STATE OF MICHIGAN

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DEPARTMENT OF HEALTH & HUMAN SERVICES
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Adoption Services Policy Manuals

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STATE OF MICHIGAN

DEPARTMENT OF HEALTH & HUMAN SERVICES

OVERVIEW

The primary focus of Michigan's adoption program is the adoptive placement of state and permanent court wards. In appropriate cases, local Department of Human Services (DHS) offices and placement agency foster care (PAFC) must develop a dual permanency plan for a child as early in the case as possible. This process, known as concurrent planning, requires foster care staff to provide reunification services and also plan for a permanent placement if reunification efforts fail.

Children are referred for adoption services following termination of parental rights or the voluntary release of parental rights with commitment to DHS. Michigan has developed a delivery system which involves adoption staff in selected local DHS county offices and private adoption agencies through purchase of service. The role of the adoption services worker is to ensure a timely adoptive placement that meets the individual needs of the child.

Cooperative efforts between local DHS offices and private agencies under contract will ensure that every child finds a permanent and appropriate placement that meets his or her individual needs.

Adoption Program Philosophy

In Michigan, we believe:

- Every child, regardless of age or disability, is entitled to a permanent family relationship.
- Permanence includes a stable, healthy, and lasting living situation that includes a family relationship with at least one committed adult.
- Connections with siblings, extended family, and a network of significant adults is crucial to a child's well-being.
- Permanency planning must begin at the first foster care placement of the child. If returning home (reunification) is not possible, planning must occur to ensure the best permanent placement for the child. In all cases, timely return home or another permanent placement is the goal.
- Services must respect cultural, racial, ethnic and religious/spiritual backgrounds of children and their families.

POLICY VIOLATIONS

Violation of these adoption services policies provides grounds for employee disciplinary action according to Civil Service procedures.

MULTIETHNIC PLACEMENT ACT COMPLAINT PROCEDURES

Legal Requirements

Title VI of the Civil Rights Act of 1964.

The Howard M. Metzenbaum Multiethnic Placement Act, 42 U.S.C. § 5115a (1994), as amended by 42 U.S.C. § 622 (1996) prohibits an agency or entity that receives federal funds and is involved in adoption or foster care placements from:

- Denying any person the opportunity to become an adoptive or foster parent on the basis of race, color or national origin.
- Delaying or denying the placement of a child for adoption or into foster care on the basis of race, color or national origin of the foster parent or the child.

The Small Business Job Protection Act, 42 U.S.C. § 671 (1996) clarifies the Howard M. Metzenbaum Multiethnic Placement Act of 1994. Any consideration of race, color or national origin in a foster care placement must be considered only on an individual basis and if consideration of these factors is in the child's best interest.

Violation of this statute subjects the state or other entity in the state involved in adoption and foster care placements to financial penalties.

General Policy

The Multiethnic Placement Act of 1994 as amended by the Intereth-nic Adoption Provisions of the Small Business Job Protection Act of 1996 (MEPA) 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. Noncompliance with MEPA is deemed a violation of Title VI.

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.

Written Consent

A complaint should be in writing, contain the name, address and phone numbers of the person filing it, and briefly describe the nature of the complaint and the circumstances of the alleged discrimination. A complaint should be filed within ten working days of the occurrence of the alleged act of discrimination. This requirement may be waived by the Foster Care or Adoption Program Manager or designee if extenuating circumstances exist which justify an extension. However, in no case will a complaint be entertained after 90 days of the occurrence of the alleged act of discrimination.

The written complaint must be filed with:

DHS Program Office
Michigan Department of Human Services (DHS)
Suite 514
PO Box 30037
Lansing, Michigan 48909

The director of the local county office and contracted private agency, if applicable, which is alleged to have violated MEPA will receive a copy of the complaint as well as the appropriate DHS Business Services Center director. If the complaint is from a foster parent, the Foster Care Program manager will also receive a copy. If the complaint is from an adoptive parent, the Adoption Program manager will also receive a copy.

Informal Hearing

The Adoption Program manager, or designee and/or the Foster Care Program manager or designee and a representative from Child Welfare Field Operations will hold an informal conference to review the facts of the allegation within ten working days of receipt of the written complaint. An extension of the time limits may be warranted if convenient for all parties. The complainant will be notified in writing of the location, date, and time of the conference. Complainants who are unable to attend a conference in person due to their location will be offered a teleconference.

Review

The Adoption Program manager or designee and/or the Foster Care Program Manager or designee and a representative from Child Welfare Field Operations will informally review the facts of the complaint and notify the complainant of conclusions in writing within ten working days of the conference/teleconference.

Appeal

Within ten working days of the receipt of the decision, the complainant may appeal an unfavorable decision in writing to:

Office of Equal Opportunity and Diversity Programs
Michigan Department of Human Services
Suite 715
PO Box 30037
Lansing, Michigan 48909

This procedure does not impair the right of an individual to file a complaint with the Office for Civil Rights, U.S. Department of Health and Human Services or the Michigan Department of Civil Rights.

Legal Requirements

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FEDERAL LAWS

42 U.S.C. § 670 et seq.

The Adoption Assistance and Child Welfare Act, 42 U.S.C § 670 et seq. (1980) amends the Social Security Act and provides the federal legal basis for placement services to children. The intent of this law is to strengthen permanency planning for children.

25 U.S.C. § 1901 et seq.

The Indian Child Welfare Act, 25 U.S.C. § 1901 et seq. (1978) provides the federal legal basis for placement services to American Indian children. The intent of this law is to strengthen permanency planning for American Indian children [25 CFR Part 23].

42, U.S.C. § 5115a, as amended 42 U.S.C § 622;

The Howard M. Metzenbaum Multiethnic Placement Act, 42 U.S.C. § 5115a (1994), as amended by 42 U.S.C. § 622 (1996) prohibits an agency or entity that receives federal funds and is involved in adoption or foster care placements from:

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- Delaying or denying the placement of a child for adoption or into foster care on the basis of race, color or national origin of the foster parent or the child.

42 U.S.C. § 671

The Small Business Job Protection Act, 42 U.S.C. § 671 (1996) clarifies the Howard M. Metzenbaum Multiethnic Placement Act of 1994. Any consideration of race, color or national origin in a foster care placement must be considered **only** on an **individual basis** and if consideration of these factors is in the **child's best interest.**

Violation of this statute subjects the state or other entity in the state involved in adoption and foster care placements to financial penalties.

42 U.S.C. §§ 620-635, 670-679

The Adoption and Safe Families Act (ASFA), 42 U.S.C. §§ 620-635; 670-679 (1997), amends Part B and Part E of the social Security Act. The basic premise of the law is that safety, permanency, and child well-being must be the major concerns of child welfare agencies. The act:

- Redefines when reasonable efforts to reunify a family must be made.
- Requires criminal history record checks for prospective foster and adoptive parents.
- Prohibits placement of children with foster or adoptive parent convicted of certain felonies.
- Requires documentation of efforts to place a child in an adoptive or other permanent home.
- Requires states to file a petition to terminate parental rights and concurrently identify, recruit, process, and approve a qualified adoptive family for an abandoned infant, for a child assaulted by a parent or a child whose parent killed or assaulted another child, and for a child in foster care for 15 of the most recent 22 months, unless a compelling reason exists; see FOM 722-7, Foster Care - Permanency Planning.
- Requires states to use cross-jurisdictional resources to facilitate timely adoptive placements, with financial penalties for states and agencies that (1) deny or delay an adoption when an approved family was available outside the jurisdiction or (2) fail to grant an opportunity for a fair hearing for an approved family who alleges that the state has denied or delayed a cross-jurisdictional adoption.
- Requires states to respond to health care coverage for non-title IV-E eligible children with special health care needs.
- Authorizes continued eligibility for title IV-E adoption subsidy payments when an adoption disrupts or both parents die.

42 U.S.C. § 16901 et seq.

The Adam Walsh Child Protection and Safety Act, 42 U.S.C. § 16901 et seq. (2006) requires states to have procedures in place to conduct criminal background and central registry checks on prospective foster and adoptive parents regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the state plan.

In addition to the criminal background check procedures specified in the title IV-E state plan, P. L. 109-248 requires states to submit fingerprint-based checks of prospective foster and adoptive parents to a national crime information database before the prospective foster/adoptive parent may be finally approved for placement of a child.

STATE LAWS

MCL § 710.21 et seq.

The Michigan Adoption Code provides legal requirements for all adoptions within the Family Division of Circuit Courts in Michigan.

MCL § 400.201 et seq.

The Michigan Children's Institute (MCI) Act requires the department to accept children up to age 17, and exercise responsibility for them up to age 19, when parental rights have been terminated, and the child has been committed to the department. See ADM 0800, Roles & Responsibilities of Michigan Children's Institute (MCI).

- 1997 PA 171, amended 1935 PA 220, [MCL 400.204(2)]. This amendment requires consultation between the MCI superintendent and the child's attorney for children committed to DHS regarding issues of placement, commitment, and permanency planning.

MCL § 400.209

This Act amended the Michigan Children's Institute (MCI) Act to permit the Michigan Children's Institute (MCI) superintendent to designate his or her authority to consent to the adoption, marriage, guardianship, or emancipation of any child who may have been committed to the MCI.

MCL § 722.131 et seq.

The Foster Care Review Board Act permanently established the State Foster Care Review Board Program in the State Court Administrative Office (SCAO) and requires it to create local foster care review boards. The legislation mandates that the Foster Care Review Board Program 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 reports for 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 child care organization and the Family Division of the Circuit Court within 30 days of the review.

- 1997 PA 170, amended sections 4, 5, 7 and 9 and adds section 7a to the Foster Care Review Board (FCRB) Act. The Act:
    - Mandates the existence of a FCRB in each county or covering multiple counties.
    - Provides for creation of additional boards by SCAO.
    - Allows for one or more alternate members to serve on review boards.
    - Mandates review by the FCRB of a proposed change in foster care placement upon request of the foster parent.
    - Allows the FCRB to report findings/recommendations to the court regarding change of placement.
    - Mandates review of a sample of permanent wards by the FCRB.
- 2000 PA 46, amended 1984 PA 422. The amendment gives foster parents the opportunity to appeal to a Foster Care Review Board any proposed change of placement of a MCI ward placed in their foster home except under certain circumstances. The findings and recommendations of the FCRB are sent to the MCI superintendent, who shall make a decision within 14 days regarding placement of the child.

MCL § 722.951 et seq.

The Foster Care and Adoption Services Act includes requirements for child placing agencies and adoption attorneys. It also requires DHS to maintain a registry of children available for adoption and a registry of prospective adoptive parents. Michigan's registry is the Michigan Adoption Resource Exchange (MARE).

MCL § 722.952

This provision amended the Foster Care and Adoption Services Act to require specific time frames for registering a child on the adoption resource exchange.

MCL § 722.956

This provision amended the Foster Care and Adoption Services Act to require that prospective adoptive parents be provided information concerning the child, including petitions and initial and updated service plans. It includes a requirement for a conference between the prospective adoptive parents and the adoption worker to discuss the records provided and the adoptee's medical and psychological needs.

MCL § 722.111 et seq.

The Child Care Organization Act includes the standards for the licensing and regulation of child placing agencies and defines the kind of non-public information the department must compile and who may access both public and non-public information.

MCL § 400.1 et seq.

The Social Welfare Act is an Act to protect the welfare of the people of this state, create a state department to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons, to aged persons, the blind, disabled and for the prevention and treatment of delinquency, dependency and neglect of children.

MCL § 710.24

Act 614 of 2012, amended the Probate Code (Act 288 of 1939); to permit a married person to adopt without his or her spouse joining

in the petition for adoption, if failure to join in the petition or to consent to the adoption were excused by the court for good cause shown or were in the best interest of the child.

CONFIDENTIALITY

All case information is confidential, including both identifying and non-identifying information. Any release of case information must be in compliance with policy found in the Administrative Handbook, Legal and FOIA Issues AHN 1180, Release of Information, and Services Requirements Manual SRM 131, Confidentiality.

CHILD PLACING AGENCY'S ACCESS TO DHS RECORDS

A private child placing agency that serves as a contractor under the department for the purpose of providing adoption services to children from the foster care system shall have access to Department of Human Services (DHS) records when completing a child assessment or adoptive family assessment.

See SRM 131, Confidentiality, To Determine Suitability of Home for Adoption or Foster Care, to determine information required to be released.

OVERVIEW

Reporting the death of a child on an active child welfare case must follow the process defined in Services Requirements Manual SRM 172, Child/Ward Death Alert Procedures and Time Frames.

The death of a temporary or permanent ward must also be reported immediately to the legal parent(s), guardian(s), or next of kin (Michigan Children's Institute (MCI) superintendent for MCI wards), the referring agency and the department licensing authority. [Rules for Child Placing Agencies, 2000 AACS R 400.12415] (See FOM 722-2, Foster Care - Administrative Rules.)

OVERVIEW

Department of Human Services adoption staff and contracted adoption services providers are mandated to report suspected abuse and neglect of children and adults (MCL 722.623 and MCL 400.11a - 11f).

DHS Employee Obligation to Report Suspected Child Abuse and Neglect

The Child Protection Law (CPL), 1975 PA 238, requires the reporting of child abuse and neglect by certain persons, including certain DHS employees, and permits the reporting of child abuse and neglect by all persons. **All adoption workers and supervisors must report suspected child abuse and neglect.**

Reporting requirements and procedures, are found on the DHS Public website>Abuse & Neglect>Children's Protective Services>Mandated Reporters.

Mandated Reporting of Suspected Adult Abuse, Neglect and Exploitation

The Social Welfare Act, 1939 PA 280, requires DHS adoption staff to report abuse, neglect or exploitation of a vulnerable adult, a person 18 years of age and older who is unable to protect himself or herself from abuse, neglect or exploitation because of a mental or physical impairment or because of advanced age. **All adoption workers and supervisors must report suspected adult abuse, neglect or exploitation.**

Reporting requirements and procedures, are found on the DHS Public website>Abuse & Neglect>Children's Protective Services>Mandated Reporters.

OVERVIEW

The Department of Human Services (DHS) must provide information and assistance to applicants and recipients of all department programs who are deaf and/or hard of hearing. See Administrative Handbook item Equal Opportunity & Bilingual Services (AHJ 1314), Effective Communication For Persons Who Are Deaf And Hard Of Hearing.

Technical Assistance

Technical assistance on communication access may be obtained by contacting:

Michigan Commission on Disability Concerns
Division on Deaf and Hard of Hearing
201 N. Washington Square, Suite 150
Lansing, MI 48913

Phone: 877-499-6232 T/V
Toll-Free, 517-335-6004 T/V
FAX: 517-335-7773

Email: mcdc@michigan.gov or dodhh@michigan.gov
dodhh.net Videophone IP334-8000 TTY/V or 1-877-499-6232 TTY-V.

OVERVIEW

Termination of parental rights can occur at the initial dispositional hearing or subsequent to filing a supplemental petition pursuant to MCL 712A.19b(3). Following termination of parental rights, the court may:

- Commit the child to the state under MCL 400.203 (MCI ward) for adoptive planning, supervision, care, and placement, or
- Retain legal authority (Permanent Court Ward) but refer the child to the Department of Human Services (DHS) for care, supervision and adoptive case planning under MCL 400.55(h).

Termination after Voluntary Release of Parental Rights

The court may also issue an Order Terminating Parental Rights (PCA 318) following a voluntary Release of Child by Parent (PCA 305) based on MCL 710.28 of the Michigan Adoption Code. Parent(s) may release their parental rights only to a private child-placing agency or to DHS, not to the court. DHS only accepts voluntary releases for children who have an active child welfare case. See ADM 0220, Voluntary Release of Parental Rights.

See FOM 722-7, Termination of Parental Rights for additional information.

CHANGING GOAL TO ADOPTION

A child's permanency goal cannot be changed to adoption unless one of the following occurs:

- Parental rights of both parents are terminated and the written order of termination has been received by the worker.
- A judge orders the permanency goal changed to adoption, prior to any order terminating parental rights.

GOAL CHANGE TO ADOPTION PRIOR TO TERMINATION OF ALL PARENTAL RIGHTS

The case cannot be referred for adoption service and the foster care worker cannot send the adoption referral packet until all parental rights are terminated. The foster care worker must begin the adoption preparation case work by:

- Gathering all required information for the adoption referral packet.
- Determining whether the current caregivers or relatives wish to adopt the child.
- Identifying Indian Child Welfare Act (ICWA) cases and coordinating with the tribe as appropriate.
- Identifying and locating adoptive parents of siblings to assess their interest in adopting the child.
- Determining the need for an Interstate Compact on Placement of Children (ICPC) referral.
- Collecting any family assessments, relative home studies, and/or licensing studies on all interested families.
- Referring all interested parties for licensing and/or training as indicated.

REFERRAL TO ADOPTION FOLLOWING TERMINATION

All foster children available for adoption, with adoption as their permanency goal, must be referred for adoption services. Foster children become available for adoption once the parental rights of both parents are terminated. For American Indian/Alaska Native children, see Native American Affairs Policy, NAA 400, Indian Child Adoptions.

Adoption referrals are initiated by MDHHS. A child placing agency may not transfer adoption cases to another child placing agency. After acceptance of an adoption referral, the agency may not transfer the case back to MDHHS, except upon the written approval of the county director, the children's services agency executive director or deputy director.

NOTIFICATION FROM FOSTER CARE

Referral Packet

The foster care worker must provide a referral packet which contains the following documents to the Michigan Department of Health and Human Services (MDHHS) or contracted adoption agency adoption worker, within 5 working days from the date of the receipt of the order terminating parental rights:

- The DHS-441, Initial Service Plan (ISP).
- The last two DHS-441, Updated Service Plans (USP).

  Note: All service plans (USP/Permanent Ward Service Plans (PWSP)) that are written after the adoption referral must also be sent to the adoption worker.

- All of the child's and biological parents' physical, dental, medical, and psychological/psychiatric records and assessments, and the child's medical passport. A summary of the findings of the records must be included in the adoptive child assessment; see SRM 131, Confidentiality. The biological parents' records **must not be released** to the adoptive family.

- School records, including Individual Education Planning Committee (IEPC) reports.
- Early On reports and any other developmental assessments.
- Child's original birth certificate. If not available, a copy of the application for the child's original birth certificate must be provided.
- The child's Social Security card or verification of Social Security number; see FOM 902-16, Social Security Numbers.
- Child's placement history.
- Copy of the current (dated within the last six months) Assessment for Determination of Care (DOC) for Children in Foster Care (DHS-470, 470A or 1945) and any documentation, in addition to the case service plans, that supports the scoring of the DOC must be attached to the DOC assessment.
- Copies of release/termination documents and court orders.
- All court petitions for the case (initial, amended and supplemental).
- DHS-352, Initial Determination of Appropriate Foster Care Funding Source.
- DHS-990, Relative Notification Letter.
- DHS-989, Relative Response.
- DHS-988, Relative Search Information.
- DHS-987, Relative Documentation.
- Death certificate of parent(s) (if applicable).

The following additional documents must be submitted with the adoption referral packet for all American Indian/Alaska Native children:

- Documentation of tribal consultation.
- Documentation of the tribe's recommendation.

Regardless, if materials are missing or not available, an incomplete referral packet must be sent within the time frames stated.

Incomplete referral packets must be completed within 30 calendar days of sending the initial packet to the adoption worker. If a complete referral packet is not received by the adoption worker within 30 calendar days, the adoption supervisor must contact the foster care supervisor to request the missing information. The assigned adoption worker must proceed with adoption planning and must coordinate efforts with foster care to ensure that services are provided and permanency achieved.

The foster care worker must also provide the following if available and/or applicable:

- A copy of any relative or unrelated caregiver assessment (DHS- 197).
- DHS-588, Initial Relative Safety Screen.
- Genogram.
- Pictures of child and other family members.
- CPS complaints, records or documents; see SRM 131 regarding information that must be redacted prior to sending this information to a contracted adoption agency.
- A copy of the BCAL-3130, Initial Foster Home/Adoptive Evaluation, if the foster parent/relative is interested in adopting the child(ren).
- Foster home licensing/Children's Protective Services (CPS) accepted and rejected complaints, investigation and disposition reports and any resulting corrective action plans.

CASE ACCEPTANCE AND ASSIGNMENT

Within seven working days of receipt of the adoption referral from MDHHS , the child placing agency must accept or decline the adoption referral. Rejection of a referral may include a detailed explanation of the reason for rejection in MISACWIS. If the referral is accepted, the adoption supervisor must assign the case to an adoption worker within three working days to initiate the DHS-1927, Child Adoption Assessment and identify or recruit a qualified family for adoption.

REQUIRED ADOPTION FOCUSED ACTIVITIES

Within three working days of the acceptance of the adoption case transfer, an adoption caseworker must be assigned. Adoption activities must begin. These activities include:

- Determination of whether the current foster parent(s) or relative(s) with whom the child is currently placed intend to adopt the child. The DHS-4809, Intent to Adopt, is used for this purpose. If the signed DHS-4809 is not in the case record, the adoption worker must obtain the signed form within 14 working days of assignment.
- Submit the Michigan Adoption Resource Exchange (MARE) registration and a copy of the DHS-4809 to MARE within 30 calendar days of acceptance of the case for all children who have an identified adoptive family.
- Complete a written, child-specific plan to recruit an adoptive family for all children without an identified adoptive family. Submit the plan and the MARE registration for photo listing to MARE within 30 calendar days of the acceptance of the adoption case.
- Initiate evaluation of the prospective adoptive home (if not a licensed foster care provider) within seven calendar days of the acceptance date of the referral or identification of the prospective adoptive family, whichever is later. The evaluation is based on the BCAL-3130, Initial Foster Home/Adoption Evaluation and DHS-612, Adoptive Family Assessment Addendum. The evaluation must be completed within 90 calendar days of the acceptance date of the referral or identification of the prospective adoptive family, whichever is later.

Documentation of the completion of the above requirements must be maintained in the child's adoption record.

Initial Case Review

When a referral from foster care is made to the adoption unit, a meeting between the foster care and adoption worker must be held to discuss child history, case information and adoption planning

options. This review must be held within 30 calendar days of the receipt of the adoption referral and must be documented in MiSACWIS. This review must include a discussion of health or age concerns for potential adoptive parents specifically, if the youngest child to be adopted is less than 10 years of age and there is more than a 50 year age difference between the child and the youngest prospective adoptive parent; see ADM 0510. Input from the Michigan Children's Institute (MCI) office and the child's attorney may be obtained. Case reviews must be held between the foster care worker and the assigned adoption worker on a quarterly basis following the initial case review. For children without an identified family refer to ADM 0400 for required recruitment activities.

ADOPTION NOT IN THE BEST INTEREST OF THE CHILD

If the adoption worker and supervisor determine that the goal of adoption is not in the best interest of the child after reviewing the case record and meeting with the child and the foster care worker, the reasons must be documented in the child's case record. Decisions concerning a change in the permanency goal require a family team meeting (FTM).

No child should have a determination that adoption is not an appropriate goal based solely on age or special needs. Specialized recruitment is the appropriate action when a child has needs that require a specific type of home. Specialized recruitment activities include holding case reviews for children who are legally free for adoption for more than three months but do not have a permanent placement identified; see ADM 0400 for case review requirements.

If it is determined that adoption is not in the best interest of the child, the DHS-222, Adoption Closing Summary, must be sent to the foster care worker (or MDHHS monitor and PAFC worker for contracted adoption agency cases) along with all other adoption-specific reports.

TERMINATION OF PARENTAL RIGHTS APPEALS

An appeal of a court order terminating parental rights may delay adoption finalization but must not delay an adoptive placement. Appeals must not delay referrals to the adoption supervisor.

COORDINATION OF ADOPTION PLANNING SERVICES

Coordination of adoption planning services must be part of the concurrent planning process. Preparation of the child for an adoptive placement must include joint planning between foster care and adoption staff. Until the child is placed for adoption by the court, the foster care worker is the child's primary worker and the adoption worker is the secondary worker. During this time, the adoption worker must provide the foster care worker with the DHS-1927, Child Adoption Assessment, and the DHS-614, Quarterly Adoption Progress Reports; see ADM 0300, Child Adoption Assessment and ADM 0330, Quarterly Adoption Progress Reports.

INTRODUCTION

Unless a parent's parental rights have been terminated or a guardian has been appointed for the parent or child, a parent may execute a voluntary release of parental rights before a judge or referee. A guardian of the parent or child must obtain authority to execute the release from the court that appointed the guardian. If the parent executing the release is an unemancipated minor, the parent or guardian of the minor parent must also execute the release. If the minor parent is a Michigan Children's Institute (MCI) ward, the MCI Superintendent must also execute the release. If the child being released is over five years of age, the court must determine that the best interest of the child is served by the release.

Advising The Parent or Guardian

When the Department of Human Services (DHS) is involved in the release from a parent or guardian, a representative of the department must advise the parent or guardian about child placing agencies serving the county and, upon the parent's or guardian's request, must refer the parent or guardian to a child placing agency. [MCL 710.28 (6)]

The child-placing agency is required by law to provide families with release services.

A PCA 305, Release of Child by Parent, or PCA 305a, Release of Child by Guardian, signed by the parent or guardian must accompany a release by a parent or guardian.

COURT TERMINATION ON BOTH PARENTS REQUIRED

In any release, the court must terminate both parents' rights. When the parents are married and one parent is unavailable or unwilling to release, that parent's rights must be terminated as described in MCL 712A.19b, proceedings to terminate parental rights.

When the parents are not married and the mother wishes to release, the putative father's rights may be terminated per the Michigan Adoption Code MCL 710.31 – MCL 710.39. (See Informing Putative Father below.)

Father

The unmarried mother is required to inform the court of the identity of the putative father, if known. She must also inform the court of any financial support provided to her by the father while she was pregnant or any financial support her child has received from him.

Informing Putative Father

When a child born to an unmarried woman is to be released, efforts must be made by the agency (CPS and/or Foster Care worker) to identify the father of the child (putative father) and inform him of the proposed action.

Child Not Yet Born

A pregnant mother intending to release may file a PCA 313, Petition to Issue Notice of Intent to Release or Consent. If filed, the notice must be provided to the putative father. If the notice is delivered more than 30 days before birth of the child and the father does not claim paternity, this may form a basis for terminating the father's rights.

After Birth of Child

If the child is already born, the father is to receive a PCA 314, Notice of Intent to Release or Consent. The father may respond in the following ways:

- Ignore the notice.
- Deny paternity.
- Affirm paternity, but deny interest in custody.
- Affirm paternity and express interest in custody of the child.

Father Requests Custody

If the father requests custody of the child, the court will evaluate the fitness of the father to take custody. The mother may withhold her release until this decision is made. If the father is determined to be fit to receive custody, the court makes a temporary placement of the child pending a full custody hearing. If the father is determined unfit, the court may terminate his rights under the:

- Juvenile Code [MCL 712A.19b] if a custodial or support relationship existed, or

- Adoption Code [MCL 710.39] if a custodial or support relationship did not exist.

Father Does Not Request Custody

If the putative father denies paternity or denies interest in custody of the child (e.g., fails to appear at the hearing for which he received notice), the court may take testimony that this is the father of the child and terminate the father's rights in accordance with the Adoption Code [MCL 710.37]. When a father does not appear or his identity is not known, the court may require a report regarding the efforts made to locate the father before the father's rights are terminated.

COMMITMENT TO THE DEPARTMENT

Upon completion of a parental release, the court will issue an order terminating the rights of the releasing parents. When all parental rights have been terminated, the court may issue an order committing the child to DHS whereupon DHS must accept the commitment. Upon release and commitment, the child becomes a state ward.

NOTIFICATION TO PRIVATE ADOPTION AGENCIES

MCL 710.28(6) requires that the local DHS notify the private adoption agencies serving the county of any child voluntarily released to the department. Refer a child to private adoption agencies when all the following conditions apply:

- The child was committed to the Department pursuant to 1974 PA 296 [MCL 710.21 et seq.].
- The child was not a temporary ward of the court prior to commitment.
- The child's permanency plan is adoption.

RELEASE OF CHILD BY PRIVATE CHILD PLACING AGENCY TO DHS (SECONDARY RELEASE)

When a child has been released or committed to a private child placing agency, the agency may release the child to DHS. Such releases (commonly referred to as a “secondary release”) may be executed and acknowledged before a person authorized by law to administer oaths. The department must accept the release. The private child placing agency must provide DHS with all required documentation in order to establish a foster care case.

Upon acceptance of the release, the department may:

- Assume full adoption planning responsibility for the child, or
- Purchase foster care and adoption services from a private child-placing agency.

LIMITED TERM AND EMERGENCY FOSTER CARE

Limited-term and emergency foster care funds may be used to provide foster care for up to 30 days prior to a voluntary release to the department under the provisions of the Adoption Code, 1974 PA 296, as amended, MCL 710.21 et seq. The area manager must approve extensions of the 30 day period. (See FOM 902-9, PR - Limited Term and Emergency Foster Care Funding.)

CENTRAL FILE FOR VOLUNTARY RELEASES

When a child is released, a copy of the release(s), PCA 318, Order Terminating Parental Rights after Release or Consent and PCA 322, Order Committing to Agency/Department of Human Services must be sent to Document Control in central office. This process is required to avoid an inappropriate charge back to the county for the child’s foster care.

FORMS AND MATERIALS

The legal forms listed below have been approved by the State Court Administrative Office for use in executing a release of parental rights:

- PCA 305, Release of Child by Parent (see description below).
- PCA 305a, Release of Child by Guardian (see description below).
- PCA 306, Release of Child by Child Placing Agency.
- PCA 310, Petition for Hearing to Identify Father and Determine or Terminate His Rights.
- PCA 311, Notice of Hearing to Identify Father and Determine or Terminate His Rights.
- PCA 312, Order Terminating Rights of Father without Release or Consent.
- PCA 313, Petition to Issue Notice of Intent to Release or Consent.
- PCA 314, Notice of Intent to Release or Consent.
- PCA 315, Declaration of Inability to Identify/Locate Father.
- PCA 316, Notice to Putative Father and Custody Statement.
- PCA 318, Order Terminating Parental Rights after Release or Consent.
- PCA 322, Order Committing to Agency/Department of Human Services.
- PCA 338, Statement to Accompany Release (see description below).

Form Descriptions

PCA 305 or PCA 305a

A PCA 305, Release of Child by Parent or PCA 305a, Release of Child by Guardian must be prepared for each parent or guardian's signature (original and three copies). A release shall be given only

to the Michigan Department of Human Services or to a private child-placing agency pursuant to MCL 710.28(5) during a court hearing.

PCA 338

A PCA 338, Statement to Accompany Release, must be prepared that indicates the parent or guardian:

- Has received a list of adoption support groups.
- Has received a copy of DHS Publication 255, Michigan Department of Human Services Adoption Program Statement.
- Has received, or waived, counseling related to the adoption.
- Has not received or been promised any money or anything of value for the release of the child, except for lawful payments itemized on the schedule filed with the release.
- Has assured that the validity or the finality of the release has not been affected by any agreement between the parent and the adoptive parent, or the agency to which the child is being released.
- Was advised that the welfare of the adoptee will be served by keeping the private child-placing agency or DHS informed of any health problems that could affect the adoptee.
- Was advised that the welfare of the adoptee will be served by keeping the private child-placing agency or DHS informed of the current address of the releasing parent(s).

The PCA 338 also serves as verification of required information given to the parent(s) regarding a voluntary parental release.

An investigation report and the child's birth certificate must be provided to the court. The following is a suggested outline for this report:

- Date of initial inquiry regarding release.
- Dates of contact with family.
- Family history and social information.
- Circumstances leading to release.
- Alternatives to release explored.
- Recommendation to the court.

SAFE DELIVERY ACT

If a child meets the criteria for the Safe Delivery Act (2000 PA 232-235, MCL 712.1 et seq.) (there is no evidence of child abuse or neglect, the child is less than 72 hours old and is voluntarily surrendered by a parent), the child must be referred to a licensed child-placing agency for adoption services. (See PSM 712-6, CPS Intake - Special Cases.)

CONTRACTOR ELIGIBILITY

The Michigan Department of Health and Human Services (MDHHS) contracts with private adoption agencies within the state to provide adoption services to Michigan Children's Institute (MCI) wards and title IV-E funded permanent court wards. Permanent court wards that are not title IV-E eligible are excluded from the contract. MDHHS makes the determination of eligibility for title IV-E. **All service expectations contained in the MDHHS adoption policy (ADM) apply to adoption agencies working under contract with MDHHS**.

Note: All contract agencies must cooperate with MDHHS department representatives, including the Office of Inspector General. See SRM 131, Confidentiality, for limits and restrictions of sharing information.

REQUIRED CONTRACT SERVICES

Adoption agencies under contract with MDHHS must provide direct adoption services that include the following:

Recruitment

- Recruitment activities, orientation, and training of prospective adoptive families focusing on meeting the needs of children available for adoption. Recruitment of prospective adoptive families' activities includes, but is not limited to; dual approvals for foster home licensing and adoption approval and strategies for recruiting families for adolescents, sibling groups and children with disabilities.

- Individualized recruitment activities for children awaiting adoption may include, but are not limited to, participation in the Heart Gallery, use of the Wendy's Wonderful Kids project, national photolists and regional recruitment campaigns.

Assessments

- **Completion of the DHS-1927, Child Adoption Assessment, and the DHS-606, Child Adoption Assessment Addendum,** in MiSACWIS within the specified time frames; see ADM 0300. The child's adoption assessment must be provided to the local MDHHS office or designated adoption program office within

five calendar days of completion for inclusion in the child's permanent record.

- **Completion of the BCAL-3130, Initial Foster Home/Adoption Evaluation, and DHS-612, Adoptive Family Assessment Addendum,** and/or **DHS-1926, Preliminary Family Assessment(s);** see ADM 0500 and ADM 0510.

Adoption Assistance Applications

- Assisting adoptive families with application for adoption assistance and medical subsidies, prior to the finalization of the adoption. A copy of the signed adoption assistance agreement must be maintained in the case record and a copy must be submitted to the assigned MDHHS monitor within five calendar days of receipt for inclusion in the child's permanent record.

Michigan Adoption Resource Exchange Notification

- Written notification to the Michigan Adoption Resource Exchange (MARE), as outlined in ADM 0710.

Information Sharing

- Sharing relevant case material. Case reviews must be held initially between the foster care worker and the assigned adoption worker and on a quarterly basis to ensure sharing of information throughout the adoption or permanency process; see ADM 0210.

Court Hearings

- The contracted adoption agency worker must prepare for and attend all court hearings. The contracted adoption agency worker must:
    - Complete required reports and forms.
    - Provide primary court testimony.
    - Provide recommendations and updated reports until dismissal of wardship.
- MDHHS monitors will not attend court hearings unless ordered by the court. All court reports must be maintained in the case record and submitted to the primary foster care worker and the assigned MDHHS monitor within five calendar days of completion for inclusion in the child's permanent record.

Quarterly Reports, Supervision Reports and Closing Summary

- The contracted adoption agency worker must complete and generate the following reports in MiSACWIS and provide them to the local MDHHS adoption monitor for purchase of service cases:
    - DHS-614, Quarterly Adoption Progress Report.
    - DHS-613, Adoptive Placement Supervisory Report.
    - DHS-222, Closing Adoption Summary (submitted to MDHHS when the adoption is finalized).

Monthly Visits

- Visits are required with the child and adoptive parent(s), at a minimum, every calendar month during the adoption supervision period and must be documented in MiSACWIS. Face-to-face contacts must be documented in MiSACWIS within five business days of them occurring.

Note: For caseworker visit requirements for a recruited family and children in adoption supervision; see ADM 950.

Child Adoption Assessment Addenda

- The DHS-606, Child Adoption Assessment Addendum, must be used to update the DHS-1927, Child Adoption Assessment, and submitted by the assigned adoption worker when any significant event occurs (for example, change of placement and impact on child, sibling split, etc.). At a minimum, the DHS-606 must be prepared annually in MiSACWIS until the adoption placement order is signed by the court; see ADM 0300 and ADM 0330.

Additional Information

- Additional information submitted to MDHHS as needed to assist in planning for the child. The contractor and MDHHS must cooperate in matters relating to any legal or court activities concerning the child and family.

- The contractor must immediately notify and provide a copy of any section 45 hearing notifications received from the court to the Michigan Children's Institute (MCI) office. A copy of the section 45 hearing notification must also be uploaded into the MCI consent shell in MiSACWIS.

Required Adoptive Placement Forms and Reports

- The contracted adoption agency must complete the legal requirements for adoptive placement (see ADM 0920). The agency must provide the following information to the referring local MDHHS office and ensure they are uploaded in MiSACWIS:
  - Placement data required for MiSACWIS.
  - Petition for adoption (PCA 301).
  - Consent to adoption (PCA 309).
  - Order terminating rights (PCA 318).
  - Order placing child (PCA 320).
  - DHS-1927, Child Adoption Assessment and any DHS-606, Child Assessment Addendums.
  - Copy of the DHS-4113, Adoption Assistance Agreement and/or DHS-3013, Adoption Medical Subsidy Agreement.

Adoptive Family Record

- The following information from the adoptive family record must be maintained in the adoption case record and submitted to the assigned MDHHS adoption monitor for inclusion in the child's foster care/adoption record within 30 calendar days after the adoption is finalized:
  - DHS-3153A, Adoption Application.
  - Final order of adoption (PCA 321).
  - BCAL-3130 Initial Foster/Adoption Home Study, any DHS-612, Adoptive Family Assessment Addendums and the DHS-1928 (for assessments prior to 3/1/09).
  - Establishment of New Birth Record or out-of-state equivalent (DCH-854).
  - DHS-222, Closing Adoption Summary.

REIMBURSEMENT OF CONTRACTED ADOPTION SERVICES

Reimbursement must be made according to the provisions of the contract between MDHHS and the contracted adoption agency. The appropriate rates of reimbursement are identified in the contract. Adoption contracts are administered by MDHHS central office.

Adoption contractors must provide written information to prospective adoptive families indicating “there are no fees for adopting a Michigan Department of Health and Human Services (MDHHS) child or a child placed under contractual care with a private agency by MDHHS.”

If a family completes a DHS-3153A, Adoption Application, no fees should be assessed unless the family is concurrently pursuing adoption of a non-MDHHS supervised child. If fees are assessed to the family, the contracted agency must reimburse the family any fees charged when an adoption of a MDHHS supervised child's adoption is finalized. The family is entitled to a full and prompt refund at the time of adoption finalization.

If the family has not received a refund, they may contact the manager of the adoption program office at the MDHHS central office.

OVERVIEW

The purpose of the DHS-1927, Child Adoption Assessment, is to provide an accurate and full description of the child, including the child's special needs and history, for the following uses:

- As a tool for matching a child who is available for adoption with a family whose abilities to parent are well-suited to the child's needs and characteristics.
- To help in developing an individual recruitment plan when a child does not have an identified family.
- To provide the child with a reliable source of history and information about him/herself.
- To assess the medical and psychological needs of the child and gather appropriate professional documentation for submission of an adoption medical subsidy application.

The child adoption assessment is a critical document since it provides an adoptee with hereditary and biological information. It is critical that adoption workers include all known information in this assessment.

ASSESSMENT REQUIRED INFORMATION

The assessment must summarize all information available at the time of completion. This includes medical, emotional, developmental, and educational information obtained through current service providers and schools. Information in the assessment must also include historical information about the child and the biological family. If any of the above information is not available, the assessment must document the efforts made to obtain the information and the reason it is not available.

Factors listed in the adoption placement criteria section of the child assessment are critical in determining what is in the best interest of the child and in securing a successful placement. Efforts must be made to contact all possible sources of information, including birth family members, if necessary.

A DHS-606, Child Adoption Assessment Addendum, must be completed if all information required in the child adoption assessment was not reasonably available within the required time frame for the

completion of the DHS-1927, Child Adoption Assessment. An addendum must be completed at least annually if the child has not been placed for adoption and when there is a change in placement or other significant event for the child. All addenda must be completed prior to adoptive placement.

CHILD ADOPTION ASSESSMENT TIME FRAMES

The DHS-1927, Child Adoption Assessment, must be completed by the adoption worker and approved by the adoption supervisor within 45 calendar days of case acceptance. The adoption worker must verify that the information provided through the foster care DHS-65, Initial Service Plan (ISP), and DHS-66, Updated Service Plans (USP), is correct and include all additional information required on the assessment form. Prior to completing the child adoption assessment, the adoption worker must make a minimum of two face-to-face contacts with the child, with at least one in the home, and one face-to-face with the child's current caregiver, even if the caregiver(s) are not interested in adopting the child. The contacts must be documented in the child assessment.

CHILD ADOPTION ASSESSMENT FORMAT

Department of Health and Human Services (DHHS) workers and contracted agency adoption workers must use the DHS-1927, Child Adoption Assessment, and complete each section thoroughly. The DHS-1927, Child Adoption Assessment, may be supplemented with additional information. The format of the DHS-1927, Child Adoption Assessment, allows for the agency to add individual office information at the top of the form. Hidden text in the DHS-1927, Child Adoption Assessment template describes required information in each section.

The DHS-1927 consists of two sections, which are divided in order to separate identifying information from non-identifying information.

Identifying Information

The first section contains identifying information about the child, the family of origin and the child’s placement history. An adoption agency responsible for adoption planning is required by state law to

compile and preserve the identifying information if it is reasonably obtainable [MCL 710.27]. **This identifying information, including first names, which could reveal the identity of the child's birth family, siblings or foster families who have cared for the child, must not be disclosed;** see SRM 131.

Non-identifying Information

The second section contains non-identifying information about the child. This section contains a description of the physical and emotional needs, interests and abilities of the child that must be considered in making decisions about an adoptive placement. This non-identifying information may be disclosed. Information which can be used to distinguish an individual's identity (including first or last names of the birth parent(s) and siblings) is considered identifying information and must not be disclosed; see SRM 131, Confidentiality, for additional information.

Note: The first name of the child or sibling group members being placed for adoption together may be used in the non-identifying information section of the Child Adoption Assessment. If a sibling group is not being placed for adoption together, the adoption worker shall only identify the age, sex of the sibling, sibling characteristics and sibling relationship in the non-identifying information section of the child adoption assessment.

Supervisory Approval

The DHS-1927, Child Adoption Assessment, must be reviewed and approved by the adoption supervisor within the 45 calendar days from acceptance allowed for the completion of the child assessment. Contracted adoption agencies must forward a copy of the child assessment to the local DHHS adoption monitor within five calendar days of completion, not to exceed 50 calendar days from the acceptance of the case, for inclusion in the child's permanent record.

If there is a delay in completing the child adoption assessment within 45 calendar days, a memo explaining the delay must be sent to the DHHS adoption manager in central office.

Distribution

The adoption worker or assigned DHHS adoption monitor must provide a copy of the child assessment to the foster care worker.

CHILD ADOPTION ASSESSMENT ADDENDUM

The DHS-606, Child Adoption Assessment Addendum, must be used to update the DHS-1927, Child Adoption Assessment, on an annual basis if the child has not been placed for adoption. The DHS-606, Child Adoption Assessment Addendum must also be completed when there is a change in placement or other significant event for the child. The addendum must reflect significant changes and child development updates from the previous assessment. The addendum must provide current information that would be significant to a prospective adoptive family.

Contracted adoption agencies must forward a copy of the Child Adoption Assessment addendum to the local DHHS adoption monitor within five calendar days of completion, for inclusion in the child's permanent record.

Distribution

The adoption worker or assigned DHHS adoption monitor must provide a copy of the child adoption assessment addendum to the foster care worker.

OVERVIEW

Adoption workers must submit written quarterly progress reports using the DHS-614, Quarterly Adoption Progress Report. **The adoption worker must have at least one face-to-face contact with the child during each quarter prior to the adoption supervision period for the purpose of completing the DHS-614**. The child adoption assessment may serve as the initial quarterly report if it is completed within the required quarterly reporting period and attached to the DHS-614 form.

Note: When the child adoption assessment **is** used as the initial quarterly report, the next quarterly report is due 90 calendar days from completion of the child adoption assessment. When the child adoption assessment is **not** completed within the initial required quarterly reporting period, the DHS-614 is due 90 calendar days from case acceptance or 90 days after the order terminating parental rights is signed, whichever is later.

A quarterly report must contain the following information:

- Dates of contact.
- Dates and types of recruitment activities.
- Progress toward achieving adoption.
- Barriers to achieving adoption and specific action steps to overcome the barriers.
- Projected date for finalizing the adoption.

Note: The DHS-614 must not contain identifying information about the prospective adoptive family, as this report is maintained in the abuse and neglect record at the court.

Reporting Duration

The DHS-614, Quarterly Adoption Progress Report, must be completed until the date of the Order Placing Child After Consent is signed by the court. The adoption worker must complete a closing quarterly report when the Order Placing Child After Consent is signed by the court. The DHS-613, Adoptive Placement Supervisory Report, replaces the Quarterly Adoption Progress Report during the adoption supervision period; see ADM 0950 for details regarding the adoption supervision period.

Note: During the adoption supervision period, at least monthly face-to-face visits must be made with the child and adoptive parent(s); see ADM 0950 for visit requirements during supervision.

Report Distribution

Progress reports must be maintained in the case record and submitted to the primary foster care worker and the assigned DHHS monitor and the court.

OVERVIEW

A majority of families who adopt children from the foster care system are foster parents or relatives. However, recruitment activities must be ongoing to locate other individuals or couples seeking to adopt children. Recruitment efforts may include information sharing through experienced adoptive families, public service announcements, photo-listings and public and private agency events.

ONGOING RECRUITMENT EFFORTS

Child placing agencies (both DHS and contracted adoption agencies) must develop and maintain an ongoing program to recruit adoptive families for children available for adoption. For contracted adoption agencies, recruitment activities must follow the guidelines in the current adoption contract. It is essential that recruitment efforts focus on the demographics for children available for adoption. Recruitment of families should take into consideration the following demographics of waiting children:

- Ages and developmental needs of children available.
- Racial identity of children available.
- Sibling relationships.
- Special needs of available children.

CHILD-SPECIFIC RECRUITMENT EFFORTS

Child-specific recruitment is the most effective strategy to find an appropriate adoptive family for a child. The recruitment plan must be based on the child's specific needs and efforts must focus on finding an adoptive family that will provide a stable home for the child.

The child-specific recruitment plan may include locating relatives or friends who have an established positive relationship with the child, photo listing on state and national websites, as well as recruitment through distribution of information about a specific child.

If an adoptive family has not been identified for the child at the time of adoption referral, a written, child-specific recruitment plan must be developed within 30 calendar days of the date of acceptance of the case transfer. The child must also be registered for photo listing

on the Michigan Adoption Resource Exchange (MARE) within 30 calendar days of termination of parental rights or date of acceptance of the case transfer, whichever is later. A copy of the recruitment plan must be provided to MARE with the photo listing information.

The adoption worker must review the “Let’s Talk” booklet from the Michigan Adoption Resource Exchange (MARE) with children age nine and older. This booklet provides the worker with child specific recruitment tools. The adoption worker and child should determine together which recruitment tools will be utilized based on the child’s wishes. The child will need to sign this booklet to verify that he or she has reviewed it with his/her worker. A copy of the signed last page of the booklet must be included with the MARE registration form for the child.

Recruitment Plan Review

Child-specific recruitment plans must be discussed in a face-to-face case review meeting on a quarterly basis for children without an identified adoptive family. Quarterly reviews of the plan must continue until the child is placed with a family that plans to permanently care for the child. The schedule of case review meetings is as follows:

- Within the first three months of the child’s goal changing to adoption, a face-to-face case review meeting must occur between the adoption worker and the adoption supervisor.
- Between three and six months of the child’s goal changing to adoption, a face-to-face case review meeting must occur and include at a minimum: the adoption worker, the adoption supervisor and a permanency resource monitor.
- Between six and nine months of the child’s goal changing to adoption, a face-to-face case review meeting must occur and include at a minimum: the adoption worker, the adoption supervisor and a permanency resource monitor.
- In cases where a permanent home has not been identified within one year of the child’s goal changing to adoption, a face-to-face case review meeting must occur and include at a minimum: the adoption worker, the adoption supervisor, and an outside expert engaged by DHS with expertise in permanency and adoption processes and planning. This review must occur

between nine and twelve months of the child's goal changing to adoption and must be held on a quarterly basis thereafter until the child is placed with a family that plans to permanently care for the child. Documentation of recruitment efforts must be maintained in the child's adoption record for review.

PROGRAM STATEMENT/ INQUIRY

Adoption agencies (both DHS and contracted adoption agencies) are required to provide a written statement of the agency's adoption program to each individual who inquires about adoption. DHS Publication 255, Michigan Department of Human Services Adoption Program Statement, must be provided to all prospective adoptive families as the written statement of the DHS adoption program. The adoption eligibility criteria in Publication 255 apply to all applicants interested in adoption of DHS-supervised wards. The eligibility criteria for adoption of DHS-supervised wards must not be more restrictive than the criteria in DHS Publication 255 when a contracted adoption agency is providing DHS adoption services.

Contracted adoption agencies may provide separate private agency program information in addition to DHS Publication 255 for potential applicants who are interested in both the private adoption program and the DHS adoption program.

The adoption program statement must include:

- The types of adoption the agency handles.
- The services provided by the agency.
- Eligibility requirements for adoptive families.
- The procedures and criteria for selecting a prospective adoptive parent.
- The participation of the biological parent(s) in the selection of the adoptive family and the extent to which the agency permits or encourages the exchange of identifying information or contact between biological and adoptive parents.
- A description of post-finalization services the agency provides.

- A schedule of fees – agencies must not charge families for services provided to adopt a child from the foster care system or must reimburse the family when the adoption is finalized.
- A statement that adoptive parents have the right to independent legal representation.

OVERVIEW

Orientation is often the first time potential adoptive parents receive information about the adoption process. This is a critical presentation to assist each individual in making a decision to proceed with the process of adoption.

A family must attend an adoption orientation provided by a child placing agency prior to approval for adoption.

ORIENTATION INFORMATION

Potential adoptive parents must be provided with the following information at orientation:

- Characteristics of available children.
- A description of the adoption process and services available to the child and family.
- Contracted agency's program statement, policies and procedures.
- A description of the adoption legal process.
- Training requirements for adoptive parents.
- Post adoption service availability.
- DHS Publication 255, Michigan Department of Health and Human Services Adoption Program Statement.
- DHS Publication 823, Adopting a Child in Michigan.
- DHS Publication 538, Michigan’s Adoption Assistance Programs.
- DHS Publication 439, Release of Information.

A contracted adoption agency shall, upon request, provide a DHS 3153-A, Adoption Application, to an interested family.

An agency may consider an application withdrawn after 90 days if the aplicant fails to coppoerate with the completion of the evaluation process.

Contracted Adoption Agency Orientation

For contracted adoption agencies, orientation expectations in the current adoption contract must be followed. Adoption contractors must provide written information to prospective adoptive families indicating that “there are no fees for adopting a Michigan Department of Health and Human Services (MDHHS) child or child placed under contractual care with a private agency by MDHHS.”

If fees are assessed to the family, the contracted agency must reimburse the family any fees charged when an adoption is finalized. The family is entitled to a full and prompt refund at the time of adoption finalization.

If the family has not received a refund, they may contact the manager of the adoption program office at the MDHHS central office.

REQUIREMENTS

Persons seeking approval as adoptive parents must participate in a minimum of 12 hours of training prior to the legal adoptive placement of a child. Training must, at a minimum, reflect the following requirements set forth by the Department of Health and Human Services (DHHS).

The Parent Resources for Information, Development and Education (PRIDE) curriculum must be used for adoptive parent training. The material in the following designated PRIDE sessions must be covered:

- Session 1 (Connecting with PRIDE).
- Session 2 (Teamwork Toward Permanence).
- Session 3 (Meeting Developmental Needs: Attachment).
- Session 4 (Meeting Developmental Needs: Loss).
- Session 6 (Meeting Developmental Needs: Discipline).

For training sessions with only prospective adoptive parents in attendance, the above material may be expanded with specific information on adoption issues.

In addition to the PRIDE sessions, a separate, mandatory orientation session and the following training are required for all prospective adoptive parents (see ADM 0410):

- Child development, including safe sleep practices for children under one year of age.
- Behavioral and emotional needs of adoptive children.
- Impact of adoption on the family.
- Post adoption services availability.

Completion of the above PRIDE sessions is the requirement for approval of all prospective adoptive parents, including relatives. If there are two adoptive parents, they must both complete the training sessions. In the case of competing parties, if a family assessment is completed, training is mandatory for approval to adopt.

Foster parents who have completed the PRIDE sessions and have a current foster care license are not required to repeat the PRIDE sessions, but are required to attend the previously indicated additonal training sessions. They are also required to attend additional training sessions, based on the adoption workers'

assessment of the families' training needs and the needs of the child.

Adoptive parents who have completed the required PRIDE sessions above within the last two years, are not required to repeat the PRIDE sessions, but are required to atted the previously inidcated additonal training sessions. The adoptive parent(s) are also required to attend additional training sessions, based on the adoption workers' assessment of the families' training needs and the needs of the child.

The agency must provide adoption applicants with training requirements in writing upon receipt of an adoption application and document the completion of training sessions in the adoptive family's case record.

ADOPTION APPLICATION

A family interested in adopting a child from foster care must complete the DHS-3153A, Adoption Application. Contracted adoption agencies may supplement the application with additional information.

- Completion of an adoption application is a condition of eligibility and required before starting the assessment process.
- Information on the form is confidential and may be used as part of the adoptive process only.
- Withheld or false information may result in denial of the adoption application.

NON-DISCRIMINATION

The DHHS non-discrimination statement is:

Michigan Department of Health and Human Services (DHHS) will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, height, weight, marital status, gender identity or expression, sexual orientation, political beliefs or disability.

The above statement applies to all applications filed for adoption of DHHS supervised children, including DHHS supervised children assigned to a contracted agency.

DHHS Publication 538, Michigan's Adoption Subsidy Programs

Prior to completion of the adoptive family assessment, the family must be given copies of the DHHS Publication 538, Michigan's Adoption Subsidy Programs, the DHS-823, Adopting a Child in Michigan, the DHS-255, Agency Adoption Program Statement and the DHS-4081, Adoption Assistance Intent Statement (available online at: http://www.michigan.gov/dhs)The family's acknowledgement of receipt of this publication is included on the last page of the DHS-3153A, Adoption Application.

Adoption workers must provide clear information to prospective adoptive parent(s) regarding the adoption assistance program on behalf of all eligible children.

Persons Wishing to be Considered For a Specific Child

Persons who have a significant relationship with a child who is available for adoption and indicate an interest in adopting the child must be provided an adoption application by the agency with the supervisory care of the child. Receipt of the application by the adoption agency and completion of an adoption application does not necessarily mean that a full family assessment will be completed; see ADM 0510, Adoptive Family Assessment.

OVERVIEW

Employees of the Department of Health and Human Services (DHHS) or a contracted adoption agency may apply to adopt a state ward or permanent court ward. The employee shall be treated on an equal basis with all other applicants. However, neither the employee nor his or her supervisor may be involved in the adoption study, decision, or recommendation. Further, the child may not be on the employee's caseload. An employee of DHHS or a contracted adoption agency must notify the placement agency director or designee of their interest in adopting a state or permanent court ward. The adoptive family assessment must be completed by an agency outside the applicant’s county of employment. **Under no circumstances may an agency complete an adoptive family assessment for a person employed by the same agency.**

Child-specific Adoption

When an employee has applied for adoption of a specific child for whom the agency is providing supervision services, the supervising agency director or designee must immediately transfer the case (including foster care services) to another DHHS county office or another contracted adoption agency.

Agency Board Members, Former Board Members and Former Employees

Agency board members, former board members and former employees (within five years from the date of departure) are encouraged to apply to adopt but must be treated as employees for the purposes of adoption.

Role Separation

An agency employee or board member must not use his or her position to gain access to the child or gain information about the child and must clearly separate their role as an employee or board member from their role as a prospective adoptive parent.

REQUIREMENTS

The DHS-1926, Preliminary Adoptive Family Assessment, must be used to document information and/or assess a prospective adoptive family that expresses an interest in a child for the purposes of adoption **when one of the following applies**:

- There is another family who currently has placement of the child and **all** of the following circumstances exist:
  - The family with placement of the child has demonstrated an ability to meet the physical and emotional needs of the child.
  - The child has established a close emotional attachment with the family with whom they are placed.
  - Removal of the child from the placement family is likely to result in psychological harm to the child.
  - The other prospective adoptive family does not have or has not maintained a relationship with the child through visits or other communication.
- A relative that has had no previous relationship with the child is applying for adoption.
- A relative who lives outside the state of Michigan is requesting adoption of a specific child and requesting an Adoptive Family Assessment through the Interstate Compact for the Placement of Children (ICPC) office may result in an unacceptable delay of adoption.
- The prospective family is excluded from consideration; see ADM 0540, Exclusions from Adoptive Family Assessment.

  Note: The DHS-1926 must document the reason(s) why the prospective family is excluded from consideration.
- The prospective family was previously found to be unsuitable for placement of the child(ren) and a DHS-197, Relative/Unrelated Caregiver Home Study or licensing evaluation was completed by the foster care worker.

  Note: If the prospective family was previously denied placement of the child but was otherwise found to be appropriate/approved by foster care staff, a full BCAL-3130

Initial Foster Home/Adoption Evaluation (see ADM 0510) must be completed (for example, a relative lived out of state and the plan was reunification so the child was not placed).

Note: If extenuating circumstances exist that are not covered above, a decision to use the DHS-1926 requires second-line supervisory approval.

Best Interests of the Child Met

If, after completing the DHS-1926 for the interested family, the worker determines that the best interests of the child may be met by placing the child with this family, a full BCAL-3130, Initial Foster Home/Adoption Evaluation of the interested family must be completed.

Distribution

A copy of the completed DHS-1926 (signed and dated), must be given to the applicants if a BCAL-3130 will not be completed. The applicants must sign the assessment or an acknowledgement form to document their receipt and review of the document.

PROCEDURES

The BCAL-3130, Initial Foster Home/Adoption Evaluation, must be used to license foster homes and provide preliminary approval of foster and recruited parents for adoption. The evaluation provides documentation of the assessment by the licensing and/or adoption worker of the applicant's ability to parent and provide a stable home for children but does not provide adoption approval for a specific child/children. In **all** cases, the DHS-612, Adoptive Family Assessment Addendum, must also be completed for approval of adoption when a specific child has been identified for a family.

Licensed Foster Parent Applicants

If a prospective adoptive parent is licensed for foster care and preliminarily approved for adoption on the BCAL-3130, the BCAL-3130 meets the requirements for a dual assessment for preliminary approval of the applicant(s) to adopt. If a prospective adoptive parent is only licensed for foster care and not preliminarily approved for adoption a BCAL-3130, must be completed for adoption purposes. If a licensing assessment was completed prior to the use of the BCAL-3130, any updates to the licensing assessment must be included with the original assessment for approval of the applicant for adoption.

When a specific child has been identified for adoption by a licensed foster parent, the DHS-612, Adoptive Family Assessment Addendum, must be completed to further document adoption specific information and the parent's ability to meet the identified child's needs. Assessments may be supplemented with additional information beyond the requirements in the BCAL-3130 and DHS-612.

Unlicensed Applicants

For adoptive applicants who are not licensed for foster care, the BCAL-3130 must be used by adoption workers for assessment of the adoptive family. **All** health and safety areas of the BCAL-3130 must be addressed in the assessment of an adoptive family. If the family does not meet all licensing standards, each area of noncompliance must be described in the BCAL-3130. When an adoptive child has been identified for the family, the DHS-612, Adoptive Family Assessment Addendum, must be completed.

Note: If an adoptive family assessment or foster home licensing assessment was completed and approved on a different form, it will be accepted with the appropriate required addendum that includes all elements of the BCAL-3130.

Married Individuals Adopting Without Their Spouse

If the prospective adoptive parent is a married individual and he/she is planning on adopting without their spouse, the worker is required to consult the MCI office prior to approval. The worker must document in the narrative of the family assessment the reasons why the individual is requesting to adopt without his/her spouse, and why it is in the child's best interest. It is **not** appropriate for a married individual to be approved to adopt without their spouse when the spouse will be involved in the care of the child, especially if the spouse resides in the adoptive home and/or if it has been determined that the spouse could **not** be approved for adoption.

Note: The court where the adoption petition is filed will have the final approval in this matter.

Access to Adoption Services

State law prohibits refusal to provide adoption services to prospective adoptive parents based solely on race, religious affiliation, disability, age or income level (MCL 722.957). This law applies to all applications for DHHS adoptions.

Assessment Time Frames

When a prospective adoptive family has been identified for a specific child, the BCAL-3130, Initial Foster Home/Adoption Evaluation, must begin within 7 calendar days of the acceptance date of the referral to adoption or identification of the prospective adoptive family, whichever is later. The evaluation and DHS-612, Adoptive Family Assessment Addendum, for a family that did not have a previously approved DHS-3130, must be completed within 90 calendar days from the date of assignment of the case to an adoption worker. The DHS-612 must be completed within 60 calendar days from the date of assignment of the case to an adoption worker for a family who has a previously approved BCAL-3130. Exceptions must be:

- Documented in the DHS-614, Quarterly Adoption Progress Report.
- Approved at the next permanency hearing. A copy of the report must be submitted to the DHHS adoption program office for any exceptions.

Unlicensed persons with a significant relationship to a child, who are interested in adopting the child from foster care, must be assessed within a reasonable time to ensure the adoption process is not delayed. The DHS-1926, Preliminary Adoptive Family Assessment, may be used to determine whether a full adoptive family assessment should be completed; see ADM 0500, Preliminary Adoptive Family Assessment.

Social Work Contacts

Adoption workers must maintain regular (at least monthly) contact with applicants throughout the adoption assessment process in order to apprise them of progress towards completion.

The family assessment must include dates and places of contacts and persons interviewed or observed.

Distribution

An agency must provide the applicants for adoption with a signed and dated copy of the assessment, including the DHS-612, Adoptive Family Assessment Addendum, when completed.

The prospective adoptive parent(s) must sign the assessment or an acknowledgment form to document the receipt and review of the assessment.

A copy of the completed assessment must be sent to the local DHHS monitor for inclusion in the child's permanent record.

ADOPTIVE FAMILY ASSESSMENT ADDENDUM

The DHS-612, Adoptive Family Assessment Addendum, serves two purposes.

1. To address adoption-specific/child-specific information for a family whose initial evaluation was completed using the BCAL-

3130. The DHS-612, Adoptive Family Assessment Addendum, must be used to document adoption-specific information when a child has been identified for adoption by the prospective adoptive family.

2. To update information for a previously approved adoptive family when:

   - A change in circumstances (for example, change in household membership, and change in health concerns) warrants the original assessment to be updated.
   - One calendar year has elapsed and finalization of an adoption for the approved family has not occurred.
   - The family is applying to adopt additional child(ren).

The addendum must be approved by the adoption supervisor prior to making an adoptive placement. Prospective adoptive parents must be given a copy of their adoptive family assessment addendum and sign an acknowledgement that they received a copy.

ADDITIONAL DOCUMENTS

Personal and Professional References

For both licensed and unlicensed applicants:

- The applicant(s) must provide a minimum of three references from persons not related to the applicant(s). For assessment of unlicensed families, the DHS-608, Personal Reference form, must be used to document personal references provided by the applicant(s).
- The DHS-611, Adult Child Reference form, must be used to gather information from any adult child(ren) no longer residing in the home. If an adult child refuses or is not able to provide the information on the form, the efforts to contact the adult child and obtain the information must be documented in the case record.

Reference forms are to be mailed directly from the adoption worker to the identified reference and returned directly to the adoption worker.

Updated references are required for each application and/or each subsequent adoption.

Note: If a reference is the only delay in processing an assessment, the adoption worker may obtain references verbally. The verbal reference must be based on the questions on the appropriate DHHS reference form and responses must be documented on the form. The worker's attempts to obtain written references must also be documented on the form as well as the date of the verbal contact. It must be noted on the form that the reference was obtained by phone, interview, etc., and signed by the worker completing it.

Clearances

Record clearances as described in ADM 0520.

Health and Medical Status

The DHS-3190, Medical Statement for Foster Home Licensing/Adoption, must be used for the medical statement requirement. The adoption worker must request a physical or psychological examination (at the applicant's expense) if there are concerns about the physical or mental health of any household member. The second page of the DHS-3190 should be used for documentation of the physical or psychological examination report. All medical statements/ reports must be current and dated within one year of the supervisor's approval date of the assessment.

Note: Local courts may have individual requirements for physicals for the prospective adoptive family. Workers should clarify these requirements with the court prior to filing the PCA 301, Petition for Adoption.

CIRCUMSTANCES REQUIRING ADDITIONAL EVALUATION/ DOCUMENTATION

Expedited consents from the Michigan Children's Institute (MCI) office or designee will not be approved in any cases requiring additional documentation; see ADM 0850, Expedited Consent.

MCI Superintendent Consultation

If the current placement for the child is requesting to be considered for adoption but is not recommended for adoption, the MCI superintendent's office **must** be consulted prior to making an adoptive placement recommendation.

Requirements

The BCAL-3130, Initial Foster Home/Adoption Evaluation, or DHS-612, Adoptive Family Assessment Addendum, must have additional evaluation/documentation included in the following situations:

Number and Age of Children in the Home

A more extensive assessment of the family's ability to meet the needs of the children must be completed when any of the following apply:

- The total number of children who will be placed in the home will result in more than four adopted children in the home.
- Placement of a child will result in more than three children under the age of 3 in the home.
- Placement of a child will result in more than six children in the home.

This assessment is to determine if the family has a thorough understanding of and capacity to meet the children's individual needs. The following must be included:

- An assessment of the family's demonstrated ability to advocate for and participate in identified services for their children based on references from professionals and service providers who have worked directly with the family to meet the needs of the children already placed in the home, such as teachers, therapists, day care and assisted care providers, medical professionals, etc. These additional references must have direct experience working with the family and provide information about the family's ability to meet the physical and emotional needs of additional adoptees.

Absent written references from professionals or service providers, the worker must document verbal references with professionals or service providers in the record.

The DHS-610, Professional Reference form, must be used for the above references.

Note: Current or former foster care workers are not acceptable professional references for this purpose.

- A review of the level and extent of extraordinary care required by other children and any adults in the household who have continuing care needs, including a review of any determination of care (DOC) (DHS 470, DHS 470A, or DHS 1945) rates being paid through adoption support subsidy.
- Identification and review of the family's current support systems. This should include individuals or organizations that provide support to the family in meeting the ongoing needs of the children on a permanent basis and may include other household members, extended family, neighbors, friends, church, school, community groups, day care and respite care providers and other sources of support. It must also include a plan for guardianship of the child or children in the event of the parent or parents' death or permanent disability preventing continuation of parental responsibility.
- An assessment of the impact of adoption on the family's ability to care for all children based on the children's changing needs.
- An assessment of the training needs of the family.
- An interview of each child currently living in the home and children no longer in the home, including foster children and any adult children, if available. The assessment of the prospective adoptive family's ability to nurture and safely care for all the children in the home must be clearly documented.

Health or Age Concerns for Prospective Adoptive Parents

If the age or health of a prospective adoptive parent raises concerns about the ability of the parent to provide permanency for a child, the adoption worker must determine if the child's best interests will be met through this adoption.

The family's designated alternate care provider, should the applicant(s) become unable to provide care for the child(ren), must be

documented. Contact must be made with the alternate care provider to evaluate the extent of his or her relationship with the child and willingness to provide permanent care for the child. The contact must be documented in the BCAL-3130, Initial Foster Home/Adoption Evaluation, or DHS-612, Adoptive Family Assessment Addendum.

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

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

DHHS Central Registry

If any applicant family has a household member who is listed on the Central Registry for child abuse or neglect, the circumstances must be fully documented in the BCAL-3130, Initial Foster Home/Adoption Evaluation, or DHS-612, Adoptive Family Assessment Addendum. The reasons for placement consideration must include a full explanation as to reasons the family is being recommended for adoption of a specific child.

MCI Superintendent Review

For MCI wards, the consent request to the MCI superintendent must include a copy of the CPS investigation report for the complaint(s) that resulted in the person being placed on Central Registry and a detailed explanation of the reason(s) for recommending the adoptive placement.

A thorough review by the Michigan Children's Institute (MCI) of the circumstances surrounding the placement with the individual on Central Registry must be completed. Following this review, a written determination, using the DHS-96, MCI Determination For Individuals Placed On Central Registry Requesting Consent, must be completed by the Michigan Children's Institute (MCI) office and will be sent to the adoption worker. If the MCI superintendent consents to adoption, a copy of the written determination of the review must be included in the documentation provided to the court for their review prior to the adoptive placement.

For children who are not yet placed in the prospective adoptive home, the MCI superintendent review and court review of the case must be completed prior to placing the child in the prospective

adoptive home. For a child who is already placed in the prospective adoptive home as a foster child, refer to policy in FOM 722-3, Foster Care Placement/Replacement.

OVERVIEW

All prospective adoptive families are required to undergo background checks, clearances, criminal history checks and fingerprinting. The clearances and background checks must be current within the last 12 months and be part of the assessment by the adoption worker for inclusion in the CWL-3130-CH, Initial Foster Home/Adoption Evaluation-Criminal History, and/or DHS-612-CH, Adoptive Family Assessment Addendum Criminal History. Adult members (age 18 or older) who reside in the adoptive household are required to complete criminal history background checks but are not required to submit fingerprints.

The following background checks and clearances must be completed to evaluate a prospective adoptive family for adoption:

- Review and summarize previous foster home licensing studies and/or adoptive assessments.
- Review and summarize all applicant's and any adult household member's history of previous licensing/children's protective services (CPS) complaints, investigations, and dispositions.
- Consultation with professionals who have worked with the family, if applicable.
- Criminal history checks for all applicants and adult household members.
- Local law enforcement clearances for all applicants and adult household members.
- Fingerprinting (updated every 12 months) of all applicants.
- Michigan Public Sex Offender Registry for all applicants and adult household members.

BACKGROUND CHECKS

Prior Home Study or Assessment

Previous foster home licensing studies and/or adoptive assessments, including those completed by other agencies, must be requested and reviewed by the adoption worker and summarized in

the current CWL-3130, Initial Foster Home/Adoption Evaluation, and/or DHS-612, Adoptive Family Assessment Addendum.

If a CWL-3130, Initial Foster Home/Adoption Evaluation, has not been completed, the previous foster home licensing study may be included as part of the adoption worker's family assessment, but must be clearly noted as the source of the information. The foster home licensing study must be supplemented with updated or additional information as required in the CWL-3130 and DHS-612, Adoptive Family Assessment Addendum.

If a previous study is referenced, the report must be available in the record for review and **included in the consent packet**. The current study must specifically state the circumstances that have changed and must cover any gaps in time between the referenced study and the current study. The updated or additional information may be provided in a DHS-612, Adoptive Family Assessment Addendum, when **all** of the following apply [MCL 710.46(3)]:

- The family has provided foster care for the child for 12 months or longer.
- The family's foster home licensing study was completed or updated not more than 12 months before the adoption petition is filed.
- The court waives the full investigation upon a motion of the petitioning adoptive family.

If the above three circumstances do not apply, the CWL-3130 must be used to complete the Adoptive Family Assessment.

Prior Complaint or Investigation

The adoption worker must review and summarize the applicant's and any adult household member's history of previous licensing/Children's Protective Services (CPS) complaints, investigations, and dispositions by contacting licensing and CPS staff. A licensing corrective action plan must be satisfactorily completed before recommending the applicant(s) for adoption (unless there is a documented exception).

Past or Current Service Providers

If applicable, the adoption worker must consult with professionals who have worked with the family to determine the family's level of cooperation and ability to benefit from identified services for the children in their care. The consultation with professionals must also focus on the level and extent of the extraordinary care required by other children already adopted by the family and/or biological children, including adult children in the home who have a need for continued care. The DHS-610, Professional Reference Letter, must be used to document the consultation with professionals. The consultation with professionals must be summarized in the CWL-3130, Initial Foster Home/Adoption Evaluation, completed by the adoption worker or the DHS-612, Adoptive Family Assessment Addendum.

CPS CENTRAL REGISTRY CLEARANCE

The following applies to all applicants and adult household members:

A CWL-1326, Record Clearance Request, must be sent to the Division of Child Welfare Licensing.

In addition to the CWL-1326, the adoption worker must check for confirmed and/or substantiated child abuse or neglect **in every state and/or county** where the applicant or any adult household member has lived in the five years preceding the application for adoption.

CRIMINAL HISTORY CHECKS

The following criminal clearance process applies to adoption applicants and all adult household members.

MDHHS Worker Required Clearance (LEIN)

Law Enforcement Information Network (LEIN) clearances must be completed by Michigan Department of Health & Human Services (MDHHS) adoption workers for MDHHS directly supervised cases. Submit the DHS-269, Criminal History Information Request, to the

local LEIN terminal operator. The DHS-269 must be retained in the case record.

The CJIS Policy Council Act, 1974 PA 163 (MCL 28.211 et seq.), grants MDHHS access to Michigan Criminal Justice Information Network (MICJIN). Accessing the MCJIN must only occur as authorized by MDHHS in the performance of official duties. LEIN use is specific to statutory authority, any breach in the use of LEIN is a violation; see SRM 701, LEIN Use, System & Security Policy. County directors are responsible for authorizing appropriate staff to access LEIN and for maintaining the security, confidentiality, and the appropriate use of LEIN information; see SRM 700, Law Enforcement Information Network for additional information.

LEIN Document Disposal

Workers must cross-cut shred or incinerate LEIN clearance result documents after review, verification of pertinent data, and incorporation of the verified information in narratives in the CWL-3130-CH or DHS-612-CH. See LEIN policy in SRM 700 for details on the use of and verification of LEIN information.

Contracted Adoption Agency Required Clearance (ICHAT)

Internet Criminal History Access Tool (ICHAT) clearances must be completed by all contracted adoption agency adoption workers. This is to be accessed through agency registration on ICHAT with the Michigan State Police Web site. ICHAT documents must be retained as outlined in SRM 200, Fingerprinting after summarizing in the CWL-3130-CH, Initial Foster Home/Adoption Evaluation-Criminal History, or DHS-612-CH, Family Adoption Assessment Addendum-Criminal History.

LEIN/ICHAT Time Frames

LEIN and ICHAT clearances **must be completed at the following times:**

- After application.
- Immediately prior to adoption approval by adoption agency (if the assessment is favorable).

- Immediately prior to adoption placement.

Each clearance **must be repeated:**

- Every three months after the court order of adoptive placement of a child in the home for adoption.
- Thirty calendar days prior to finalization.

If new information is obtained through the checks after approval for adoption, a DHS-612, Adoptive Family Assessment Addendum, must be completed and provided to the Michigan Children's Institute (MCI) office or the court; see ADM 0880, Notification of CPS, Licensing Complaints or Criminal Charges.

LOCAL LAW ENFORCEMENT CLEARANCE

A clearance for **all** adoptive applicant(s) and adult household members **must** be requested from the family's local law enforcement agency. This may be obtained either by a written or verbal request from the adoption worker to the law enforcement agency.

FINGERPRINTING

Fingerprinting must be completed for prospective adoptive parents for adoption purposes using AWA fingerprinting code.

A nationwide check for criminal charges and convictions through fingerprint submission must be completed via the National Crime Information Center (NCIC) for licensed foster care and adoption applicants only; see SRM 200, Fingerprinting.

Fingerprinting Time Frames

All prospective adoptive parents must have fingerprints for the purposes of adoption current within 12 months at the time of adoption approval by the adoption agency, adoptive placement and prior to adoption finalization.

Note: The adoption application must be signed and dated by the applicant(s) prior to fingerprinting.

MICHIGAN PUBLIC SEX OFFENDER REGISTRY CHECK

The adoption worker must check the prospective adoptive parent(s)' address and names, and the names of all adult household members on the public Michigan Public Sex Offender Registry to verify that a registered individual is not listed at the prospective adoptive parent(s)' home address.

DOCUMENTATION AND EVALUATION

Completion dates of all clearances and background checks must be documented in the CWL-3130-CH, Initial Foster Home/Adoption Evaluation, or DHS-612-CH, Adoptive Family Assessment Addendum-Criminal History.

When a criminal background check through LEIN, ICHAT or the fingerprinting process contains a criminal offense by any member of the adoptive family household and the adoption worker recommends the family for adoption, the following must be included in the CWL-3130-CH, Initial Foster Home/Adoption Evaluation, or DHS-612-CH, Adoptive Family Assessment Addendum- Criminal History:

- Nature of the criminal offense(s).
- Circumstances surrounding the occurrence of the offense(s).
- Length of time since the occurrence of the offense(s).
- Successful completion of requirements of probation or parole.
- Evidence of rehabilitation, and low risk to re-offend.

Note: Any documentation regarding criminal background results including information obtained through LEIN, ICHAT, local police clearance or fingerprinting **cannot** be placed in the CWL-3130, Initial Foster Home/Adoption Evaluation, or DHS-612, Adoptive Family Assessment Addendum.

LEIN information must be independently verified via a third party (example: court, law enforcement, ICHAT) and may only be included in the CWL-3130-CH or DHS 612-CH. See ADM 0510, Adoption Family assessments, Circumstances Requiring Additional Documentation/Review section, if any applicant listed on the Child Abuse and Neglect Central Registry is considered for adoption of a child. The worker must assess how the safety and welfare of the child will be ensured if the family is recommended for adoption.

There may be information that is gained through the clearances and/or background checks that would eliminate applicants from the assessment process. See ADM 0540, Exclusions From Adoptive Family Assessment, for further information.

LEGAL AUTHORITY

Federal

34 U.S.C. § 20911

Social Security Act, 42 U.S.C 671(a)(20)(A) & (B)

State

Child Care Organizations Act, MCL 722.11 et seq.

Executive Order 1990-10

POLICY CONTACT

Questions about this policy item may be directed to the Child Welfare Policy Mailbox.

FELONY CONVICTIONS

The Social Security Act restricts the use of title IV-E funding for adoptions when an adoptive parent or an adult member of the adoptive household has been convicted of specific felonies. In the event that an exception has been made to approve adoption in a family or household where an adult has one of the following felony convictions, title IV-E funding must not be used for the adoption or adoption subsidy.

Adult members of the adoptive household must not have any felony convictions for any of the following crimes:

- Child abuse/neglect.
- Spousal abuse.
- A crime against children (including child pornography).
- A crime of violence, including rape, sexual assault or homicide but not including other physical assault or battery.
- Within the last 5 years only: physical assault, battery or drug-related offense.

EXCLUSIONS

If there are reasons the prospective family is excluded from consideration for adoption, a BCAL-3130, Initial Foster Home/Adoption Evaluation, **should not** be completed. The basis for exclusion must be documented in the adoptive applicant's file on the DHS-1926, Preliminary Family Assessment; see ADM 0500, Preliminary Adoptive Family Assessment.

The adoptive applicant must be excluded from adopting under the following circumstances:

- The agency or court has reliable information that the prospective adoptive parent has been convicted under MCL 750.145a or 750.145c (enticing, promoting, or participating in child sexually abusive activity or material) or MCL 750.520b through 750.520g (criminal sexual conduct).
- The applicant is an illegal immigrant (legal immigrants with valid documentation may be approved for adoption).
- The applicant has been convicted of an "offense against a minor" as defined in Public Law 109-248, the Adam Walsh Child Protection and Safety Act of 2006, including:
  - An offense (unless committed by a parent or guardian) involving kidnapping.
  - An offense (unless committed by a parent or guardian) involving false imprisonment.
  - Solicitation to engage in sexual conduct.
  - Use in a sexual performance.
  - Solicitation to practice prostitution.
  - Video voyeurism as described in 18 USC 1801.
  - Possession, production or distribution of child pornography.
  - Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.
  - Any conduct that by its nature is a sex offense against a minor.

Note: "Convicted" includes certain juvenile adjudications. The term "convicted" or a variant thereof, used with respect to a sex offense, includes adjudicated delinquent as a juvenile for that offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in 18 USC 2241), or was an attempt or conspiracy to commit such an offense.

OVERVIEW

Applicants are assessed for adoption by the Department of Health and Human Services or a private contracted child placing agency. The agency conducting the assessment either:

- Approves the family as appropriate for adoption and holds the application until a specific child is identified.
- Denies the family because they do not meet the requirements for adoption of any child.

Note: If a family has applied for adoption of a specific Michigan Children's Institute (MCI) ward, the adoption worker makes a **recommendation** to the MCI superintendent or his or her designee and the MCI superintendent or his or her designee makes a final determination of approval or denial for consent to adopt; see ADM 0870, Denial of MCI Consent to Adopt a Specific Child.

Statement of Approval or Denial

The BCAL-3130, Initial Foster Home/Adoption Evaluation, or DHS-1926, Preliminary Adoptive Family Assessment, must include the agency's statement of recommended approval or denial based on the information provided in the assessment. The statement must include:

- If approved, a description of the number, sex, age, race, ethnic background, and special characteristics of adoptive children who may be placed in the adoptive applicant home.
- If denied, a specific basis for the decision.
- Signature of the adoption worker or person completing the assessment and the date signed.
- Supervisor's signature and the date signed.

Note: If the assessment results in a recommendation to the Michigan Children's Institute superintendent to deny consent to a current foster parent/relative caregiver, a second-line supervisor's signature and date signed is required.

Denial Notice

Adoptive applicants must be informed in writing by the child placing agency if they are not approved for adoption and the reason(s) for the denial. The DHS-605, Recommendation to Deny Consent, must be used to notify the adoptive applicants and a copy of the completed BCAL 3130, Initial Foster Home/Adoption Evaluation, or DHS-1926, Preliminary Adoptive Family Assessment, must be attached.

DenialNotification Requirements

The DHS-605, Recommendation to Deny Consent, notifies the adoptive applicant(s) that if they applied for adoption of a specific child, the recommendation will be sent to the superintendent of the Michigan Children's Institute (MCI), who will make the final consent decision. The DHS-605 also informs the adoptive applicant(s) that they may provide additional information directly to the MCI.

The DHS-605, Recommendation to Deny Consent, must be sent along with the consent packet to the MCI superintendent for a consent decision on **all** cases, even if the adoption worker has submitted a DHS-309, Line of Service Action Plan, for a recommended adoptive family or if there is currently no identified competing party.

MARE FAMILY REGISTRY

Families approved for adoption must be offered the opportunity to be registered on the Michigan Adoption Resource Exchange (MARE) Family Registry if they are seeking to adopt a child that matches the type of children waiting for adoption from the child welfare system. The family or their child placing agency must complete the Family Registration Form (available online at: http://mare.org/Forms/familyreg.html) or submit a copy of the current BCAL-3130, Initial Foster Home/Adoption Evaluation, including all addenda to:

Michigan Adoption Resource Exchange
P.O. Box 980789
Ypsilanti, Michigan 48197

Adoption workers can access a listing of prospective approved adoptive families through the MARE Web site at www.mare.org. MARE will routinely match available children with approved families in the MARE Family Registry. If a match is made, the supervising agency, the potential adoption placement agency and the prospective adoptive family are notified.

COMPREHENSIVE ASSESSMENT

When a child is available for adoption, efforts must be made to achieve permanency for the child as quickly as possible with a family that best meets the needs of the child. All decisions regarding the family who is recommended for consent to adopt must be based on a comprehensive assessment as documented in the BCAL-3130, Initial Foster Home/Adoption Evaluation (see ADM 0510) and DHS-612, Adoptive Family Assessment Addendum. All factors that address the child's best interest criteria reflected in the DHS-1927,Child Adoption Assessment (see ADM 0300) must be included. Family selection decisions must be documented in the DHS-612, Adoptive Family Assessment Addendum.

Adoption Application

Persons who wish to be considered for adoptive placement of a specific child under the supervision of the Department of Human Services (DHS) will be considered in the adoptive family selection process following the receipt of an DHS-3153-A, Adoption Application.

Consideration for the adoption of a specific child means that the child's adoption worker will explore the child's relationship with relatives and other families who have a history with the child and/or a relationship that is significant to the child. Consideration does not mean that a full adoptive family assessment will be completed.

Specific Child Adoption

A family may receive preliminary approval for adoption through the approval of the BCAL-3130.When considering the adoption of a specific child, factors that are identified as important issues in the DHS-1927, Child Adoption Assessment, must be addressed in the DHS-612, Adoptive Family Assessment Addendum

Progress Report

Applicants must be informed of the progress of the adoptive family selection process and the options available to them if consent is denied; see ADM 0870.

OVERVIEW

Consideration for the adoption of a specific child means that the child's adoption worker will explore the child's relationship with relatives and other families who have a history with the child and/or a relationship that is significant to the child. The family's relationship with the child and their interest in adopting must be documented on the DHS-1926, Preliminary Adoptive Assessment, the BCAL-3130, Initial Foster Home/Adoption Evaluation, or the DHS-612, Adoptive Family Assessment Addendum.

The child placing agency must always seek out appropriate relatives as a foster care placement option when a child is initially removed from the parental home. The child placing agency must also consider relatives at the time the permanency plan becomes adoption. Relatives may be an appropriate placement when they have an established relationship with the child and/or provide a familiar environment for the child.

All children must be placed in accordance with their individual needs, including any special physical, emotional and educational needs; the need to place siblings together; placement with relatives and maintaining continuity of current relationships; see ADM 0300.

Preference in placement practices by race, ethnicity or religion is prohibited. Race and/or ethnicity and/or religion may not be the basis for a delay or denial in the placement of a child. Race and/or ethnicity may be appropriate considerations in evaluating the best interest of an individual child to be matched with a particular family; see ADM 0620.

WHO TO CONSIDER

At the time the child's permanency plan becomes adoption, the supervising agency must consider all the following persons (not in order of preference):

- Relatives with whom the child has an established relationship and those relatives with no prior established relationship that express an interest in adopting the child.
- Current foster parent(s), relative caregiver(s) or court approved unrelated caregiver(s).
- Unrelated persons who have had an established relationship that is significant to the child.

The adoption worker must document which parties have been considered for adoption in the child's case record.

Consideration of Relatives

The definition of relative in MCL 712A.13a includes:

"An individual who is at least 18 years of age and related to the child by blood, marriage, or adoption, as grandparent, great-grandparent, great-great grandparent, aunt or uncle, great-aunt or great-uncle, great-great-aunt or great-great-uncle, sibling, stepsibling, nephew or niece, first cousin or first cousin once removed, and the spouse of any of the above, even after the marriage has ended by death or divorce".

A child may be placed with 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 placement with the parent of a putative father under this subdivision is not to be construed as a finding of paternity or to confer legal standing on the putative father.

Foster Care Record Review

The adoption worker must review the foster care record to determine the extent to which relatives were identified and located for foster care placement of the child, including reasons for approving or denying placement. The adoption worker must also review the amount of contact relatives have had with the child over the course of the child's life.

Contact with Birth Parent(s)

An important factor to evaluate in considering a relative as a potential adoptive family for a child is their willingness and ability to assure the physical and emotional well-being of the child on a permanent basis. Relatives must demonstrate ability and willingness to keep the child safe and a commitment to ensure that the child does not experience further emotional or physical harm through placement within the family system.

Consideration of Foster Parents

If a child resides with licensed foster parent(s), the psychological attachment of a child to the foster parents must always be consid-

ered before replacing the child to a different adoptive home. The child's age, developmental stage and frequency and number of replacements must all be considered in relationship to the length of time the child has resided in the foster home.

Consideration of Siblings

When biological siblings are separated in foster care, consideration is to be given to uniting the siblings in an adoptive home unless:

- Doing so is harmful to one or more of the siblings.
- One of the siblings has exceptional needs that can only be met in a specialized program or facility.
- Despite diligent efforts to place the sibling group together, the size of the sibling group makes the placement impractical.

The extent of the consideration must be determined based on the best interest of the child (Such as the strength of the relationships between siblings versus the relationship between the child and other individuals such as the children's current caregivers).

Consideration of Other Approved Families

Consideration of other approved adoptive families may be made if the current caregivers and any identified relatives are no longer considered to be a viable adoptive placement option for the child.

Efforts must be made to locate an approved family using all available resources including all efforts defined in ADM 0400 and ADM 0570. This must include contacting other local DHS adoption programs and contracted adoption agencies serving the area. All efforts to achieve the expected performance outcome of adoptive placement within six months must be made.

PLANNING FOLLOWING A DISRUPTED ADOPTION

Concurrent planning must be used in the placement of a child for whom an adoptive placement has disrupted. It is critical to place the child in a home that may serve as a permanent placement to mini-

mize additional moves. A written permanency plan must be in place for the child within 45 calendar days of the determination that the adoption placement will end. The plan must include therapy and grief work for the child if appropriate. If there is no identified adoptive placement for the child within six months of the change of placement, the child must be photo listed in MARE unless an exception request has been made to the DHS adoption manager in central office. A face-to-face case review must be held at the time of a disrupted adoption and include at a minimum: the current adoption worker, the adoption supervisor and a permanency resource monitor or adoption resource consultant; see ADM 0400 child-specific recruitment requirements. This meeting can be held in conjunction with the FTM for the child's change in placement, if a change of placement occurs at this time.

INTENT TO ADOPT FORM

Within three working days of the assignment of the adoption case-worker, the adoption worker must notify the caregivers with whom the child is placed that the child's permanency plan is adoption. The caregiver's interest in adoption must be documented. Current care-givers should be informed that if the child has a strong bond and psychological attachment, they will be given consideration for adop-tion of that child. The DHS-4809, Intent to Adopt, must be used for notification. Caregivers must be instructed to return the form to the supervising agency within 14 calendar days of receiving notification to express their interest.

Relatives who previously expressed interest in placement must be contacted and their interest in adopting documented on the DHS-4809, Intent to Adopt.

The DHS-4809 may also be used for families, other than the current caregivers, to document their interest in adoption planning for the child. This may include families who have adopted known siblings if the agency has determined consideration of this family is in the child's best interests.

DHS Publication 538, Michigan's Adoption Subsidy Programs, must be given to prospective adoptive parents with the DHS-4809.

Review Plan for Children With An Identified Adoptive Family

A case review is required for children with an identified family when adoptive placement has not been achieved within six months of the family signing the DHS-4809. The schedule of case review meetings is as follows:

- At six and nine months after the DHS-4809 has been signed, a face-to-face case review meeting must occur and include at a minimum: the adoption worker, the adoption supervisor, and the prospective adoptive family.
- In cases where an adoptive placement has not occurred within one year of the DHS-4809 being signed, a case review meeting must occur and include at minimum: the adoption worker, the adoption supervisor, the prospective adoptive family, an outside expert engaged by DHS with expertise in permanency and adoption process and planning. This review must occur between nine and 12 months of the DHS-4809 being signed and must be held on a quarterly basis thereafter until the Order Placing Child After Consent is issued or a goal change occurs. Documentation of these case reviews and efforts to achieve adoption must be maintained in the child's adoption record for review and, upon request, submitted to the Adoption Program Office for review.

INTRODUCTION

The Social Security Act, 42 USC 671(a)(18) prohibits delaying or denying the placement of a child for adoption or foster care on the basis of race, color or national origin of the adoptive or foster parent, or the child involved. The Multiethnic Placement Act (MEPA) was enacted in 1994 as part of the Improving America's Schools Act. In 1996, MEPA was amended by the provisions for Removal of Barriers to Interethnic Adoption (IEP) included in the Small Business Job Protection Act.

Any decision to consider the use of race, color or national origin as part of placement selection criteria must be based on individual circumstances of the child. The consideration must clearly document how it will advance the child's interests or needs.

CRITICAL ELEMENTS OF MEPA/IEPA

The consideration of race, color or national origin in relation to an adoptive placement must take into account the following four critical elements:

- Delays in placing children who need adoptive homes must not be tolerated and denials must be based on appropriate consideration.
- Discrimination must not be tolerated, whether directed toward adults who wish to serve as adoptive parents, children who need safe and appropriate homes or communities or populations.
- Active, diligent, and lawful recruitment of potential adoptive parents of all backgrounds is both a legal requirement and an important tool for meeting the demands of good practice.
- The standard in adoptive placements has been and continues to be "the best interest of the child." Nevertheless, as noted above, any consideration of race, color or national origin in adoptive placements must advance the child's best interest and must be made as an individualized determination of each child's needs and in light of a specific prospective adoptive parent's capacity to care for that child.

  To determine the "best interest of the child," describe the role which race, color, or national origin has played in the life of the

child. What distinctive needs and interests does the child have regarding race, color or national origin? Why is it in the child's best interest to take these needs into account?

PROCEDURE

Specific procedures must be followed when there is reason to believe that a child has North American Indian Heritage. Refer to the Native American Affairs (NAA) manual series for details of those procedures; see NAA 200, Identification of an Indian Child, and NAA 400, Indian Child Adoptions.

Tribal Resolution

In addition to the policies in NAA 200 and 400, if a child to be adopted has been determined to be eligible for membership in a federally recognized American Indian tribe, the adoption agency must document that diligent efforts have been made to comply with the adoption placement priorities established by the Indian Child Welfare Act. Diligent efforts include inquiring of the tribe if there are identified families which should be considered for adoption of the child. The adoption worker must request that the tribal child welfare commission provide a written resolution regarding adoptive placement of the child. The adoption worker must document the request for the resolution.

INTERSTATE ADOPTION PROCEDURE

If a child's permanency plan is to be adopted by a family residing outside of the state of Michigan, the Interstate Compact on the Placement of Children (ICPC) must be used (see ICM-120, Interstate Adoption Procedures). The ICPC process should be initiated as early in the permanency planning process as possible. Foster care and adoption staff must coordinate the referral process through the Interstate Compact Office.

A child cannot be placed out of state for relative placement, foster care placement, or adoption without prior written approval from the receiving state through the ICPC process.

Michigan is a current member of the ICPC. The Safe and Timely Interstate Placement of Foster Children Act of 2006 (Public Law 109-239) was signed into law on July 3, 2006 and created new standards that apply to the interstate placement of children. The law became effective October 1, 2006 and applies to payments made under titles IV-B and IV-E of the Social Security Act.

Public Law 109-239 now includes a title IV-E state plan requirement to complete requested home studies within 60 days of receipt of a request. The law also provides possible incentive payments of $1,500 for each home study completed within 30 days of receipt of a request (through federal fiscal year 2010) and a requirement in ICPC cases that ongoing visitation between the worker and the child must take place at least every six months.

In order for Michigan to apply for financial incentive payments for home studies completed within 30 days of receipt of a request, the ICPC central office staff must track the required data and report to the Administration for Children & Families (ACF).

Federal Incentive Payments

Specific requirements that states, counties, tribes, and private child placing agencies must meet for interstate out-of-home care placements are as follows:

- Each interstate home study completed and submitted to ICPC within 30 days of the receipt of a request is eligible for a $1,500 incentive payment. If ACF has insufficient funds to cover the number of timely (30 days) home study incentive payments,

then an adjustment of the payment will be calculated by dividing the total amount available by the number of eligible timely interstate home studies. The timely interstate home study incentive provision remains in effect until October 1, 2010.

Exception Requests

- For home studies begun on or before September 30, 2008, child placing agencies can request a 15 day extension with the reason for the delay indicated in writing to the ICPC office. In order to complete home studies within the 30, 60, or 75-day time limits, the new law exempts education and training requirements of prospective foster and adoptive parents prior to placement approval. P.L. 109-239 does not exclude the requirement for criminal background checks and those must be included in the home study within the 30, 60, or 75-day time frame. Home studies not completed within 75 days of receipt of a request will jeopardize title IV-B or IV-E funding.

Visitation Requirements

- The federal law requires that face-to-face visitation between the worker and the child occur at least every six months (instead of every 12 months) and allows state agencies to contract with private child placing agencies to conduct the visits, if necessary.

Documentation Requirements

- Documentation of ICPC cases including consideration of interstate placement must be included in the child's service plan. Reasonable efforts to consider interstate placements as a part of concurrent planning and during permanency planning decisions must be documented. Efforts to facilitate timely interstate placements must be included in service plans.

Permanency Planning

- Permanency planning should include:
    - Consideration of interstate placements when it is determined that reasonable efforts to reunify the family cannot be made and appropriate placement may be available through interstate.

- Consideration of in-state and out-of-state placements at the initial 30 day permanency hearing and/or at the 12 month permanency planning hearing.
- Consideration of out-of-state placements when reasonable efforts are made to find adoptive homes or legal guardianships.

Court Duties

- Courts should cooperate in information sharing. The ICPC authorizes courts to obtain information and testimony from child placing agencies and parties in other states without requiring interstate travel. The ICPC also permits parents, children, attorneys, and other necessary parties to participate without requiring interstate travel.

Interstate Adoption Appeals

Approved adoptive families from jurisdictions (counties or states) other than the child's county of commitment or county of residence who express an interest in adopting a child must be given consideration as adoptive parents when the child has no identified adoptive family.

If an approved adoptive family from a jurisdiction (county or state) other than the child's county of commitment or county of residence expresses interest in adopting a child who does not have an identified family and the family is either not selected as the adoptive family or the family asserts the adoption was or is being delayed, the family may request an administrative hearing to determine if a violation of Section 471(a)(23)(A) occurred. Within 15 days of receipt of a request for a hearing, the local MDHHS office with supervisory responsibility for the child, must prepare form DHS-3050, Hearing Summary, and send to the Michigan Administrative Hearing System (MAHS).

Michigan Administrative Hearing System (MAHS)
Benefit Services Division
P.O. Box 30763
Lansing, MI 48909
Tel.: (517) 335-7519
Fax: (517) 763-0155

A copy of the hearing summary must also be forwarded to the adoption program manager at the MDHHS central office.

PLACEMENT OF CHILDREN OUTSIDE THE UNITED STATES

All potential placements outside the United States (usually in Canada or Mexico) for permanent wards with the federal goal of adoption require consultation with the adoption program office and the Children's Services Legal Division (CSLD). Intercountry placement does not fall under the Interstate Compact Agreement. Local offices must contact MDHHS central office to obtain the process and proper documentation/notification from immigration authorities.

COURTESY ADOPTION SERVICES/ SUPERVISION

Courtesy adoption services/supervision may be requested of a local MDHHS office when the distance between county of commitment and the county of placement is too great to allow for planning and casework to proceed in a timely manner. A MDHHS memo must be used to coordinate services when a child or adoptive family does not reside in the county of commitment. Any disagreements between counties on transfer of responsibility for a child are to be escalated for resolution to the county's area office. (See FOM 722-14, Foster Care - Courtesy Supervision.)

VISITATION WITH A PROSPECTIVE ADOPTIVE FAMILY

If the adoption worker determines that it may beneficial for the child to have visits with a prospective adoptive family **that has an approved adoptive family assessment,** visits may be scheduled by the adoption worker. It may be necessary to provide the prospective adoptive family with direction regarding proper conduct and demeanor during the visits so that the child experiences a minimum of emotional distress. If the visiting family is unable to comply with the conditions established by the child placing agency, it may be necessary to discontinue visits.

When the best interest of the child is served by a change of placement for the child, it is recommended that visits begin and be gradually increased to allow the child to make an emotional transition to the prospective adoptive family. The child's age, developmental stage, and emotional well-being must be considered in preparing the child for a placement change. The number of visits prior to placement will depend on the age of the child and how ready he or she is to make the transition. The aim is to make as seamless a transition as possible, with everyone focusing on the best interests of the child.

If possible, visits should increase in length from a brief visit in the beginning to extended visits prior to replacement and be based on the child's adjustment to the visits. Overnight visitations between the child and the prospective adoptive family prior to petition must not exceed 10 consecutive calendar days, unless the family is licensed to provide foster care [MCL 722.111(i) (i)].

Note: Per FOM 903-7, payments to the child's foster family may only be continued for a period of five days when a child is temporarily absent from the placement.

Case Conference

If, at any time, a determination is made that visitation or placement with the prospective adoptive family does not appear to be in the child's best interest, the concerned parties must meet to discuss the issues. For state wards, if a resolution is not achieved, the Michigan Children's Institute may provide consultation.

MAINTAINING EXISTING RELATIONSHIPS

Following termination of parental rights, it may be important for the emotional welfare of the child to continue the child's existing relationships with persons who are not directly responsible for the care of the child but who have been important in the child's life. Such relationships may include siblings, other relatives or unrelated persons with whom the child has a psychological attachment. These important relationships must be documented in the DHS-1927, Child's Adoptive Assessment (RFF 1927).

Decisions regarding visitation for the child must be made in consultation between the foster care worker, the adoption worker and the workers' supervisors. The child's lawyer-guardian ad litem and the Michigan Children's Institute (MCI) office may also be consulted, as appropriate.

Note: Mediation may be helpful in establishing a mutually agreeable visitation arrangement in which it is determined that continuing contact by an approved person with an existing relationship to the child, other than the adopting family, may be beneficial for the child. However, following adoption of the child by an approved family, any decisions about visitation between the child and any parties are at the discretion of the adoptive parent. Pursuant to MCL 710.60, the adoptive parents have complete authority to make decisions regarding the adoptee. Decisions by the adoptive parents to support visits with other persons are voluntary.

Adoption workers should assist in developing positive relationship connections and elicit the services of professional counselors when appropriate. Workers must educate the child's caregivers regarding the importance of these connections to the child's sense of identity. The adoptive family selection must consider a prospective adoptive family's willingness to maintain existing relationships with people important to the child.

Scheduling visits to maintain an existing relationship during adoption planning must be based on the best interest of the child. Factors that must be considered are:

- The child's emotional and physical well-being.
- The child's age and developmental maturity.
- The benefit to the child of maintaining the relationship.

- The ability of the visiting person to establish an environment that will allow the child to benefit from visits. It may be necessary or advisable to supervise the visits while they continue.

Maintaining Sibling Relationships

Unless it has been determined that sibling visits are not in the child's best interest, a child's visits with siblings must continue at the interval established prior to the termination of parental rights until the court has signed an Order Placing Child. If visits are discontinued, the decision and the reason(s) why must be documented in the quarterly adoption reports.

Post Placement Visitations

Once the PCA 320, Order Placing Child After Consent, has been signed, the adoptive parents determine the visitation plan for the child.

OVERVIEW

It is the adoption worker's responsibility to prepare both the child and the prospective adoptive family for adoption - regardless of whether the placement is with foster parents, relatives or a recruited family. In every type of placement, the child should have an age appropriate understanding of the adoption process. "Lifebooks" are a valuable aid in helping children explore the key issues related to adoption.

In transitioning the child to a new family, the adoption worker should allow appropriate time for the adjustment of both the child and the adoptive family. In recruited adoptive family situations, the child should have as much information as possible regarding the prospective adoptive family, including their motivation for adopting the child. The family must have documentation regarding the child's history, including the DHS-1927, Child Adoption Assessment. This information must be thoroughly reviewed with the prospective adoptive family (see ADM 0670).

INFORMATION SHARING CONFERENCE

Pursuant to MCL 722.956, prior to the adoptive placement, the adoption agency must conduct a conference with the prospective adoptive parent(s). The purpose of the conference is to review and discuss the information listed below that must be provided to the prospective adoptive parent(s).

- Disclose to the prospective adoptive parent(s) all information known by or available to the adoption agency regarding the adoptee's medical and psychological needs.
- Prepare and provide to the prospective adoptive parent(s) a list of the adoptee's medical and psychological needs that are identified and discussed during the conference.
- Prepare written verification for the signatures of the adoption agency worker and the prospective adoptive parent(s) that the conference was held and information was provided as required. Provide a copy of the written verification to the prospective adoptive parent(s). The DHS-4818, Verification of Information Provided to Adoptive Parents, must be used for this purpose. The adoption worker and prospective adoptive parent(s) must sign the form. The adoption agency worker must retain a copy of the signed form in the case record.

Information That Must be Provided

Prior to, or at the conference, the adoption agency must provide prospective adoptive parent(s) with written copies, other than those portions made confidential by state or federal law (see SRM 131, Confidentiality), of all of the following regarding the prospective adoptee:

Note: Identifying information in documents must be redacted.

- The petition or petitions that resulted in each placement of the child.
- Initial and all updated case service plans concerning the child that were compiled during each foster care placement, whether in foster care, adoption or otherwise.

- The adoptee's non-identifying information. A copy of the non-identifying information section of the child adoption assessment and all addenda must be provided to the prospective adoptive parent(s). If the child adoption assessment does not contain all of the required information listed below, then the missing information must be provided in a separate written document.
  - Date, time and place of birth of the child including the hospital, city, county and state.
  - Prenatal care.
  - Medical conditions at birth.
  - Any psychological evaluation of the child while under court jurisdiction.
  - A record of immunizations and health care received in foster care.
  - Any neglect or physical, sexual or emotional abuse suffered by the child.
  - Any drug or medication taken by the child's mother during pregnancy. Any subsequent medical, psychological, psychiatric or dental examination and diagnoses of the child.
  - Any known hereditary condition or disease.
  - The health of each parent at the child's birth.
  - Cause of death and age at death if a parent is deceased.
  - A summary of the findings of any medical, psychological or psychiatric evaluations of either parent at the time of placement.
  - First name of the child at birth.
  - The age and sex of siblings of the child.
  - School enrollment and performance, results of educational testing and any special education needs.
  - The child's racial, ethnic and religious background.

- Age of the child's parents at the time parental rights were terminated.
- Length of time the parents had been married at the time of placement (if applicable).
- The child's past and current relationship with any relative, foster parent or other individual or facility (do not include names or addresses of individuals).
- Levels of education and occupational, professional, athletic or artistic achievement of the child's family.
- Hobbies, special interests and school activities of the child's family.
- The circumstances of any judicial order terminating the parental rights of a parent for abuse, neglect or abandonment of the child.
- Length of time between the termination of parental rights and adoptive placement and whether the termination was voluntary or court-ordered.
- Information required to determine the child's eligibility for government benefits.

Information that cannot be reasonably obtained prior to placement of the child must be provided to the adoptive parent(s) at the time of placement and up to the time of finalization, if reasonably obtainable. All efforts to obtain information must be documented in social work contacts.

PROCEDURE

The supervising adoption agency must initiate the process of applying for **adoption assistance**, **nonrecurring adoption expenses**, and **medical subsidy** programs. By law (MCL 400.115m), all prospective adoptive families of children in the state's care must be given information about the adoption assistance programs and the opportunity to request a determination of eligibility. The DHS Publication 538, Michigan's Adoption Subsidy Program, and the DHS-4081, Adoption Assistance Intent Statement, must be provided to the prospective adoptive family at the time the DHS-4809, Intent to Adopt, is given to the family. The Department of Health and Human Services (DHHS) recommends that agencies apply for the adoption assistance programs for all children being adopted from the state's care in order for the DHHS Adoption Subsidy Office to make determinations of eligibility.

An adoption medical subsidy application should be submitted for all currently diagnosed medical and/or mental health conditions.

For additional information, see the Adoption Subsidy Manual (AAM 200, Support Subsidy Eligibility, and AAM 400, Medical Subsidy Eligibility) and DHS Publication 538, Michigan's Adoption Subsidy Program. Publication 538 is available online at http://www.michigan.gov/dhs.

For youth being adopted within 120 days of their 18th birthday, in addition to the adoption assistance eligibility process found in AAM 200, the adoption worker must assist the prospective adoptive family with completing the Young Adult Extension application criteria found in AAM 631-Extensions For Youth Adopted At Ages 16-17.

PURPOSE

The purpose of the Michigan Adoption Resource Exchange (MARE) is to assist in identifying adoptive families for waiting children in Michigan. Core services include:

- A tracking system for all children whose goal is adoption.
- Publishing a website and quarterly recruitment periodical of available children.
- Maintaining a registry of approved adoptive families seeking to adopt children from foster care.
- Identification of preliminary matches between a child and approved prospective adoptive families.
- Videotaping of children for specialized recruitment.
- Publishing quarterly newsletters for adoption professionals, families, and youth.
- Assisting local communities in developing adoption recruitment activities.
- Coordination of the Michigan Heart Gallery recruitment effort.
- Providing youth-based services, including a youth advisory board, website and related services.
- Facilitating statewide DHS Adoption Oversight Committee and related workgroups.
- Providing intake and referral services for families interested in adoption.

Contact Information

Detailed MARE information can be found at: www.mare.org

MARE phone contacts are:

(800) 589-6273 (in Michigan)

(734) 528-1692 (outside Michigan)

OVERVIEW

The Department of Health and Human Services (DHHS) operates a tracking system through the Michigan Adoption Resource Exchange (MARE) for all state wards and title IV-E funded permanent court wards whose goal is adoption. Tracking of state wards begins on the date of commitment to the Michigan Children's Institute (MCI). Tracking of permanent court wards begins on the date of acceptance of the referral to adoption. Status is tracked until the child is placed for adoption or the permanency goal is changed.

All state wards and title IV-E funded permanent court wards whose goal is adoption must be registered, either on hold or for photolisting, with MARE.

Note: The MCI superintendent has given written authorization for the Michigan Adoption Resource Exchange to use personal information of an MCI ward on their public website for adoption recruitment purposes. For permanent court wards, the adoption worker must seek written approval or a court order from the court to allow the Michigan Adoption Resource Exchange to use personal information on the permanent court ward on their public website for adoption recruitment purposes. The adoption worker must also document when they requested this approval/order and if they received approval in the DHS-614, Quarterly Adoption Progress Report.

NOTIFICATION AND REGISTRATION PROCESS

DHHS and contracted adoption agencies must report to MARE on the progress toward adoption for all wards being tracked. The following MARE notification and registration process must be followed.

MARE Forms

The contracted adoption agency or local DHHS office responsible for adoption planning must send the registration to the MARE office. All MARE forms are available online at www.mare.org and can be submitted electronically. One of the following must be submitted within 30 calendar days of the date of termination of parental rights or the date of receipt of the court order of termination of parental rights:

- Order Placing Child (PCA 320),
- Hold Registration Status on the child profile for Child being Adopted by Relatives, Unrelated Caregivers or Current Foster Parents, including a copy of the DHS-4809.
- Hold Registration Status on the child profile for Recruited Adoptive Family, including the signature page of the family's current BCAL-3130, Initial Foster Home/Adoption Evaluation.
- Proof of permanency goal change to a plan other than adoption by court order and an approved foster care DHS-66, Updated Service Plan (USP) or DHS-67, Permanent Ward Service Plan (PWSP), with approval signature from the local DHHS.
- Child Entry Form - For Child Appearing on MARE website.

Children With an Identified Adoptive Parent

For children who have an identified adoptive parent, the child must be registered on HOLD on the MARE public website within 30 calendar days of the receipt of the termination of parental rights order or the date of the acceptance of the adoption referral or for photolisted children, the date the family signs the DHS-4809, whichever is later. A copy of the signed DHS-4809, Intent to Adopt, from the prospective adoptive parent must be submitted with the registration status.

The applicable Hold status on the Child's Profile must be selected on the MARE public website:

- Foster Parent HOLD or Relative HOLD.
- Recruited Adoptive Family HOLD.

  Note: The signature page of the family's current BCAL-3130, Initial Foster Home/ Adoption Evaluation must also be submitted.

Hold cases will continue to be monitored by MARE; however, the child will not be photolisted for recruitment purposes. If, at any time, the prospective adoptive family decides to no longer proceed with the adoption and if no other family has been identified, the child must be immediately registered with MARE for recruitment

purposes. The adoption worker must update the child's Registration Status to Open and submit the photolisting requirements including strength based information documented in the Child Profile, a Child Specific Recruitment Plan, a high quality, current photograph of the child, and if the child is age 9 or older, the Recruitment Consent Signature page. An updated Hold Registration Status may be submitted when a new adoptive parent is identified.

Children may not be listed on HOLD for more than six months. If a child is to remain on HOLD after six months, a face-to-face case review meeting must occur and must be documented in the adoption worker's case contacts; see ADM 0610 for face-to-face case review meeting requirements. Additionally, a MARE HOLD-Extension report documenting the circumstances that warrant an extension must be sent to MARE within 15 calendar days of the six month date and quarterly thereafter, until the Order Placing Child After Consent is issued or a goal change occurs. The MARE Hold-Extension Report must detail the reasons for continuation of the hold status, the plan for adoptive placement and the projected timeline. The adoption manager in DHHS central office or designee will review all requests for extensions and may require additional documentation.

Children Without an Identified Adoptive Parent

If an adoptive parent has not been identified for a child prior to termination, the child must be registered for photolisting on the MARE system within 30 calendar days of receipt of the termination order or the date of the acceptance of the adoption referral, whichever is later. In cases where a child's goal has changed to adoption from another permanency goal and there is no identified adoption resource, the date the goal change is effective starts the 30 calendar day time frame.

The MARE registration for photo listing must include strength based information documented in the Child Profile, a Child Specific Recruitment Plan, a high quality, current photograph of the child, and if the child is age 9 or older, the Recruitment Consent Signature page.

For children who are photo listed on the Michigan Adoption Resource Exchange (MARE) website and a potential adoptive family is in process of being identified or a change in the child's

plan is in process, the adoption worker must submit one of the photo listing registration status changes to MARE within five calendar days of a status change occurring. This will identify the status of the adoption process next to the child's photolisting on the MARE website. The photolisting registration status changes are:

- Photolisting Status Change- REVIEWING HOMESTUDIES. This registration status change must only be submitted to MARE to display this status on the MARE website prior to the 21-day time frame from the first family inquiry per policy.

  Note: This status can be used for up to 21 calendar days from receiving the first family inquiry before placing a photo listed child on hold or placement pending status or returning the child to Open status. At the end of the 21 calendar days, the child will automatically be returned to Open status.

- Photolisting Status Change-PLACEMENT PENDING. This registration status change including the identified family's name must be submitted to MARE when a file disclosure is in process, the child is visiting with a family or a relative is being explored prior to the DHS-4809, Intent to Adopt, being signed and/or the potential family has not yet been approved for adoption.

  Note: Placement Pending can be used for 60 calendar days for a photo listed child before placing the child on hold with a foster parent, relative or recruited family. At 60 calendar days the child will be returned to Open status. Extensions may be granted upon MARE approval. If the plan changes for the child prior to the 60 calendar days, the adoption worker may return the child to Open status.

- Photolisting Status Change- OTHER. This registration status change must be submitted to MARE if the court ordered recruitment to cease or for a pending goal change.

  Note: This status may not be used for youth whose goal is being changed to APPLA or if the Michigan Children's Institute (MCI) has instructed the adoption worker to place the child on hold. This status can be used for 90 calendar days before returning the child to Open status. At the end of the 90 calendar days, the child will be automatically returned to Open status.

Receipt of Documentation After Deadline

If MARE receives documentation after 30 calendar days, financial sanctions may apply to contracted adoption agencies.

Discharging Children from MARE tracking

The child's registration status is tracked by MARE until the child is placed for adoption or the permanency goal changes. When a child is placed for adoption, the child's adoption worker must submit the Order Placing Child (PCA 320) to discharge the child from MARE tracking. When a child's permanency goal changes, a copy of the court order changing the permanency goal to a goal other than adoption and an approved foster care DHS-66, Updated Service Plan (USP) or DHS-67, Permanent Ward Service Plan (PWSP), must be submitted to discharge the child from MARE tracking.

Registration Following a Disrupted Adoption

The adoption worker must submit a child registration to MARE within six months of the court order of adoption disruption if there is no identified family at the time of disruption. This period allows the agency time to help the child adjust to the disruption, if necessary.

Registration Following a Dissolved Adoption

The adoption worker must submit a child registration to MARE within 30 calendar days of the order of termination/release of the adoptive parent's parental rights; an exception may be granted by the DHHS Adoption Program Office.

PROCEDURE

Families interested in adopting a photolisted child or sibling group may submit an inquiry through the Michigan Adoption Resource Exchange (MARE) website www.MARE.org or by contacting the MARE Office. Familes approved for adoption and unstudied families are able to submit inquires.

Once the child's adoption worker is notified by MARE or another licensed adoption agency that a studied and approved family is interested, the child's adoption worker must document the date each inquiry was received using social worker contacts in the case record. Adoption workers are required to contact the adoptive family's worker when the family has been approved for adoption and has inquired about a photolisted child on MARE.

Note: Approved adoptive families from jurisdictions (counties or states) other than the child's county of commitment or county of residence who express an interest in adopting a child **must be given consideration** as adoptive parents when the child has no identified adoptive family; see ADM 0640, Interjurisdictional Adoptions.

DECISION TIME FRAME

Once notified by MARE or the prospective adoptive family's agency, the child's adoption worker has 21 calendar days to collect information on studied and approved families, including, but not limited to, requesting the BCAL-3130, Initial Foster Home/Adoption Evaluation. **In all cases, if a family has not been selected after three months of photolisting, the case must be referred to the Adoption Unit in the Department of Human Services (DHS) Central Office for further review.**

MULTIPLE INQUIRIES

By the end of the 21 calendar day time frame, the child's adoption worker **must** decide which prospective adoptive family is most appropriate to meet the child's needs and forward the child referral packet to that family's agency. The child's referral packet must be sent only to the selected prospective adoptive family's worker and not to every prospective adoptive family that inquires.

MARE is a recruitment resource that identifies waiting children. It is not intended to share in-depth, detailed information about children or their history.

MARE Inquiry Follow up

The child's adoption worker and the adoption worker for each approved adoptive family must complete the MARE inquiry follow up report within 30 calendar days from receipt of the inquiry.

SINGLE INQUIRY

If only one approved prospective adoptive family inquires, the child's referral packet must be forwarded to that family's agency. If the prospective adoptive family chooses not to proceed with adoption or cannot meet the documented best interest criteria of the child, the adoption worker must continue to recruit for and gather information on other families.

ADOPTION REFERRAL PACKET

The DHS-4748, Child's Adoption Referral Packet Transmittal, must accompany the packet sent to the prospective adoptive family's agency. The adoption referral packet must include:

- Order terminating parental rights (PCA 318).
- Initial court order removing the child:
  - Order to Take Child(ren) into protective custody and place (JC05), or
  - Order After Preliminary hearing in Child Protective Proceeding (JC11a).
- Order Following Hearing to Terminate Parental Rights (JC 63) and/or Order Committing to Agency (PCA 322).
- Releases, if appropriate (PCA 305).
- Birth certificate or birth verification.
- DHS-1927, Child Adoption Assessment, and any addenda.
- Medical information on the child and birth parents.

- Medical, mental health and dental records for the child.
- School records.
- DHS-65, Initial Service Plan, and DHS-66, Updated Service Plans.
- Other court orders not listed above.
- Other documentation as requested for completion of an adoption or request for adoption subsidy.
- Name and address of the child's current foster parents.
- Report on preparation of the child for adoption.
- Other documentation as requested by the requesting agency.

Decision to Adopt

Upon the receipt of the referral packet, the decision to adopt rests with the prospective adoptive family and the family's adoption worker. The family has 21 calendar days to decide whether to proceed with adoption planning. Unless the prospective adoptive family decides not to proceed with adoption, the child's adoption worker must follow through with the placement decision.

The child's adoption worker must inform the prospective adoptive family's agency within the 21 day time frame about the decision concerning placement of a child.

Notification to Non-selected families

The child's adoption worker must notify each non-selected family's agency when a decision has been made, by sending each family's agency a letter indicating that another adoptive family has been selected.

Identified Family

When the decision is made to proceed with the adoption process, the prospective adoptive family becomes the "identified family" and the child's agency must place the child on "Hold" with MARE; see ADM 0710.

The child's adoption worker and family's agency must develop a plan for the following:

- Sharing additional information with the family.
- Preparing the child and family for placement and adoption.
- Scheduling an initial visit between the child and family.
- Arranging for subsequent visits.
- Establishing subsidy eligibility.
- Sharing responsibility in providing or arranging transportation for the child during visitation.
- Developing the quarterly adoption progress reports for judicial review.

ADOPTION DID NOT PROCEED

If the adoption does not proceed and no other family has been identified, the child's adoption worker must immediately re-register the child with Michigan Adoption Resource Exchange (MARE) for photolisting (see ADM 0710) and implement a child-specific plan to recruit an adoptive family for the child.

OVERVIEW

Adoption disruptions and dissolutions are tracked by the Michigan Adoption Resource Exchange (MARE). The MARE office sends surveys to adoption workers, adoptive parents, and youth to assist in determining the cause(s) of disruptions and dissolutions. The information is used for service delivery development to ensure families have access to needed supports.

NOTICE OF DISRUPTION

The adoption worker must notify the MARE office within 10 working days of disruption of an adoptive placement.

NOTICE OF DISSOLUTION

If an adoption agency is aware of an adoption dissolution, the agency must notify the MARE office within 10 working days of the date of notification of the dissolution.

TIME FRAMES

The completed Disruption/Dissolution Survey must be submitted to MARE within 30 calendar days of receipt of the survey by the adoption worker.

INTRODUCTION

The superintendent of the Michigan Children's Institute (MCI) represents the state as guardian of state wards beginning with the date of the child's commitment and continuing until the age of 19 (MCL 400.203). The MCI superintendent is authorized to consent to adoption, juvenile guardianship, medical procedures, marriage, or emancipation (MCL 400.209 and 712A.19c). The MCI superintendent may appoint a designee to consent to adoption, juvenile guardianship, marriage, or emancipation of a child who is an MCI ward.

County directors who have received written delegation from the MCI superintendent may consent to adoption when the case meets the criteria in; ADM 0850, Expedited Consent. Consent packets meeting this criteria should be sent to the respective county child welfare director or county director for the county which had jurisdiction of the child in the child abuse and neglect proceeding.

MEDICAL CARE

The superintendent is authorized to consent to elective medical care for an MCI ward if the procedure requires the approval of a guardian. These procedures include:

- Elective surgical procedures.
- Administration of anesthesia.
- Consent to abortion.
- Decisions to limit, restrict or terminate medical care.

Policy and procedure details for Medical Care for MCI wards are found in FOM 801, Health Services for Foster Children.

Routine Medical Care

Routine medical care must be monitored and approved by the child-placing agency that is responsible for case management services. (See FOM 801, Health Services for Foster Children)

Authorization for Psychotropic Medication and Informed Consent

See FOM 802-1, Psychotropic Medication in Foster Care for specific policies regarding psychotropic medications and Informed Consent.

PUBLIC USE OF PHOTOGRAPHS AND MEDIA INTERVIEWS OF MCI WARDS

Media interviews of children and release of photographs for children who are MCI wards must be approved by the MCI superintendent. The MCI superintendent has authorized the use of interviews and the release of photographs of MCI wards for child specific adoption recruitment purposes without prior approval **only** when the child has been consulted, is in agreement, and has signed the “Let’s Talk” booklet; see ADM 0400. See FOM 722-11, Foster Care - Delegation of Parental Consent, for further information.

CONSULTATION

Consultation With the Attorney for the Child

MCL 400.204 provides that an attorney for a child who has been committed to the Michigan Children’s Institute (MCI) and the MCI superintendent may communicate with each other regarding issues of commitment, placement and permanency planning. In addition, if the child’s attorney has an objection or concern regarding such an issue, the superintendent and the child’s attorney shall communicate with each other.

Consultation with Child Placing Agencies

Child placing agencies engaged in permanency planning for MCI wards may consult with the MCI office at any time to discuss issues related to permanency planning decisions or services for MCI

wards. Workers should consult with their supervisor prior to contacting the MCI office. A plan that involves separating siblings or removing a child from a foster or relative home interested in adoption when there is no imminent risk of harm **must** be discussed with the MCI office prior to any replacement; see FOM 722-3, Foster Care - Placement/Replacement.

Other Inquiries

Letters and telephone calls received by the MCI office from foster and adoptive parents, attorneys and other interested parties are reviewed and responded to as appropriate. Information submitted that pertains to specific cases is retained by the MCI office for future reference.

Foster Care Review Board Appeals for MCI Wards

MCL 712A.13b permits foster parents to appeal a proposed change of foster home placement of an MCI ward to the Foster Care Review Board (FCRB). The FCRB must investigate the proposed change of placement and must report the findings and recommendations to the MCI superintendent for MCI wards.

If the FCRB does not support the change of placement, the MCI superintendent must make a decision regarding the child's placement within 14 days and must inform each interested party; see FOM 722-3, Foster Care - Placement/Replacement.

DISCHARGE CRITERIA FOR STATE WARDS (ACT 220 OR ACT 296)

See FOM 722-15, Foster Care - Case Closing, for specific policies regarding early discharge for MCI wards.

RESTORATION OF CUSTODY TO PARENT

See FOM 722-15, Foster Care - Case Closing, for specific policies regarding placement of an MCI ward back into the care of his/her parent(s).

AUTHORIZATION FOR MARRIAGE AND MILITARY

See FOM 722-11, Foster Care - Delegation of Parent Consent, for specific policies regarding MCI superintendent authorization for marriage and entry of an MCI ward into the military.

INTRODUCTION

The authority to grant consent to adoption for state wards rests with the Michigan Children's Institute (MCI) superintendent, or his or her designee. State wards include children who have been committed to the state through involuntary termination of parental rights in the Family Division of Circuit Court (1935 PA 220), or through release of parental rights by the legal parent(s) or contracted adoption agency to whom the child has been previously released (1974 PA 296).

The request for consent from the placing agency is a recommendation that a specified family be granted consent by the MCI superintendent, or his or her designee. In requesting consent for the adoption of a child, PCA 309, Consent to Adoption by Agency/Court, and DHS-3217, Adoption Consent Request, must be completed and sent with required documentation to the MCI superintendent in the Department of Human Services (DHS) central office. The MCI superintendent must review and approve or deny the recommendation for adoption of any MCI ward.

Note: 2011 PA 30 amended the MCI Law to allow the MCI superintendent to designate his or her authority for consent to adoption, guardianship, marriage, or emancipation of a child who is an MCI ward.

County directors who have received written delegation from the MCI superintendent may consent to adoption when the case meets the criteria in; ADM 0850, Expedited Consent. Consent packets meeting this criteria should be sent to the respective county child welfare director or county director for the county which had jurisdiction of the child in the child abuse and neglect proceeding.

Best Interest of the Child

The following best interest factors [MCL 710.22(g)] may be considered by the MCI superintendent or his or her designee (or the court for a permanent court ward) when granting or denying consent to an adoption:

- The love, affection and other emotional ties existing between the adopting individual(s) and the adoptee.
- The capacity and disposition of the adopting individual(s) to educate and create an environment that fosters the religion, racial identity and culture of the adoptee.

- The capacity and disposition of the adopting individual(s) to provide the adoptee with food, clothing, education, medical care (or other remedial care recognized and permitted under Michigan laws in place of medical care), and other material needs.
- The length of time the adoptee has lived in a stable, satisfactory environment and the desirability of maintaining continuity.
- The permanence as a family unit of the proposed adoptive home.
- The moral fitness of the adopting individual(s).
- The mental and physical health of the adopting individual(s).
- The home, school and community record of the adoptee.
- The reasonable preference of the adoptee, if the adoptee is 14 years of age or older.
- The ability and willingness of the adopting individual(s) to adopt the adoptee's siblings.
- Any other factor considered to be relevant to a particular adoption proceeding.

MEPA/IEPA

The provisions in ADM 0620 regarding the Multiethnic Placement Act and Interethnic Placement Act must be followed in making adoptive placement decisions.

American Indian Children

The provisions regarding the placement of Indian children in the Native American Affairs (NAA) manual items NAA 200 and 400 must be followed in making adoptive placement decisions for Indian children.

CONSENT PROCESS DETAILS

Detailed policies regarding MCI consent are found in ADM 0830 - 0880.

DOCUMENTS

The following documents must be sent to the Michigan Children's Institute (MCI) superintendent or his or her designee when consent is requested for an MCI ward:

- DHS-3217, Adoption Consent Request (Child in Home, No Competing Parties), **or** DHS-3217A, Adoption Consent Request (Recruited or Competing Parties)
- PCA 309, Consent to Adoption by Agency/Court.
- Copy of child's birth certificate.
- DHS-1927, Child Adoption Assessment and any DHS-606 Child Adoption Assessment Addendum.
- BCAL-3130, Initial Foster Home/Adoption Evaluation and DHS-612, Adoptive Family Assessment Addendum, or Preliminary Family Assessment for all assessed families.
- Copies of appropriate court orders. Any combination of the following documents that verify the termination of parental rights of both parents and commitment to MCI:
  - JC 63, Order Terminating Parental Rights/Commitment to the Department of Human Services.
  - PCA 305, Release of Child by Parent.
  - PCA 306, Release of Child by Agency.
  - PCA 318, Order Terminating Parental Rights After Release or Consent.
  - PCA 322, Order Committing to Agency/Department of Human Services.
- DHS-990, Relative Notification Letter.
- DHS-989, Relative Response.
- DHS-988, Relative Search Information.
- DHS-987, Relative Documentation.

The following additional documents must be submitted with the consent packet for **all** American Indian/Alaska Native children:

- Documentation of tribal consultation.
- Documentation of the tribe's recommendation.

The following additional documents must be submitted with the consent packet for competing parties:

- DHS-605, Recommendation to Deny Consent.
- The DHS-3217-A, Adoption Consent Request (Recruited Family or Competing Party), with the identity of the guardian ad litem and contact information.

PROCESS

After consent to adopt has been issued to an adoptive family, the family may file a petition to adopt with the court. If circumstances develop that cause the adoption worker to determine that adoption by the family who has received consent would not be in the best interests of the child, the adoption worker must document in writing the reasons and immediately provide this documentation to the Michigan Children's Institute (MCI) superintendent or his or her designee that the request for consent is withdrawn.

Consent may be withdrawn at any time up until the court has issued an order terminating the rights of the Department of Human Services (DHS). If the court has issued an order terminating the rights of DHS and an order placing the child for adoption, the child is no longer under the supervision of MCI and the MCI superintendent or his or her designee does not have authority to withdraw consent.

EXPEDITED CONSENT CRITERIA

Expedited adoption consent requests allow for expedient processing of approvals to avoid delays in achieving permanency. A request of the Michigan Children's Institute (MCI) superintendent or his or her designee for expedited consent may be granted when the request meets certain criteria and there are no extenuating circumstances involved. 2011 PA 30 amended the MCI Law to allow the MCI superintendent to designate his or her authority for consent to adoption, guardianship, marriage, or emancipation of a child who is an MCI ward.

County directors who have received written delegation from the MCI superintendent may consent to adoption when the case meets certain criteria. Consent packets meeting this criteria should be sent to the respective county child welfare director or county director for the county which had jurisdiction of the child in the child abuse and neglect proceeding. County directors must process expedited consents within 14 business days of receiving a complete consent packet. If the county director is unable to process the consent packet within 14 business days, he/she should forward the packet to the MCI office.

All requests for expedited adoption consent must have supervisory approval that verifies **all** of the criteria/requirements below are met:

- The recommended family is the only family requesting to adopt the child. There are no competing families for adoption and the child has been placed in the prospective adoptive home for at least six consecutive months.
- The prospective adoptive home did not require a waiver to be signed due to the number of children in the home.
- The prospective adoptive parent is not a married individual adopting without his/her spouse.
- The child is residing in the adoptive home and all of his/her physical and emotional needs are being satisfactorily met.
- This is the only child available for adoption or all available siblings (such as permanent court wards or MCI wards) are being adopted together.

- Record checks and clearances for all adults residing in the home are current; see ADM 0520, Background Checks, Clearances, Criminal History Checks, and Fingerprinting.
- There is no history of criminal convictions.
- The family has no foster home licensing investigations with a finding of rule noncompliance involving **the care of a child** or CPS investigations resulting in a finding of a preponderance of evidence of abuse or neglect.

  Note: When the family has unsubstantiated CPS investigations or licensing complaints involving **the care of a child**, the consent request should **not** be treated as expedited.
- Three references recommending the family for adoption of the children have been received.
- There are no circumstances requiring additional documentation as defined by Adoption Family Assessment policy; see ADM 0510, Circumstances Requiring Additional Documentation/Review.
- Marriage and divorce verifications and medical evaluations of the adopting parent(s) are in the case record.

Note: Consent requests that involve an adoptive placement in another state must not be treated as an expedited consent. These requests must be sent to the Michigan Children's Institute (MCI) superintendent's office for review. This includes consent requests when the child is already placed with the recommended family.

MORE THAN ONE FAMILY WANTING TO ADOPT

If there is more than one family who wishes to adopt the same child, the BCAL-3130, Initial Foster Home/Adoption Evaluation, and DHS-612, Adoptive Family Assessment Addendum, or DHS-1926, Preliminary Family Assessment, for all interested families must be submitted with the consent request packet utilizing the DHS-3217-A, Adoption Consent Request for Competing Parties. The Michigan Children's Institute (MCI) superintendent may request additional information or actions prior to issuing a decision regarding consent.

Adoption Subsidy Information

Each competing party family must be given information regarding the adoption subsidy program and the opportunity to request adoption subsidies eligibility certification.

PROCESS

The following process is to be followed when an adoption worker recommends that a prospective adoptive family not be granted consent to adopt a specific Michigan Children's Institute (MCI) ward.

For permanent court wards, the adoption worker may consult with the local court which has authority over the child.

Exception: Upon request from the adoption supervisor, the MCI superintendent or the director of the DHHS Adoption Program office may approve exceptions to this process for MCI wards. Exceptions may be granted if it appears that doing so will achieve permanency and stability for an adoptee as quickly as possible and is in the best interests of the adoptee. The DHS-1785, Policy Decision, may be used for documenting an exception.

Written Notice of Agency's Recommendation To Deny Consent

If the adoption worker determines that the prospective adoptive family should not be recommended for consent, the prospective adoptive family must be informed and provided with a summary of the factors that were considered in the decision.

For MCI wards, the adoption worker must inform the family in writing, using the DHS-605, Recommendation to Deny Consent.. The DHS-605, Recommendation to Deny Consent, notifies the adoptive applicant(s) that if they applied for adoption of a specific child, the recommendation will be sent to the Superintendent of the MCI who will make the final consent decision. The DHS-605 also informs the adoptive applicant(s) that they may provide additional information directly to the MCI.

MCI Review and Written Decision

The MCI office must review the information provided by the adoption agency and by the applicant family. Additional information may be requested of the child placing agency. Consultation with the lawyer-guardian ad litem (L-GAL) for the child and other professionals may also occur. The MCI office may consult with the DHHS Office of Family Advocate and/or with the respective area office. The MCI superintendent must issue a written decision containing a brief description of the factors considered.

Written Notice to Family of MCI Decision

The MCI office must send a copy of the written decision to the applicant family that their request for consent to adoption has been denied. The written decision must also be sent to the child placing agency and to the lawyer-guardian ad litem (L-GAL) for the child. The child placing agency will be informed that they may proceed with adoption planning for the child.

Notification of the denial to the adoptive applicant from the MCI office must include information that MCL 710.45 allows an individual who has been denied a request for consent to adoption to file a Petition for Adoption (PCA 301) along with a motion that consent was withheld in an arbitrary and capricious manner. This petition and motion must be filed before either of the following occurs:

- Fifty-six days following the entry of the order placing the child, or
- Entry of the order of adoption.

SECTION 45 HEARING NOTIFICATION

The local DHHS office and/or contract agency must immediately notify and provide a copy of any Section 45 motions received from the court to the Michigan Children's Institute (MCI) office.

Filing of Petition for Adoption

MCL 710.24(2) and MCL 710.45(4) require that in an adoption proceeding in which there is more than one applicant, the petition for adoption be filed in the county where parental rights were terminated.

MCL 710.45(5) requires that the court provide notice of a motion filed under MCL 710.45 to all interested parties. Interested parties include all petitioners for adoption.

Forwarding Information to the Court

Copies of the DHS-883, Consent to Adopt MCI Decision, to the prospective adoptive family from the child placing agency and the DHS-605, Recommendation to Deny Consent, from the MCI office must be presented to the court if a petition for adoption of the child is filed.

INFORMATION

At any time prior to the issuance of the PCA-320, Order Placing Child After Consent, the adoption worker must notify the Michigan Children's Institute (MCI) superintendent of all new Children's Protective Services (CPS) or licensing complaints and criminal charges or convictions against an adult member of a household for whom consent has been requested or approved.

Complaints may raise concerns about the family's ability to meet the needs of the child and to safely care for the child. As soon as a licensing complaint involving the care of a child or a CPS investigation involving the prospective adoptive family is made, prior to the order placing child being issued, the adoption worker must immediately notify the MCI office. The consent request will be placed on hold until the investigation is completed. The adoption worker must complete an addendum to the family assessment including the investigation details, or finding and recommendations. The addendum must be forwarded to the MCI office and the worker must notify the MCI office when the consent process can continue. A thorough review of the circumstances surrounding the complaints, charges or convictions must be completed by the MCI office and Children's Services Administration before proceeding with the adoption process. Following the review, a written determination of the review will be sent to the prospective adoptive parent(s) and adoption worker. Consent to adopt may be withdrawn as a result of the review. If the MCI superintendent consents to adoption, a copy of the written determination of the review must be included in the documentation provided to the court for their review prior to the adoptive placement.

During adoption supervision, the adoption worker must report all complaints or criminal charges to the court of jurisdiction. Felony convictions for any adult household member must be reported to the Adoption Subsidy program office if the adoptive child is receiving adoption support subsidy.

WHEN TO DISCHARGE

See FOM 722-15, Foster Care - Case Closing for policy regarding discharge from MCI wardship.

OVERVIEW

The adoption code permits adoptive placement of a child during the period specified for rehearing or appeal or the period during which a rehearing or appeal is pending [MCL 710.41(2)]. This may be referred to as a “legal risk adoption.” The prospective adoptive family must be advised that the final order of adoption cannot be issued until **one** of the following occurs:

- The petition for rehearing is granted, and at the rehearing, the order terminating parental rights is not modified or set aside, and subsequently, the period for appeal to the court of appeals has expired without an appeal being filed.
- The petition for rehearing is denied and the subsequent period for appeal to the court of appeals has expired without an appeal being filed.
- There is a decision of the court of appeals affirming the order terminating parental rights.

Form PCA 325, Notice To Adopting Parents On Pending Or Potential Appeal/Rehearing, will be sent by the court to notify the adopting parents of a pending appeal by a parent.

PREPARATION OF DOCUMENTS FOR ADOPTION

The adoption worker or the prospective adoptive family's attorney must prepare the legal documents for adoption unless prepared by the court. The precise documentation required varies from court to court, as does the sequence of submitting documents.

The following documents are required to be submitted subsequent to, or concurrent with, the filing of an adoption petition but prior to the hearing on the petition:

- PCA 301, Petition For Adoption.
- PCA 309, Consent To Adoption By Agency/Court.
- PCA 318, Order Terminating Parental Rights After Release or Consent.
- PCA 320, Order Placing Child After Consent.
- PCA 321, Order Of Adoption.
- PCA 307, Consent to Adoption by Adoptee (for adoptee age 14 and older).
- PCA 341 - Final Order Allowing Fees and Costs.
- PCA 345 - Statement of Services Performed by Agency/Department of Human Services.
- PCA 347 - Petitioner's Verified Accounting.
- Child's birth certificate.

  Note: Either an "administrative" or "certified" copy of a child's birth certificate may be obtained from DHHS, Vital Records and Health Statistics. Contract agencies may request a copy of a birth certificate by contacting the DHHS monitor for the child's case.

- DHS-1927, Child Adoption Assessment, and any DHS-606, Child Adoption Assessment Addendum.
- BCAL-3130, Initial Foster Home/Adoption Evaluation, and DHS-612, Adoptive Family Assessment Addendum.

- A denial of consent to adoption issued by the MCI office or designee, if applicable.

The following additional documents may be necessary depending on the specific case or court requirements:

- Birth certificates of adoptive parents.
- Marriage certificates for adoptive parents.
- Divorce decrees for adoptive parents.
- One of the following medical forms:
  - DHS-3190, Physician's Statement for Adoption, or
  - BRS-3705, Licensing Medical Clearance Request.
- PCA 325 - Notice to Adopting Parents on Pending or Potential Appeal/ Rehearing.
- Report to the court of pending appeals or rehearings.
- PCA 306 - Release of Child by Child Placing Agency.
- A copy of each PCA 305 - Release of Child by Parent or PCA 305- A - Release of Child by Guardian (if applicable).
- A copy of the PCA 318 - Order Terminating Rights after Release or Family Court Dispositional Order Terminating Parental Rights.
- A copy of the PCA 322 - Order Committing to Agency/Department of Human Services, or a Family Court Dispositional Order Committing the Child to the Agency.

PAYMENT OF COURT FEES

The prospective adoptive family is responsible for paying court fees at the time that the petition for adoption is filed. The adoptive parent(s) may be eligible to receive reimbursement for payment of court fees as a non-recurring expense if the adoptee is determined eligible for Nonrecurring Adoption Expenses through the adoption assistance program (AAM 760).

ACCESS TO SCAO FORMS

The State Court Administrative Office (SCAO) has approved the PCA forms listed above for adoption use. DHHS no longer maintains stocked supplies of PCA forms used for adoptions. Adoption workers can access the most current PCA forms used for adoptions from the SCAO Web site.

FILING THE ADOPTION PETITION

The prospective adoptive parents are the petitioners for adoption of a child. The adoption worker must assist the adoptive parents in preparing the PCA 301, Petition For Adoption, and accompanying documents and filing the documents in the court of jurisdiction.

Adoptive Parent Legal Representation

If the adoptee is a child being adopted from foster care under DHHS supervision and the petition is being filed in a Michigan court, it is not required that the adoptive parents obtain legal representation from an attorney. If the petition for adoption of a child is being filed in a court outside of Michigan, the other state may require the adoptive parents to have legal representation. Attorney fees may be reimbursable as a non-recurring adoption expense (NRE) if the child meets eligibility criteria; see AAM 760.

Where to File Petition

Pursuant to MCL 710.24, the petition for adoption must be filed in the county where the petitioner resides or where the adoptee is found. If the petitioner and the adoptee reside out of state, the petition may be filed in the court that terminated parental rights. If there is more than one applicant to adopt a child, the petition for adoption must be filed in the court that terminated parental rights.

ADOPTION PLACEMENT ORDER AND TERMINATION OF RIGHTS OF AGENCY

Pursuant to MCL 710.51, not later than 14 days after receipt of all necessary documents, the court should examine the documents and terminate the rights of the person authorized to consent and enter an order placing the child with the adoptive family if the court is satisfied as to both of the following:

- The genuineness of consent to the adoption and the legal authority of the person(s) signing the consent.

- The best interests of the adoptee will be served by the adoption.

If it is necessary to hold a hearing before entering an order terminating rights of the person authorized to consent, an additional 14-day period is allowed. If the court is satisfied that the above conditions have been met, the court should issue PCA 320, Order Placing Child after Consent. When this order is issued, foster care payments must be closed by the DHHS foster care worker or DHHS monitor and adoption assistance case opening must be requested by the adoption worker, if the child was certified eligible for adoption assistance. This order also gives the adoptive parent(s) the authority to make decisions related to the care of the child.

Placement Services and Supervision

The court determines the length of time of post placement supervision. The normal period of supervision is six months. However, upon a motion from the petitioner, the court may waive the six-month supervisory period or any portion of that period, if considered in the best interests of the adoptee. This period of supervision may be extended for an additional period of time not exceeding 18 months from the adoptive placement date. If a rehearing or appeal of the order terminating parental rights is pending, the supervisory period must be extended until the order terminating parental rights is affirmed. If an adoption petition and motion under MCL 710.45 has been filed, the adoption cannot be finalized until all appeals have been settled. DHS-613, Adoptive Placement Supervisory Reports, must be forwarded to the court as ordered prior to the end of supervision. The final report must summarize the child's and family's adjustment and make a recommendation regarding finalization.

Placement Disruption Prior to Finalization

When the child placing agency recommends that the adoptive placement be disrupted, the adoption worker must submit the findings, cause of disruption and recommendations (and other documents required by the court) to the court for action. A hearing may be held. The court will issue an order of disposition pursuant to MCL 710.62.

The adoption worker must enter appropriate disruption information in MiSACWIS..

Immediate Finalization

The child placing agency may assist the adoptive family in requesting immediate finalization prior to the adoption hearing if circumstances warrant such action. Generally, a well-established relationship between the child and the adoptive parent(s), such as a foster parent or relative adoption, justifies consideration of such a request.

JUDICIAL REVIEW OF CASES

Federal regulations require judicial review of title IV-E funded adoption support subsidy cases every 12 months to determine that reasonable efforts are being made to finalize the permanency plan. DHS policy requires all adoption supervision cases (title IV-E funded and non-title IV- E funded) that are not finalized within 12 months of adoptive placement be reviewed by the court.

Adoption Placements Not Finalized - 12 or More Months

DHS sends a report to the child placing agency (CY-460, Adoption Cases for Hearings on Reasonable Efforts - DHS supervised Cases, or CY-463, Adoption Cases for Hearings on Reasonable Efforts - POS Supervised Cases) approximately 10 months after adoptive placement, if the adoption has not been finalized. The child placing agency must petition the court in which the original adoption petition was filed and request a motion for a hearing on the permanency plan. The hearing must be held within 12 months of the adoptive placement date.

Following the hearing, the court will either:

- Finalize the adoption and issue PCA 321, Order of Adoption; or
- Not finalize the adoption and issue PCA 351, Order Following Hearing On Review of Adoptive Placement (IV-E Eligibility Compliance).

The child placing agency must send a copy of PCA 321, Order of Adoption, or PCA 351, Order Following Hearing On Review of Adoptive Placement (IV-E Eligibility Compliance), as documentation of the judicial review and determination to:

Department of Human Services
Adoption Subsidy Office
P.O. Box 30037, Suite 413
Lansing, MI 48909

Private contracted child placing agencies must also send a copy of PCA 321, Order of Adoption, or PCA 351, Order Following Hearing On Review of Adoptive Placement (IV-E Eligibility Compliance), to the local DHS office monitoring the child's case.

Adoptive Placements Not Finalized - 24 or More Months

Adoptive placements that are not finalized and continue in adoption supervision status (legal status 43) require a judicial determination of reasonable efforts to finalize the permanency plan every 12 months.

DHS has an automated system to send notification of the above cases to the child placing agency at intervals of 22 months, 34 months, etc. When notification is received, the child placing agency must:

- Petition the court and request a motion for a hearing on the permanency plan; and
- Follow up with appropriate notification to the Adoption Subsidy Office and the monitoring DHS local office.

POST PLACEMENT REQUIREMENTS

The following steps must be taken in a timely manner:

- The adoption worker must provide the foster care worker with the PCA-320, Order Placing Child After Consent, within 14 calendar days of issuance.
- The foster care worker must terminate payments, close Medicaid and enter the legal orders in MiSACWIS within 14 calendar days of receipt of the order and forward the case file to the adoption worker.
- The adoption worker, or foster care monitor for contracted adoption agency cases, must open the adoption case and Medicaid and verify that it is transmitted to Bridges under the child's adoptive name. Do not open Medicaid for children with SSI Medicaid (types E or B) or children without citizenship status.
- During the time of adoption placement supervision, prior to the order confirming (finalizing) the adoption, the adoption worker must visit the adoptive family and child not less than monthly. The family must be advised of the results of the supervising agency's continuing assessment at the conclusion of each quarter.
- The DHS-613, Adoptive Placement Supervisory Report, must be used to report the child's and family's adjustment to the adoptive placement. This form must be used until finalization of the adoption. A copy of the DHS-613 must be given to the adoptive family each quarter.

MONTHLY CASEWORKER VISITS

Per federal child welfare policy, children who are in adoptive placement but not yet in a finalized adoption are considered to be in foster care until the PCA 321, Order of Adoption is signed by the court. In order to meet the caseworker visit requirements, at least monthly caseworker visits by the adoption worker are required during adoption supervision for the purpose of assuring the safety and well-being of the child.

Caseworker Visit Requirements

- Each child and at least one adoptive parent must have a face-to-face adoption worker visit a minimum of once each calendar month. If there are two adoptive parents, the adoption worker must have a face-to-face visit with the child and the second adoptive parent, in the child's residence, at least once each quarter.
- The adoption worker visit with the child and adoptive parent must take place in the child's residence at least every other month.
- Each child visit must include a private meeting between the child and the adoption worker.
- During the monthly visit, the areas to be discussed must include, but are not limited to, the following:

  Child Visit:

  - Child's medical, dental, and mental health and physical appearance.
  - Child's feelings/observations about the adoptive placement, if age appropriate.
  - Education.
  - Sibling/relative visitation plans.
  - Extracurricular/cultural activities/hobbies since last visit.
  - Permanency plan.
  - Any issues or concerns expressed by the child.

  Adoptive Parent Visit:

  - Date of child's last physical and dental exam.
  - Medication dosages and diagnoses for the child.
  - Medical/dental/mental health concerns, appointments, treatment, follow-up care and therapy updates.
  - Child behaviors, concerns, developmental milestones.

- Education, school status, performance, behaviors and services provided.
- Adoptive parent tasks to meet the child's needs.
- Permanency plan.
- Any Children's Protective Services complaints made since the last visit.
- Status of any recommended training, if applicable

General Information:

- Type of visit.
- Visit location.
- Names of all persons present at the visit.
- The worker's observation of the child's bedroom.

Additional Caseworker Visits-Recruited Families

To ensure adequate supports for children placed in families with whom the child has not lived prior to adoptive placement or has been placed in the home for less than three months, the following minimum caseworker visit requirements must be met by the adoption worker:

- First month of adoptive placement: One face-to-face supervision visit each week.
- Second and third months of adoptive placement: One face-to-face supervision visit every two weeks. By the end of the third month at least one collateral contact with a person familiar with the child who lives outside of the home (example teacher, doctor, therapist).
- Fourth and subsequent months of adoptive placement: One face-to-face supervision each month.

Documenting Caseworker Visits

The information gathered during the monthly caseworker visits and all caseworker contacts must be documented in the child's case record. The information must be included in the DHS-613, Adoption Supervisory Report, and the DHS-222, Adoption Closing Summary.

Caseworker Visit Tools

Two caseworker visit tools are available to assist workers in gathering the above required information during monthly visits. The tools are:

- DHS-904, Foster Care/Adoption/Juvenile Justice Caseworker Visit Quick Reference Guide. This is a guide that contains the information that must be covered in a monthly visit but is not intended for recording notes.
- DHS-904A, Foster Care/Adoption/Juvenile Justice Caseworker Visit Tool. This form contains the same information as the DHS-904, but includes room to take notes during the visit.

The caseworker visit tools provide structure and reminders of required topics. The tools are not to be used as documentation in the case record. Information from visits must be summarized and documented quarterly using the DHS-613, Adoption Supervisory Report, and/or DHS-222, Adoption Closing Summary.

Entry of Caseworker Visits in MiSACWIS

Social work contacts include phone contact, emails, and face-to-face caseworker visits with children, foster parents/relative caregivers and adoptive parents, and communications with other interested parties. All social work contacts must be entered into MiSACWIS.

Direct workers must enter all face-to-face contacts, with children, foster parents/relative caregivers and adoptive parents into MiSACWIS within 5 business days of the contact. The contact must include the location of the face-to-face contact.

MEDICAID (MA) DURING ADOPTION SUPERVISION - CHILDREN NOT ELIGIBLE FOR ADOPTION ASSISTANCE

Former permanent court wards and state (MCI) wards are eligible for Medicaid (MA) during the period of adoption supervision prior to finalization (Legal Status Code 43, Court Ward-Supervised Adoption) even if they are not eligible for adoption assistance. When the adoption is finalized or if the adoption disrupts and the child returns to foster care, the MA for these children must be closed.

BENEFIT NOTICE (DHS - 176)

For youth whose adoptions are finalized, the DHS-176, Benefit Notice must be sent to the youth or his/her family with the following statement: “We have not made a determination of your Medicaid eligibility beyond the effective date shown above. You may be eligible for further assistance. You must complete and submit a DHS-1171, Assistance Application, to determine your continued eligibility for Medicaid.” File a copy of the DHS-176 in the youth’s case record.

Assistance applications are available from the local DHS office or online at www.michigan.gov/dhs-forms. Select DHS-1171, Assistance Application, from the Applications category.

ADOPTION TAXPAYER IDENTIFICATION NUMBER (ATIN)

Upon adoptive placement, pending finalization, the adoptive family must be referred to the Internal Revenue Service (IRS) to determine whether application should be made for an “Adoption Taxpayer Identification Number (ATIN).” The ATIN is a temporary identification number issued by the IRS when a Social Security number cannot be obtained for an adopted child. A new Social Security number for an adopted child is not applied for until the adoption is finalized.

An ATIN must be used in lieu of a Social Security number for a child placed in adoption (but not yet finalized) and claimed as a dependent when filing a federal income tax return. This matter is particularly relevant when an adoptive placement occurs late in a calendar year and finalization is not expected to occur until the following year. The adoptive family should be advised to obtain Form W-7A, "Application for Taxpayer Identification Number for Pending U.S. Adoptions." This form may be obtained by contacting any of the following:

- IRS walk-in site (check IRS web site for locations: www.irs.gov).
- IRS web site: www.irs.gov/formspubs
- General IRS telephone number: 1-800-829-1040.

FINALIZATION PROCEDURES

Finalization of the adoption can be ordered by the court immediately after the adoptive placement order or following the completion of an adoption supervisory period. Finalization is contingent upon a positive recommendation by the placing agency. If the court determines that adoption is in the best interest of the child, the court will issue the PCA 321, Order of Adoption. The court may issue the final order with or without a hearing. The adoption worker must attend any scheduled hearings. Both the family and the child placing agency receive a copy of the final order. For adoptions completed by contracted adoption agencies, a copy of the PCA 321, Order of Adoption, must be submitted to the DHHS adoption monitor as soon as the order is received.

MiSACWIS Update

The adoption worker or DHHS adoption monitor must enter finalization information and caseworker visits in MiSACWIS, closing the adoption case as a finalized adoption. If Medicaid (for a child without adoption assistance-related Medicaid) was opened during the supervision period by a services worker, the services worker must close the Medicaid case at finalization.

Notice of Post Adoption Services

When the final Order of Adoption is received, the child placing agency must inform the family in writing of post adoption services available to assist the family. When families request assistance, DHHS must provide services or refer the family to appropriate com-

munity resources. The local DHHS office must assist adoptive families seeking a medical subsidy by providing the DHS-1341A, Parent's Request For Medical Subsidy For An Adopted Child, and referring them to the adoption subsidy unit in situations where:

- A child was not previously certified for a medical subsidy.
- A child was certified for a medical subsidy but the family wishes to request certification of additional medical conditions.

NEW BIRTH CERTIFICATE ISSUANCE

Upon notification of finalization by the family court, the Department of Health and Human Services (DHHS) issues a new certificate of birth. Form DCH-0854, Establish New Michigan Birth Record Following an Adoption, is used by the court for notification to DHHS.

NEW SOCIAL SECURITY NUMBER ISSUANCE

Upon finalization of the child's adoption, the adoptive family must be referred to the Social Security Administration to apply for a new Social Security number. The adoptive parents must have a copy of the child's new birth certificate in order to apply for a new Social Security number. In some instances, Social Security Administration policy may prohibit the issuance of a new Social Security number, but will change the child's name on the card.

ADOPTION CLOSING SUMMARY (DHS-222)

The purpose of the closing summary is to provide a concise summary of the child's adoption. The closing summary should include a description of events related to the adoption that have not been previously addressed in the DHS-614, Quarterly Adoption Progress Reports. A copy of the closing summary must be sent within 14 calendar days of the adoption finalization date to the foster care worker and the Department of Health and Services (DHHS) adoption monitor for purchase of service cases for inclusion in the child's permanent record. The DHS-222, Adoption Closing Summary must be used for this purpose.

When a planned adoption does not occur or the goal of adoption is changed to another permanency outcome, the adoption case must be closed using the DHS-222, Adoption Closing Summary within 14 calendar days of the goal change. A copy of the closing summary and all other adoption specific reports must be sent to the foster care worker and DHHS adoption monitor for purchase of service cases for inclusion in the child's permanent case record. The reason for closure must be clearly documented in the closing summary.

AFCARS REPORTING

The adoption worker must assure that all AFCARS information has been entered into MiSACWIS and is contained in the case record prior to case closure.

CLOSING LETTER TO FAMILY

The DHS-607, Adoptive Family Closing Letter form, must be sent to the family outlining the changes they can expect in coming weeks and any available future services.

OVERVIEW

Post adoption services in the state of Michigan are provided through:

- Adoption medical subsidy.
- Community based agencies.
- Adoption support/advocacy organizations.
- Regional post adoption resource centers.

Listings of support groups, trainings and services can be found on the Michigan Adoption Resource Exchange at www.mare.org.

TITLE IV-E ADOPTION INCENTIVES

Section 473A of the Social Security Act provides title IV-E adoption incentive payments to eligible states that increase the number of children adopted in specific circumstances. Any funds for which the state is eligible will be spent on permanency activities, such as:

- Statewide conference for public and contracted agency adoption staff, adoptive advocates, adoptive families, court personnel and professionals to present best practice information and panels to encourage networking and development of improved practices.

- Post adoption educational forums for parents and youth.

- Other adoption specific activities allowable under titles IV-B and IV-E.

MEDICAID

Children who are eligible to receive a title IV-E funded adoption support subsidy are eligible for Medicaid through the adoption subsidy program. Medicaid coverage is available for children eligible for a non-title IV-E funded adoption support subsidy under specific conditions. Eligibility is determined by the adoption subsidy program office. Refer to Adoption Subsidy Manual AAM 230, Medicaid Eligibility for information.

ADOPTION MEDICAL SUBSIDY

The Adoption Medical Subsidy program assists with payments for services for adopted children related to the treatment of physical, mental or emotional conditions that have been certified through the adoption subsidy unit. To determine if a child meets the eligibility criteria for adoption medical subsidy, see AAM 400, Medical Subsidy Eligibility.

Services not covered by Medicaid or private insurance that may be available for eligible children include:

- Medical, surgical and hospital related expenses.
- Prescriptions, medical supplies or laboratory expenses.
- Outpatient counseling.
- Assisted care services.
- Physical care services.
- Behavioral services.
- Temporary out-of-home placement.
- Placement outside the family home.
- Tutoring.
- Travel expenses under specific conditions.
- Speech therapy, physical therapy and/or occupational therapy for pre-school children or during the summer months.
- Specialized treatment summer camps.
- Orthodontic treatment under specific conditions and with cost limits.
- Durable medical equipment.

Refer to AAM 400, Medical Subsidy Eligibility and AAM 640, Post Placement - Use of the Adoption Medical Subsidy Program, for a full description of the program and conditions for payment of services.

UTILIZING POST-ADOPTION SERVICES THROUGH LOCAL DHS

Adoptive parents may request assistance from their local county DHS office or a private agency based on the needs of an adopted child. The process followed should be the same as when working with any family requesting assistance. This may result in opening a case or referring the family to community-based services. In addition to the Post Adoption Resource Centers (PARC), adoptive families are eligible for all programs based on the same factors as non-adoptive families. Referrals to Wraparound, Families First, PARC, and other supportive services should be considered for adoptive families requesting assistance. Adoptive families may also request services directly from PARC.

INTRODUCTION

Information regarding Release of Information from closed adoption records is found in SRM 131, Children's Services and SRM 131, Adoption Records.

ADMINISTRATIVE RULE

Child Placing Agency Rule 400.12608 requires that agency records for each adoptive family contain certain documents. In addition, MCL 722.956 requires documentation that certain information was discussed and shared with the prospective adoptive family.

Adoptive Family Record

The adoptive family record must include a copy of:

- The documentation of adoptive parent orientation.
- The DHS 3153-A, Adoption Application.
- The BCAL-3130, Initial Foster Home/Adoption Evaluation and DHS- 612, Adoptive Family Assessment Addendum, or any assessments/addenda that were completed prior to the BCAL-3130 and DHS-612.
- The child's non-identifying written information that was provided to the adoptive parent(s); see ADM 0300, Child Assessment.
- The written verification, signed by the adoption worker and the adoptive parents, that a conference was held and information was provided to the adoptive parent(s) as listed in ADM 0670.

OVERVIEW

Maintaining a complete adoption record is vital to all children who were adopted. This policy outlines the minimum documents that are included in a child's adoption record. It is strongly encouraged that additional documents, including but not limited to, copies of photographs, letters from family, etc. are included in the child's permanent adoption case record.

Note: For information on release of information from and access to a closed adoption record; see ADM 1030, Adoption Case Record Retention, ADM 1040, Release of Information from Closed Adoption Records and SRM 131, Confidentiality.

The completion and permanent retention of identifying and non-identifying information in the agency's record for each child who is adopted is required by MCL 710.27. In addition, Child Placing Agency Rule 400.12713 requires certain documents be retained in the closed record.

CHILD'S ADOPTION CASE RECORD

The child's adoption record must include all the following information:

- Name of child before adoptive placement.
- Date, time, and place of birth of the child including the hospital, city, county, and state.
- The child's racial, ethnic, and religious background and a general description of the child's parents, including the age of the child's parents at the time of termination of parental rights, and the length of time the parents had been married or in a relationship at the time of placement.
- Name of each biological and legal parent at the time parental rights were terminated.
- Health and genetic history of the child, including past trauma.
- Health and genetic history of the child's biological and legal parents and other members of the child's family.
- Most recent name and address of each biological and legal parent.

- Names of the biological and legal siblings at the time parental rights were terminated.
- The age and gender of the child's siblings.
- The child's enrollment and performance in school, results of educational testing, and any special educational needs.
- The educational, occupational, professional, athletic, artistic or exceptional/notable achievement of the child's biological and legal family.
- Hobbies, special interests, and school activities of the child's biological and legal family.
- The child's past and existing relationship with any relative, foster parent, or other individual or facility with whom the child has lived or visited on a regular basis.
- The circumstances of any judicial order terminating the parental rights of a parent for abuse, neglect, abandonment, or other mistreatment of the child.
- Length of time between the termination of parental rights and adoptive placement and whether the termination was voluntary or court ordered.
- A copy of the non-identifying information concerning the child and the former birth (or adoptive) family and written verification that it was given to the adoptive family; see ADM 1010, Adoptive Family Case Record.
- Written verification, signed by the adoption worker and the adoptive parent(s), that a conference was held and information was provided to the adoptive parent(s) as listed in ADM 0670, Required Information to be Shared.
- All legal documents required for adoption.
- Child’s opinion about the adoption.
- Summary of preparation and placement.
- DHS-3153-A, Adoption Application.
- DHS-4081, Adoption Assistance Intent Statement

- DHS-1341, Adoption Assistance and/or Medical Subsidy Application (if applicable).
- DHS-4113, Adoption Assistance Agreement (if applicable).
- DHS-3013, Adoption Medical Subsidy Agreement (if applicable).
- DHS-1343-A, Notice of Adoption Assistance Denial and Right to Appeal (if applicable).
- DHS-1343-M2, Medical Subsidy Denial (if applicable).
- Copies of any photos of the child, family, and/or others with important relationships.
- Copies of any letters and/or communications from family and others with whom the child has important relationships.

Note: Criminal History Records Information (CHRI) that was obtained during the adoption case **cannot** be placed in the adopted child's record and must be stored per SRM 200, Fingerprinting.

LEGAL AUTHORITY

State

MCL 710.27

Licensing Rule

Licensing Rules for Child Placing Agencies, CWL-PUB11; R400.12713

POLICY CONTACT

Questions about this policy item may be directed to the Child Welfare Policy Mailbox.

PERMANENT RETENTION OF RECORDS

MCL 710.27 and Child Placing Agency Rule 400.12713 require the permanent retention of children's adoption records. After the final order of adoption has been filed in the case record, the files of all Michigan Department of Health and Human Services (MDHHS) supervised children placed in adoption must be purged of all duplicate documents.

Contents of Records

The foster care record is combined with the adoption record. The contents of the adoption record are listed in ADM 1020, Adopted Child Case Record. The contents of the foster care record are listed in FOM 722-5, Case Documentation, and include at least one photograph of the child. Additional photographs of family members should be given to the child or the adoptive parent(s) prior to finalization and copies of the photos should be filed in the record. The record must not include memorabilia, gifts, or valuables; those items must be given to the child or adoptive parent(s) prior to adoption.

Copies of closing documentation as described in ADM 0980, Closing Documentation, must be included in the adoption case record.

Access to Closed Records

After adoption finalization, all adoption records are closed. The records must be kept in separate locked files and shall not be open to inspection or copying, except as stated in *disposition of records* in this item. Although local MDHHS offices and contracted adoption agencies must not routinely permit persons outside the office or agency to inspect or copy any part of a closed adoption record, persons outside of a local office or agency may access a closed adoption case record through any of the following:

- A court order.
- The Central Adoption Registry [MCL 710.68].
- A request from the Office of Children's Ombudsman.

Disposition of Records for MDHHS Supervised Children

For both MDHHS and contracted adoption agency cases, the local MDHHS office or contracted agency must retain all adoption case records for one year after finalization of the adoption. One year (between 12-13 months) past the adoption finalization date, a contracted adoption agency must send the original record to the local MDHHS office; copies must not be maintained by the contracted adoption agency; see licensing rule R400.12713-Adoption Placement Record.

The local MDHHS office must forward all records (both MDHHS adoptions and contracted agency adoptions) to MDHHS central office within three months of receipt of file. The contracted adoption agency or local MDHHS office must not retain any adoption records of MDHHS-supervised children or dispose of them in any way other than that described in this policy.

Records **must** be sent to:

Michigan Department of Health and Human Services
Document Control Section
235 S. Grand Avenue
P.O. Box 30037
Lansing, Michigan 48909

Adoptive Family Records

Following the finalization of adoption, adoptive family files must be retained in the local MDHHS office or contracted adoption agency for three years and may be destroyed after the three-year period. Any Criminal History Records Information (CHRI) must be maintained and destroyed as outlined in SRM 200, Fingerprinting.

LEGAL AUTHORITY

State

MCL 710.27

Licensing Rule

Licensing Rules for Child Placing Agencies, CWL-PUB11, R400.12713

POLICY CONTACT

Questions about this policy item may be directed to the Child Welfare Policy Mailbox.

SHARING INFORMATION

After adoption finalization, adult adoptees, birth siblings, adoptive parents, birth parents and post-adoption service providers seeking information from adoption records must be referred to the DHS adoption program office in central office. For information concerning access to adoption records; see SRM 131, Confidentiality - Adoption Records.

PROCEDURES

When an agency serves as liaison between the birth and adoptive families, certain information may be shared when there is mutual agreedment. See SRM 131, Confidentiality - Adoption Records for this policy.

ADEQUATE AND TIMELY SERVICE

In the event that an agency terminates the provision of adoption services, either voluntarily or involuntarily, the adoption agency must make arrangements to assure that adequate and timely service is provided to the families and children served by their adoption program. Such arrangements include the following:

- The closing agency must cooperate with the:
  - Bureau of Children and Adult Licensing (BCAL).
  - Department of Human Services (DHS) adoption program office.
  - DHS Interstate Compact Office (if applicable).
- The closing agency must release confidential case records to the newly assigned child-placing agency and/or return all case records to DHS.

DHS is ultimately responsible for assuring that appropriate services are provided and may assign the cases to DHS adoption workers or refer children and families to another contracted adoption agency.

The newly assigned agency, whether DHS or a contracted adoption agency, must provide adoptive families with the information outlined in ADM 0400, Recruitment Efforts - Program Statement/Inquiry.

CLOSED AGENCY RECORDS

MCL 710.27 requires a closed child placing agency to forward the agency's adoption records to DHS if the agency is not associated with a central agency. The records that may be forwarded include birth family, adoptive family and adoptive child records.

Birth family, adoptive family and adoptive child records must be filed together in alphabetical order based on the child's birth name. DHS will not accept memorabilia, scrapbooks, gifts or other items of value, since those items are not part of the adoption record. The content of adoption records is described in ADM 1010, Adoptive Family Case Record, and ADM 1020, Adopted Child Case Record.