](#).

CPS must arrange the first parenting time after removal and may be responsible for supervising the first parenting time if supervision is required. Foster care may arrange and supervise the first parenting time if the primary CPS and foster care supervisors assigned to the case agree upon and document the transfer of responsibility. Foster care is responsible for arranging all subsequent parenting time; see [FOM 722-06I, Maintaining Connections: Parenting Time, Sibling Visitations, and Contact](#) for initial and ongoing parenting time requirements.

CPS is not responsible for arranging the first parenting time if:

- The parent is unable to be located within five calendar days of the removal; see [FOM 722-08, Case Service Plans - Overview, Types, and Timeframes](#) for the definition of can't locate/unavailable.
- The parent's identity is unknown or the parent has not established legal parentage within five calendar days of the removal; see [FOM 722-06G, Efforts to Identify and Locate Absent/Putative Parent\(s\)](#).
- An exception is in place within five calendar days of the removal; see [FOM 722-06I, Maintaining Connections: Parenting Time, Sibling Visitations, and Contact](#) for exceptions.

Face-to-Face Requirements

Within five business days of the removal date, every child with a foster care program type must have face-to-face contact with the primary foster care caseworker assigned to the youth's case. This contact must include a private meeting between the child and the caseworker.

For all face-to-face contact requirements and the definition of private meeting, see [FOM 722-06H, Caseworker Contacts](#).

Verification of Citizenship or Immigration Status

Caseworkers must obtain and record information regarding a child's background, including the youth's place of birth, in order to acquire the child's birth certificate for the case record. If the child was not born in the United States, the caseworker must ask the parent to provide documentation to verify U.S. citizenship or qualified non-citizen status; see [FOM 902, Funding Determinations and Title IV-E Eligibility](#) and [BEM 225, Citizenship/Non-Citizen Status](#) for information on the documents required to verify citizenship or immigration status. **Caseworkers must request this information in a non-threatening, non-judgmental, non-discriminatory way.**

Note: The parent's citizenship or immigration status is not used to determine the child's status.

Caseworkers must copy both sides of all verification document(s) and scan and upload the documents into the electronic case management record.

For children and/or families who are not United States citizens or qualified non-citizens, see [FOM 722-6K, Services for Families Who Are Not U.S. Citizens](#).

REFERRALS TO CHILD SUPPORT

Foster care cases are automatically referred to child support if a child does not reside in the same home as the parent(s). Child support referrals are made nightly through the electronic case management system/MiSCES interface. The types of foster care cases listed below are excluded from the referral:

- Cases in which the parental rights have been terminated unless the court orders for child support obligation to continue following termination of parental rights.
- Cases in which a temporary ward is placed with an unlicensed relative.

POLICY CONTACT

Questions about this policy item may be directed to the Child Welfare Policy Mailbox at Child-Welfare-Policy@michigan.gov.

LEGAL AUTHORITY**Federal**

Social Security Act, 42 USC 671(a)(17)

Social Security Act, 42 USC 671(a)(27)

45 CFR 1356.21(k)

45 CFR 1356.21(g)(4)

State

Probate Code, 1939 PA 288, as amended, MCL 712A.13a

Probate Code, 1939 PA 288, as amended, MCL 712A.14

Probate Code, 1939 PA 288, as amended, MCL 712A.18f

Probate Code, 1939 PA 288, as amended, MCL 712A.20

Probate Code, 1939 PA 288, as amended, MCL 710.29

Michigan Children's Institute, 1935 PA 220, as amended, MCL 400.203

The Social Welfare Act, 1939 PA 280, MCL 400.115b(5)

Support and Parenting Time Enforcement Act, 1982 PA 295, MCL 552.605d(3)