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DEPARTMENT OF HEALTH & HUMAN SERVICES
LANSING

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Juvenile Justice Field Services Policy Manuals

POLICY

Delinquent youth under the jurisdiction of the Michigan Department of Health and Human Services (MDHHS) must be provided such care, guidance and control, preferably in his or her own home, as will be conducive to the child's welfare and the best interest of the State.

PURPOSE

To provide safe and proper care that is appropriate to the youth's individual needs while taking into account community safety.

AUTHORITY

Probate Code, 1939 PA 288, as amended, MCL 712A.1 et seq.

TREATMENT MODEL

The department's program directs delinquent youth through a continuum of treatment models and services. The treatment model seeks to provide youth and families with the knowledge and skills needed to reduce delinquency behaviors. The model also promotes appropriate attitudes and strengthens the youth's capacity for self-sufficiency enabling them to function responsibly in their home communities. Service delivery strategies seek to build upon client strengths fostering an attitude of mutual respect and responsibility.

SERVICES

In an effort to achieve this purpose, the department operates the Juvenile Justice Program. For adjudicated delinquent youth, the department offers in-home and out of home services, which includes case planning and management services. These services and programs are provided by the collaborative efforts of:

- Local county staff.
- The department operated residential services programs, and
- Private non-profit child caring agencies.

In-Home Services

In-home services provided to maintain placement in the youth's family home may include:

- Individual and family counseling.
- Employment/educational.
- Wraparound.

**Out-of-Home
Placement**

- Family preservation.
- Re-integration services.

Out-of-home placement programs may include:

- Family foster homes.
- Community justice centers.
- Private and public residential.

Out-of-home placement and services are provided based on the committing/referring offense, risk level and individual treatment needs of the youth.

The department recognizes that youth who engage in delinquent activities may present a threat to the public. Therefore, safe placement and family reunification goals must always be balanced against the need for community safety and based upon careful evaluation of the youth's progress in treatment.

**PROGRAM
ELIGIBILITY**

- State Wards, Youth Rehabilitation Services Act, 1974 PA 150, as amended, MCL 803.301 et seq.
- Dual State Wards, Youth Rehabilitation Services Act, 1974 PA 150, as amended, MCL 803.301 et seq. and Michigan Children's Institute 1935 PA 220, as amended, MCL 402.201 et seq.
- Delinquent Juvenile Court Wards, Social Welfare Act 1939 PA 288, as amended, MCL 400.1 et seq.
- Youth under circuit court jurisdiction assigned to DHS for pre-sentence investigations (PSI), Juvenile Facilities Act 1988 PA 73, as amended, MCL 803.221 et seq.
- Out-of-Town Inquiry (OTI) youth referred through Interstate Compact for Juveniles, 2003 PA 56, MCL 3.691 et seq.

BALANCED AND RESTORATIVE JUSTICE

The Bureau of Juvenile Justice has incorporated the principles of balanced and restorative justice (BARJ) into the delivery of service to delinquent youth. BARJ is based on the concept that crime is an act against the victim and the community.

BARJ Principles

The following are the principles of BARJ:

- Crime is injury.
- Crime hurts individual victims, communities and juvenile offenders and creates an obligation to make things right.
- All parties should be a part of the response to the crime, including the victim if he or she wishes, the community, and the juvenile offender.
- Accountability for the juvenile offender means accepting responsibility and acting to repair the harm done.
- The community is responsible for the well-being of all its members, including both victim and offender.
- All human beings have dignity and worth.
- Restoration - repairing the harm and rebuilding relationships in the community - is the primary goal of restorative juvenile justice.
- Crime control cannot be achieved without active involvement of the community.
- The juvenile justice process is respectful of age, abilities, sexual orientation, family status, diverse cultures and backgrounds and all are given equal protection and due process.

BARJ Philosophy Goals

The following are the goals of the BARJ philosophy:

- Protect the community from harm by youthful offenders.
- Divert youth from the juvenile justice system at point of entry.
- Provide assurance of safety for all youth in agency care/supervision
- Increase offender competencies.
- Reduce escalation from the juvenile justice system to the adult criminal justice system.
- Assist youth in becoming contributing members of society.
- Provide the opportunity for the victim, community and offender to actively participate in the treatment process.
- Reduce recidivism within the juvenile justice system.
- Reunite youth with family as quickly as is safely possible.

FEDERAL LAW**Public Law 96-272
of 1980**

The Adoption Assistance and Child Welfare Act, amends the Social Security Act 42 USC 601 et seq. and provides the federal basis for placement services to children. The intent of this law is to strengthen permanency planning for children nationwide. Under this law, the Department of Human Services (DHS) must document that:

- Reasonable efforts have been made to prevent removal of youths from their family.
- Efforts are continually being made to return the youth to the parental home.
- A permanency plan is developed for all youth under DHS supervision.

These assurances of care provisions are required to receive federal funding for services to wards under DHS supervision.

STATE LAW**Public Act 150 of
1974, (MCL 803.301
et seq.)**

State Ward - Delinquent - Act 150 - Legal Status 46: A youth who has been committed to the State Agency under the Youth Rehabilitation Services Act. According to the following requirements:

- The ward is at least 12 years at the time of commitment by the juvenile court, and
- The offense for which the ward is committed occurred prior to the ward's 17th birth.

**Probate Code,
Public Act 288 of
1939, (MCL. 712A.1
et seq.)**

The Probate Code contains the juvenile code and requires that each child coming within the jurisdiction of the court must receive care, guidance, and control in the best interest of the child.

The family court has exclusive jurisdiction over children under 17 years old found in the county except those 14 to 16 years old for whom the prosecutor elects to process a complaint and warrant with the circuit court.

Circuit courts have jurisdiction over children 14 to 16 years old who have committed “specified” offenses and have had complaints filed in their courts.

Both courts may extend the age of wardship (to 21) for juveniles who commit Class I-A, Class I-B and Class II offenses (See JJM 300 for specific offenses).

**Public Act 280 of
1939, (MCL 400.1
et seq.)**

The Social Welfare Act protects the welfare of the people of this state. This act created the Department of Human Services and describes the duties, services, and programs which may be provided to clients, including delinquents. MCL 400.55(h) provides for the department to investigate and provide services to court wards when the referral from the court is accepted.

**Public Act 73 of
1988 (803.224 et
seq.)**

The Juvenile Facilities Act mandates that if a juvenile is within the jurisdiction of the circuit court the department must prepare a written report to the court prior to the juvenile’s sentencing. This report is to include a recommendation as to whether the juvenile is more likely to be rehabilitated by the services and facilities available in adult programs and procedures than in juvenile programs and procedures.

**Public Act 116 of
1973, (MCL 722.101
et seq.)**

The Child Care Organizations Act provides for protection of youth placed outside of their own homes through the establishment of standards of care for child placing agencies, child caring institutions and foster homes.

**Public Act 56 of
2003 (MCL 3.691 et
seq.)**

The Interstate Compact for Juveniles Act provides the foundation for DHS supervision of out-of-state wards, obtaining out-of-state supervision for Michigan wards, and provisions for returning runaway youth across state lines.

**Public Act 114 of
1984 (MCL 3.711 et
seq.)**

The Interstate Compact on the Placement of Children, governs the placement of youth across state lines in either family foster home care or child caring institutions.

**Public Act 220 of
1935, (MCL
400.203)**

The Michigan Children's Institute Act relays provisions for admission of children under 17 years of age to Michigan Children's Institute (MCI). Upon termination of parental rights of both parents, the court commits the children to the MCI. The superintendent of MCI is the child's legal guardian.

POLICY

Upon request from the juvenile court, the assigned caseworker must assist the court in determining if a juvenile must be tried in the same manner as an adult.

Upon request from the Circuit court, the assigned caseworker must complete a pre-sentence investigation for a youth that has been convicted of a "specified juvenile violation" through a designated or automatic waiver proceeding that does not require an adult sentence to be imposed.

PURPOSE

To determine whether or not it is in the best interests of the public and for the protection of the public security that the juvenile be required to stand trial as an adult offender.

To review the facts of the case and make a recommendation to the court for sentencing the juvenile as a result of automatic waiver procedures.

**WAIVER
PROCEEDINGS**

The prosecutor has two waiver options within the Family Division of Circuit Court, which may result in a youth being tried in the same manner as an adult. A third option is also available for the prosecutor to initiate automatic waiver proceedings.

Traditional Waiver

The prosecutor may file a motion in the Family Division of Circuit Court to waive delinquency jurisdiction to the criminal jurisdiction of circuit court for a youth who is 14-16 years of age and accused of committing a felony. There are two phases to the traditional waiver proceedings:

1. Whether there is probable cause that the juvenile committed a felony.
2. Whether it is in the best interests of the juvenile and the public to grant a waiver of jurisdiction.

The court may request a waiver recommendation report from the Department of Human Services (DHS), see Waiver Recommendation Report for requirements.

Traditional Waiver Sentencing

If a youth is waived and convicted, the youth must be sentenced as an adult.

Designated Waiver

The prosecutor may:

- Designate a case for trial in the Family Division in the same manner as an adult if a petition alleges that the youth committed a specified juvenile violation. A specified juvenile violation includes:
 - Burning a dwelling house, MCL 750.72.
 - Assault with intent to commit murder, MCL 750.83.
 - Assault with intent to maim, MCL 750.86.
 - Assault with intent to rob while armed, MCL 750.89.
 - Attempted murder, MCL 750.91.
 - First-degree murder, MCL 750.316.
 - Second-degree murder, MCL 750.317.
 - Kidnapping, MCL 750.349.
 - First-degree criminal sexual conduct, MCL 750.520b.
 - Armed robbery, MCL 750.529.
 - Carjacking, MCL 750.529a.
 - Robbery of a bank, safe, or vault, MCL 750.531.
 - Assault with intent to do great bodily harm, MCL 750.84, if armed with a dangerous weapon, MCL 712A.2(a)(1)(B), MCL 600.606(2)(b), MCL 764.1f(2)(b).
 - First-degree home invasion, MCL 750.110a(2), if armed with a dangerous weapon.
 - Escape or attempted escape from a medium- or high-security facility operated by DHS or a county juvenile agency, or from a high-security facility operated by a

private agency under contract with DHS or a county juvenile agency, MCL 750.186a.

- Possession of 1,000 grams or more of a Schedule 1 or 2 narcotic or cocaine, MCL 333.7403(2)(a)(i).
- Manufacture, creation, or delivery of, or possession with intent to manufacture, create or deliver, 1,000 grams or more of a Schedule 1 or 2 narcotic or cocaine, MCL 333.7401(2)(a)(i).
- An attempt, (MCL 750.92), conspiracy (MCL 750.157a), or solicitation (MCL 750.157b), to commit any of the above crimes.
- Any lesser-included offense of a specified juvenile violation or any other offense arising out of the same transaction as a specified juvenile violation, if the juvenile is charged with a specified juvenile violation.
- Request that the Family Division conduct a hearing to determine if the best interests of the youth and the public would be served by trying the youth in the Family Division as an adult if the petition alleges that the youth committed an offense that is NOT a specified juvenile violation. See Waiver Recommendation Report.

Designated Waiver Sentencing

Note: If a youth is convicted through a designated proceeding, the court may enter a juvenile disposition, an adult sentence determined by the court to serve the best interests of the public or a blended sentence that delays an adult sentence and affords the youth an opportunity to rehabilitate.

Pre-Sentence Investigation Report

Prior to the sentencing hearing, the assigned caseworker must complete a DHS-201, Pre-Sentence Investigation Report, as outlined in Pre-Sentence Investigations.

Automatic Waiver

A prosecutor may file a complaint and warrant in the criminal division of Circuit Court to initiate automatic waiver proceedings

when a juvenile who is age 14-16 is alleged to have committed a specified juvenile violation.

Automatic Waiver Sentencing

Note: If a youth is convicted for any of the following specified juvenile violations, the youth must be sentenced as an adult:

- Burning a dwelling house, MCL 750.72.
- Assault with intent to commit murder, MCL 750.83.
- Assault with intent to maim, MCL 750.86.
- Attempted murder (MCL 750.91) or conspiracy (MCL 750.157a) or solicitation to commit murder (MCL 750.157b).
- First-degree murder, MCL 750.316.
- Second-degree murder, MCL 750.317.
- Kidnapping, MCL 750.349.
- First-degree criminal sexual conduct, MCL 750.520b.
- Armed robbery, MCL 750.529.
- Carjacking, MCL 750.529a.

Exception: A youth convicted of first-degree murder, conspiracy to commit murder, felony murder, aiding and abetting first-degree murder or certain repeat non-homicide cases subject to mandatory life imprisonment without parole, cannot have the adult sentence of mandatory life imprisonment without the possibility of parole imposed if the youth was under the age of 18 at the time of the offense.

If the youth is convicted of any other specified juvenile violation, the court must either hold a juvenile sentencing hearing to sentence the youth as an adult or place the youth on probation and commit the youth to DHS.

Exception: If the youth, the youth's attorney and the prosecuting attorney agree that it is NOT in the best interest of the public to sentence the youth as an adult, the court may waive the juvenile sentencing hearing, place the youth on probation and commit the youth to DHS.

Pre-Sentence Investigation Report

Prior to the juvenile sentencing hearing, the assigned caseworker must complete a DHS-201, Pre-Sentence Investigation Report, as outlined in Pre-Sentence Investigations.

**WAIVER
RECOMMENDATION
REPORT**

The juvenile court may request a waiver recommendation report from the Department of Human Services (DHS) prior to determining if the youth will be waived to criminal court under traditional waiver proceedings or designated waiver proceedings when the petition alleges that the youth committed an offense that is NOT a specified juvenile violation. To prepare a fact-based analysis of the issues under consideration and develop an appropriate waiver recommendation:

- Obtain an information release (DHS-1555-CS) and review the youth's:
 - Delinquency, children's protective services, foster care, and/or adoption records.
 - Arrest report(s).
 - School records including any report cards, special education reports, disciplinary action or academic evaluations.
 - Mental health evaluations and records.
 - Medical evaluations and records.
- Interview the youth's parent(s) or legal guardian(s) regarding the chronology of events before, during and after the arrest, developmental milestones, educational history, emotional disturbances and mental health issues. Determine if the youth's parent(s) or legal guardian(s) want to pursue a competency evaluation.
- Interview the youth regarding the chronology of events before, during and after the arrest. Determine if the youth wants to pursue a competency evaluation.

- Contact the youth's attorney to determine if the youth's attorney plans to request a competency evaluation or has concerns regarding the youth's competency.
- Review the information collected in light of the following criteria (MCL 712A.4(4)):
 - The seriousness of the offense.
 - The culpability of the juvenile in committing the offense. See section on Juvenile Competency.
 - The prior record and character of the ward, physical and mental maturity, and pattern of living.
 - Whether the ward may be amenable to treatment or likely to disrupt the rehabilitation of others.
 - The type of juvenile programs and facilities available and appropriate compared to adult programs and facilities.
 - Whether it is in the best interests of the public and for the protection of the public security that the juvenile be required to stand trial as an adult offender.

JUVENILE COMPETENCY

The Mental Health Code (MCL 330.1001 et seq.) was amended in 2012 to include specific provisions for the determination of juvenile competency to stand trial, effective on March 28, 2013.

Competency is not the same as criminal responsibility; it is the youth's ability to understand the charges and proceedings and the ability to assist the youth's attorney with his or her own defense in a meaningful way. Competence to stand trial in juvenile court may differ from the youth's competence to stand trial in criminal court. The issue of a youth's competency to stand trial may be raised by the court or by motion of a party at any time during the proceeding. If the issue of competency is raised, proceedings must cease until competency has been determined.

The following criteria must be evaluated by the assigned caseworker to determine if the waiver recommendation report should recommend that the court order a competency evaluation for the youth:

- Chronological age - A youth 10 years of age or older is presumed competent to proceed unless the issue of competence is raised by a party. The younger the youth, the more likely the youth is to need a competency evaluation to determine his or her ability to stand trial. A juvenile less than 10 years of age is presumed incompetent to proceed, MCL 330.2062.
- Developmental age - Developmental disabilities or deficits can affect a youth's comprehension and functional abilities, increasing the likelihood that the youth needs a competency evaluation to determine his or her ability to stand trial.
- Intellectual functioning - A low IQ score, cognitive impairment, mental retardation and/or diagnosed learning disability can affect a youth's ability to process information. This increases the likelihood that the youth needs a competency evaluation.
- Mental illness and medication - A youth diagnosed with one or more mental illnesses, who is taking psychotropic medication and/or who meets the criteria for serious emotional disturbance, MCL 330.1208, may have impaired decision-making abilities. This also increases the likelihood that the youth needs a competency evaluation.
- Severity of the charge and consequences - The more severe the charge, the more complex the choices and implications for consequences become for the youth to understand. This factor increases the likelihood that the youth needs a competency evaluation to determine his or her ability to stand trial.

PRE-SENTENCE INVESTIGATION

When a youth age 14 through 16 years of age is committed to a juvenile facility pending trial and is convicted in the circuit court or the Family Division of Circuit Court, the court may request that DHS prepare a pre-sentence investigation report (MCL 771.14a(1)). Staff from the Department of Corrections will also prepare a pre-sentence investigation report for these youth.

Pre-sentence investigations (PSI's) must be conducted by the assigned caseworker upon request of the court of jurisdiction when the youth will be tried as an adult based on automatic waiver procedures (see [JJM 210, Waiver Proceedings & Pre-Sentence](#)

[Investigations](#)). The PSI must be completed by the assigned caseworker within the time frame established by the court. To prepare a PSI report, the assigned caseworker is responsible for the following activities:

- Requesting and obtaining information on the charge from the prosecutor's office.
- Requesting and obtaining Law Enforcement Information Network results.
- Requesting and obtaining a copy of the arresting police officer's and any subsequent law enforcement reports.
- Interviewing the youth, the family, appropriate law enforcement personnel, the victim, the employer or school personnel, or other significant individuals that are identified during the investigation.

PSI REPORT FORMAT

The local office must develop local procedures with the presiding court judge and the adult probation department in that county to establish a PSI request process. The assigned caseworker must use the DHS-201, Pre-Sentence Investigation Report, for completion of the PSI report. The PSI report must be provided to the judge prior to the sentencing hearing. Also, the judge may require a pre-sentence conference, which the assigned caseworker or supervisor must attend.

VICTIM'S RIGHTS

If ordered by the court to do so while preparing the PSI report, the assigned caseworker must give the following notice to the victim (MCL 769.1(3)(a):

- The victim's right to make a written or oral impact statement for use in preparation of the report.
- The address and telephone number of the person who is to prepare the report.

The PSI report and any statement of the victim included in the report must be made available to the youth unless exempted from disclosure by the court.

- The assigned caseworker must determine the following:
 - The amount of financial loss sustained by any victim as a result of the offense.
 - The financial resources and earning ability of the youth.
 - Other factors that the court considers appropriate, and
 - The financial needs of the youth and the youth's dependents.

OPENING A PRE- SENTENCE INVESTIGATION CASE

On the date that the PSI referral is received, the pre-sentence investigation case must be opened on SWSS FAJ until MiSACWIS is live. If the youth has not been committed to DHS at the time of the pre-sentence investigation, use legal status 50 - non-ward with a delinquency petition filed. If the youth is subsequently referred or committed to the department, change the legal status appropriately.

If the youth is not referred or committed to the department at sentencing, the pre-sentence investigation case must be closed when the disposition/sentencing order is received.

RECORD RETENTION

Individual pre-sentence investigation case records must be retained as part of the youth's juvenile justice case record if the youth is subsequently referred or committed to DHS.

If the youth is not referred or committed to the department at sentencing, the pre-sentence investigation case record must be retained solely as a pre-sentence investigation record.

LEGAL AUTHORITY

The Juvenile Facilities Act, 1988 PA 73, as amended, MCL 803.221, et seq.

The Revised Judicature Act of 1961, 1961 PA 236, as amended, MCL 600.606, et. seq.

The Probate Code, 1939 PA 280, as amended, MCL 712A.2d.

The Code of Criminal Procedure, 1927 PA 175, as amended, MCL 769.1.

The Mental Health Code, 1974 PA 258, as amended, MCL 330.2060 et. seq.

PURPOSE

All written and signed court orders must be accepted by the local Department of Health and Human Services (MDHHS) office. If the court order and/or documents appear to conflict with MDHHS policy, see Actions for Problematic Court Orders for procedures in this item.

The department assumes legal and service responsibility for a youth on the date the court order for referral or commitment is signed by the judge/referee.

PROCEDURE

Each local office has been delegated the responsibility and authority to handle the official acceptance of these orders. Since this task occurs prior to assignment of the case responsibility to a juvenile justice specialist, it is a supervisory or administrative responsibility.

**MDHHS
ACCEPTANCE DATE**

For information on the date of acceptance, see [FOM 902, Funding Determinations and Title IV-E Eligibility](#).

The date of acceptance must be confirmed by the local office by sending a DHS-3204, Youth Acceptance Notice, to the referring/committing court; and by sending a DHS-4526, Parent/Guardian Notification of Acceptance, to the parent/guardian. Forms are found in MiSACWIS Court, Court Actions History, select report and generate the appropriate form.

**COURT
RESPONSIBILITY**

- Having the youth available.
- Forward to the local office complete and accurate documents which include:
 - Original or true copy of the petition.
 - Original or true copy of the order referring/committing the youth to the department.

- Social and psychological data that the court has available. This includes all information available regarding any rehabilitative efforts the court has attempted to provide the youth.
- Report of medical examination done not more than 30 days prior to commitment, or at the time of the most recent admission to detention (only for youth committed under Act 150).
- Birth certificate/verification.
- Social Security number.
- Police report.
- Current photograph of youth taken within one year.
- Detailed victim information: name, address, telephone number, date of birth.
- Indication that the victim requested/did not request information/notification.

LEGAL JURISDICTION

Proper Wording of the Court Order When the Court Commits or Refers a Youth to MDHHS

For information on wording of the court order when the court commits or refers a youth to MDHHS refer to [FOM 902, Funding Determinations and Title IV-E Eligibility](#) and [FOM 901-6, Legal Status](#).

REFERRAL TO CHILD SUPPORT

For information regarding referrals to child support, see [FOM 722-1, Foster Care - Entry into Foster Care, Referrals to Child Support](#).

Friend of Court Notification

The juvenile justice specialist must notify the Friend of the Court in the following circumstances:

- When the funding source changes - to ensure the money is sent to the appropriate place unless court ordered to continue.
- When the child is returned home - to ensure that the current custodian receives the money, instead of the state/county. See [FOM 902-12, Government and Other Benefits](#), for more information on the DHS-3205, Foster Care/Juvenile Justice Benefit Eligibility Record.

TITLE IV-E

For information related to Title IV-E, refer to [FOM 902, Funding Determinations and Title IV-E Eligibility](#).

ACTIONS FOR PROBLEMATIC COURT ORDERS

The MDHHS local office must take **immediate** action, as any appeal of an order must be filed with the court within 20 calendar days of receipt of the order. The supervising agency must forward copies of problematic court orders to the MDHHS Children's Services Legal Division (CSLD) at CSARequestsforLegalResearch@michigan.gov, immediately, but no later than the business day following receipt of the order. A written description of the problematic issue and reference to applicable policy and law is required in the email.

If the local office is also requesting legal representation, the problematic court order and appropriate form requesting legal representation must be sent to the MDHHS CSLD at CSARequestforRepresentation@michigan.gov.

LEGAL BASE

State

The Probate Code, 1939 PA 288, as amended, MCL 712A.1 et seq. Contains the juvenile code and requires that each child coming within the jurisdiction of the court must receive care, guidance, and control in the best interest of the child;

MCL 712A.2(a)(1) provides that the family division of circuit court has exclusive jurisdiction over children under 17 years old found in the county except those 14 to 16 years old who have been charged with a specified offense under 1931 PA 328, The Michigan Penal Code or 1978 PA 368, Public Health

Code, and for whom the prosecutor elects to authorize a complaint and warrant. The family division of circuit courts have jurisdiction over children 14 to 16 years old who have been charged with specified offenses and the prosecutor files a petitions in the family division of circuit court.

MCL 712A.2(d) provides that the family division of circuit court has authority and jurisdiction over youth between the ages of 17 and 18 found to have been repeatedly addicted to drugs or alcohol, repeatedly associating with criminals, found in a house of prostitution, repeatedly associating with thieves, prostitutes, pimps, or procurers or willfully disobedient to the reasonable commands of a parent or legal guardian.

MCL 712A.2a(5) provides for the court to extend jurisdiction for a period of 2 years unless the youth is released sooner by court order if jurisdiction was taken for having committed a specified offense.

The Social Welfare Act, 1939 PA 280, as amended, MCL 400.55(h).

Provides authority to investigate and provide supervision to matters pertaining to dependent, neglected, and delinquent children and wayward minors under the court's jurisdiction, to provide supervision and foster care as provided by court order.

The Youth Rehabilitation Services Act, 1974 PA 150, as amended, MCL 803.301 et seq.

Provides definitions for the acceptance, care, and discharge of youths committed as public wards.

POLICY CONTACTS

Policy clarification questions may be submitted by juvenile justice supervisors and management to Juvenile-Justice-Policy@michigan.gov.

**CASEWORKER
RESPONSIBILITIES**

When a youth has an open foster care case and the youth has been referred or committed to DHS for delinquency placement and supervision, all reporting and case work policy requirements for the foster care program and juvenile justice program must be followed. These requirements apply regardless of the assignment of the caseworker. In cases where a policy item exists for both programs, the more restrictive policy is the policy by which compliance must be measured.

If one caseworker is assigned, that caseworker must complete all policy requirements. If more than one caseworker is assigned, service provision and visitation must be coordinated regularly to ensure policy compliance.

Additional information and details regarding dual ward policy requirements can be found in [FOM 722-6D, Case Management of Dual Wards](#).

PURPOSE

Michigan Department of Health and Human Services (MDHHS) needs a written policy for service plans. Mich Admin Code, R 400.12403(2)(i). When a youth who has been referred to MDHHS under MCL 400.55(h) or committed to MDHHS under 1974 PA 150 for delinquency care and supervision, the juvenile justice specialist (JJS) must complete the juvenile justice initial service plan (ISP) and the juvenile justice updated service plan (USP) or juvenile justice supplemental updated service plan (SUSP) and the reentry plan, as appropriate, within the required time frames.

The ISP assists in assessing the needs of the youth and family and is the basis for making placement decisions which will determine the type of treatment and services the youth and family will be provided. The USP or SUSP assists in assessing the youth's and family's quarterly progress towards completion of treatment and permanency planning goals.

DEFINITIONS

See the [JJG, Juvenile Justice Glossary](#).

Intersex

Intersex means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development. 28 CFR 115.5.

Transgender

Transgender means a person whose gender identity (such as, internal sense of feeling male or female) is different from the person's assigned sex at birth. 28 CFR 115.5.

Two-Spirit

A modern umbrella term used by some Indigenous North Americans to describe gender-variant individuals in their communities, specifically people within indigenous communities who are seen as having both male and female spirits within them. It has a spiritual connotation that is recognized and confirmed by the Two-Spirits indigenous community.

Qualified Residential Treatment Program (QRTP)

A child caring institution is defined as a program that:

- Has a trauma-informed treatment model designed to address the needs, and clinical needs as appropriate, of youth with serious emotional or behavioral disorders or disturbances, and can implement the necessary treatment identified in the youth's assessment.
- Has registered or licensed nursing staff and other licensed clinical staff who can provide care, who are on-site consistent with the treatment model, and available 24 hours and 7 days a week. The QRTP does not need to have a direct employee/employer relationship with required nursing and behavioral staff.
- Facilitates family participation in youth's treatment program if in youth's best interest.
- Facilitates family outreach, documents how this outreach is made, and maintains contact information for any known biological family and fictive kin of the youth.
- Documents how the youth's family is integrated into the youth's treatment, including post discharge and how sibling connections are maintained.
- Provides discharge planning and family-based aftercare supports for at least 6 months post discharge.
- The program is licensed and nationally accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), the Council on Accreditation, or others approved by the Secretary.

**CASE SERVICE
PLAN
REQUIREMENTS**

The JJS completes the following service plans in the Michigan Statewide Automated Child Welfare Information System (MiSACWIS):

- DHS-4789, Juvenile Justice Initial Service Plan.
- DHS-4789, Juvenile Justice Updated Service Plan.

- DHS-4789, Supplemental Updated Service Plan.
- DHS-738, Reentry Plan.

State operated and private, contracted juvenile justice residential treatment facilities are required to complete treatment plans and reports as detailed in [JRM 201, Residential Treatment Plans, Reentry Plans, and Release Reports](#).

Case service plans document all case activity until the date a court order is received terminating jurisdiction. If the court order dismissing the case is received less than 30 calendar days from the last report period end date, then the DHS-69, Foster Care/Juvenile Justice Action Summary, may be used in lieu of a final service plan; see [FOM 722-15, Case Closing](#), for more information.

DEVELOPING THE CASE SERVICE PLANS

Structured Decision Making

Juvenile justice service plans use structured decision making (SDM) models. SDM balances the youth and family's need for services and the need for public safety and seeks to lessen the individual and subjective nature of decisions made at different stages of the process and to promote greater consistency and equity.

The SDM model evaluates three key decision making elements: the severity of the adjudicated offense, the risk of continued delinquent activity, and the youth's treatment needs. The service, Michigan Juvenile Justice Assessment System (MJJAS) assessments and treatment plans guide decisions regarding each youth's security level.

Initial Service Plan

The DHS-349, Juvenile Justice Case Opening Checklist, is an optional tool that may be used by the juvenile justice specialist to assist with ensuring that required forms and processes are addressed.

When developing the ISP, the following actions must be taken, documented in MiSACWIS, and filed in the youth's case record:

- Immediately request a certified birth record for the youth; see [FOM 910, Obtaining Vital Records](#).
- Complete a *Juvenile Justice Intake* in MiSACWIS.
- Remove the youth from detention or jail within five calendar days of the acceptance date or document the reason why this cannot be done, if applicable; see [JJM 470, Detention Alternatives, Detention & Jail Requirements](#), and [FOM 903-02, Payment for Detention Care](#). Use the MJJAS risk level and placement selection and standards in [JJM 410, Placement Selection and Standards](#), to determine placement needs of the youth.
- Determine if the youth was receiving financial assistance or food assistance program (FAP) at the time of their removal from the home. If so, notify the financial assistance unit supervisor and case worker in writing immediately and provide the date of the youth's removal from home.
- Complete the DHS-3307-A, Youth Face Sheet, within five calendar days.
- Inquire if the youth has any American Indian/Alaska Native (AI/AN) tribal membership, citizenship, or eligibility; see Native American Affairs items [NAA 100, General Program Overview](#), and [NAA 200, Identification of an Indian Child](#), for detailed instructions regarding placement of a youth who are eligible or enrolled in a federally recognized tribe.
- Verify citizenship or immigration status; see [FOM 722-06K Services for Families Who Are Not U.S. Citizens](#), and [FOM 722-17, Unaccompanied Refugee Minor \(URM\) Program](#).
- Notify the appropriate consulate, as applicable; see [FOM 722-06K, Services for Families Who Are Not U.S. Citizens](#).

Exception: The local office supervisor must consult the juvenile justice programs office regarding the notification to United States Citizenship and Immigration Services (USCIS) and is required to immediately email Juvenile-Justice-Policy@michigan.gov to determine whether a referral to an immigration clinic or an immigration attorney is appropriate.

- Verify the court orders are worded appropriately and immediately send any problematic court orders to

CSARequestforLegalResearch@michigan.gov for resolution. Problem court orders include those orders which conflict with federal or state law, policy, do not include required wording or order the department to pay for services for which there is not an available funding source; see [FOM 902, Funding Determinations and Title IV-E Eligibility](#), for specific information on court orders and title IV-E funding.

- Provide all court petitions and orders and any other required documentation to the child welfare funding specialist to record delinquency court orders and court actions in MiSACWIS.
- Take a picture of the youth and upload in the *Person Details* of MiSACWIS.
- Review and explain the DHS-5307, Rights and Responsibilities for Children and Youth in Foster Care, according to [FOM 722-06J, Rights of Children in Foster Care](#).
- Verify that a DNA sample has been collected, if applicable; see [JJM 265, DNA Profiling](#), for details on how to verify.
- Ensure sex offender registration, if applicable; see [JJM 263, Sex Offender Registration](#), for detailed requirements.
- Determine if victim notification or restitution is required; see [JJM 260, Victim Notification](#), for specific details on completing victim notifications.
- Determine the need to complete the DHS-5523, Human Trafficking Indicator Tool, based on the criteria in [SRM 300, Human Trafficking of Children, Ongoing Cases or Services](#).
- Complete the initial visit with the parent(s)/legal guardian(s) and engage in case planning for reunification and treatment services; see [FOM 722-06, Case Planning](#), for information on developing a case plan and engaging the parent(s)/legal guardian(s).
- Establish parenting time and sibling visitation, if applicable; see [FOM 722-06I, Maintaining Connections Through Visitation and Contact](#), for detailed information on required parenting time and sibling visits.
- Complete the DHS-3377, Clothing Inventory Checklist, in MiSACWIS within 30 calendar days of the youth's case

acceptance; see [FOM 903-09, Case Service Payments, Initial Clothing Payment Authorization](#), for additional actions the JJS must complete.

- Obtain a DHS-1555-CS, Authorization to Release Confidential Information, as needed; see [SRM 131, Confidentiality](#), for details on when a release is required to share information.
- Complete the Juvenile Justice (JJ) Strengths and Needs Assessment with the youth and family.
- Complete the appropriate MJJAS assessment with the youth.
- Complete the DHS-3205, Foster Care/Juvenile Justice Benefit Eligibility Record, according to form instructions, to document benefits the youth is receiving or may be eligible to receive; see [JJM 220, Court Orders for Referrals/Commitments & Title IV-E Eligibility](#), and [FOM 902-12, Government and Other Benefits, for further information](#).
- Determine if the youth has private insurance coverage and report third party liability health insurance information, [see FOM 803, Medicaid - Foster Care, Other Medical Resources](#), for detailed information on completing the third party liability health insurance information.
- Arrange for appropriate medical, dental and/or mental health examination of the youth within 30 calendar days of out-of-home placement. Document the examination on appropriate forms based on the youth's age and record in MiSACWIS; see [FOM 801, Health Services for Foster Children](#), and [FOM 802, Mental Health, Behavioral and Developmental Needs of Foster Children](#), for information on youth medical examinations and medical passport documentation.
- Complete the DHS-3762, Medical Care Authorization for Minor Child, and provide it to the appropriate person who is authorized to consent to emergency treatment indicated in [JJM 290, Emergency Medical & Surgical Treatment](#).
- Complete the DHS-221, Medical Passport; see [FOM 801, Health Services for Foster Children](#), for information on completing a medical passport.
- Ensure appropriate informed consent has been obtained for youth prescribed psychotropic medication; see [JJM 802-1,](#)

[Psychotropic Medication](#), for straight juvenile justice youth and [FOM 802-1, Psychotropic Medications in Foster Care](#), for dual wards for requirements to obtain informed consent for psychotropic medication.

- Ensure the youth has a Social Security number and document it as required by [FOM 902-16, Social Security Numbers](#).
- Complete relative engagement activities and home studies as required in [FOM 722-03B, Relative Engagement and Placement](#).
- Complete a *Juvenile Justice Assignment Unit (JJAU) Placement Referral* in MISACWIS if placement in a residential setting is needed or for placement in state operated detention facilities and upload JJAU referral packet; see [JJM 700, Juvenile Justice Assignment Unit Placement Process](#), for detailed information on completing a JJAU referral.

Note: The DHS-5521, Juvenile Justice Assignment Unit (JJAU) Placement Referral Packet Checklist, is an optional tool to assist the JJS with ensuring a complete referral packet is provided.

- Complete the DHS-3600, Individual Service Agreement, if the youth is being placed in a private, contracted residential treatment facility; see [JJM 700, Juvenile Justice Assignment Unit Placement Process](#).
- Complete a Determination of Care, as needed; see [FOM 903-03, Payment For Foster Family Care](#), for information on when and how to complete a Determination of Care.
- Complete the DHS-4526, Parent/Guardian Notification of Acceptance, in MiSACWIS and send to the parent(s)/legal guardian(s).
- Complete the DHS-3204, Youth Acceptance Notice, in MiSACWIS and send to the court.
- Complete the DHS-767, Conditions of Placement Agreement; see [JJM 400, Placement Conditions](#), and [JJM 430, Community Placement Services](#), for further information on completing the DHS-767.
- Enter all paid and unpaid case services in MiSACWIS, as needed; see [FOM 903-09, Case Service Payments](#).

- Collaborate with foster care worker for dual ward, if applicable, based on [FOM 722-06D, Case Management of Dual Wards](#).
- Use the MDHHS-5620, Sexual Orientation, Gender Identity and Gender Expression (SOGIE) Interview Tool, to engage with youth about the youth's sexual orientation, gender identity, and gender expression and document available information in MiSACWIS *Person Profile*.

PERMANENCY PLANNING

A permanency planning goal is required to be documented in each ISP, USP, SUSP using the criteria outlined in:

- [FOM 722-07, Permanency Planning-Overview](#).
- [FOM 722-07A, Permanency Planning-Concurrent Permanency Planning](#).
- [FOM 722-07B, Permanency Planning-Reunification](#).
- [FOM 722-07C, Permanency Planning-Termination of Parental Rights](#).
- [FOM 722-07D, Permanency Planning, Adoption](#).
- [FOM 722-07E, Permanency Planning-Guardianship](#).
- [FOM 722-07F, Permanency Planning-PPFWR and APPLA](#).

Exception: Family team meetings are not required, but are encouraged as best practice for permanency planning.

Reasonable Efforts

Reasonable efforts to finalize the permanency plan have to be made and documented according to [FOM 902, Funding Determinations and Title IV-E Eligibility](#). Document in the ISP, USP, and SUSP.

QRTP Court Approval

MCL 722.123a(6) requires the court to approve or disapprove of a youth's QRTP placement at each dispositional review and permanency planning hearing. The JJS must document the court's approval or disapproval in the *Assessments* narrative box within the

case service plan addendum as part of the approved case service plan that falls within the time frame the court order documenting the approval or disapproval was received by MDHHS.

The addendum must be attached to the case service plan and documented in the youth's physical case file.

Compelling Reasons

The supervising agency is required to file or join in filing a petition requesting termination of parental rights if the youth, who is a dual ward, has been in foster care 15 of the most recent 22 months unless, the youth is being cared for by relatives or compelling reasons exist, see [FOM 722-07C, Permanency Planning - Termination of Parental Rights for a Child Out-of-Home for 15 of the Last 22 Months](#), for further information.

MJJAS Dispositional Assessment

The MJJAS Dispositional Assessment must be used to determine the risk level for an adjudicated youth and is required to be completed by the JJS in MiSACWIS:

- As part of the ISP.
- With every other USP.
- If a youth is adjudicated for a new offense, see [JJM 410, Placement Selection and Standards](#).

Note: The MJJAS Dispositional Assessment is not required when completing the DHS-4789, Juvenile Justice **Supplemental** Updated Service Plan.

MJJAS Diversion Assessment

The MJJAS Diversion Tool must be used to determine the risk level for a youth that has been referred under MCL 400.55(h) and has been charged, but not adjudicated. The MJJAS Diversion Tool must be completed by the JJS to recommend to the court whether the youth should be diverted or continue formal court proceedings.

**Risk Level and
Security Level
Override Process**

The MJJAS is an evidence-based risk assessment that provides a risk level for a youth. The risk level must be used to assist the JJS to identify the appropriate level of security.

Overrides to the MJJAS calculated risk level should be rare and used only when the risk level clearly needs adjusting due to an individual youth's circumstance and history gathered during the development of the service plan. An override may increase or decrease a youth's risk level. Overrides should not exceed 10 percent of all risk levels determined using the MJJAS. An MDHHS override of a youth's security level from the MJJAS requires supervisory approval.

**JUVENILE JUSTICE
PREVENTION PLAN
INSTRUCTIONS**

The Family First Prevention Services Act, enacted as part of Public Law 115-123 authorized new Title IV-E funding for time-limited prevention services for mental health, substance abuse, and in-home parent skill programs for children or youth who are candidates for foster care, including those youth who have been referred per MCL 400.55h or committed per Public Act 150 and currently reside in home are eligible to receive prevention case services. See [SRM 108, Family First Prevention Services Act \(FFPSA\)](#) for further information, prevention plan contents and approval process.

**JUVENILE JUSTICE
ISP INSTRUCTIONS**

The JJS is required to develop the DHS-4789, Juvenile Justice Initial Service Plan (ISP), within 30 calendar days of the delinquency acceptance date for a youth referred or committed to MDHHS. Mich Admin Code, R 400.12418.

**Completion Date
Compliance**

The DHS-4789, Juvenile Justice Initial Service Plan, is considered complete when the JJS submits the ISP to the supervisor in MiSACWIS for approval. The completion date is reflected as the Report Date on the first page of the ISP.

The ISP is considered overdue if the date the service plan is submitted for approval in MiSACWIS is on or after the 31st calendar day following the youth's delinquency acceptance date.

Service plans must be signed by the JJS. Mich Admin Code, R 400.12418.

JUVENILE JUSTICE USP INSTRUCTIONS

A DHS-4789, Juvenile Justice Updated Service Plan, is required when the youth is in a community-based or approved, non-contracted placement during the majority of a report period. Examples include, but are not limited to, placement in a detention facility and community-based placements, such as parental home, relative placement, foster homes and independent living.

The written information for the plan must be obtained from a variety of sources including the youth, the parent(s)/legal guardian(s), report and treatment plans from residential placements, schools, employers, training programs, and counseling services. Information from collateral contacts must be summarized. Goals are based on the current *MJJAS risk assessment* and the *JJ Strengths and Needs Assessment*.

Approved, Non- contracted Placement Requirements

Note: When a youth is in an approved, non-contracted residential treatment facility, documentation of specific changes to assignments must be completed using the JJ Strengths and Needs Assessment, D12. Additional Needs That Were Not Addressed, that is linked to the DHS-4789, Juvenile Justice Updated Service Plan. Indicate any changes to assignments for sleeping, programming, education, or work that need to occur to support youth safety. This includes but is not limited to:

- Room assignments.
- Therapeutic group assignment.
- Classroom assignment.
- Timing of hygiene.
- Group activities, etc.

**JUVENILE JUSTICE
SUSP
INSTRUCTIONS**

The DHS-4789, Juvenile Justice Supplemental Updated Service Plan (SUSP), is completed when a youth is placed in a private, contracted juvenile justice residential treatment facility, Bay Pines Center or Shawono Center and the facility is completing residential treatment plans. Upon receipt, attach the DHS-232, Initial Treatment Plan (ITP), DHS-233, Updated Treatment Plan (UTP), or DHS-234, Release Report, to the SUSP.

Note: When a youth is placed in a private, contracted juvenile justice residential treatment facility, the JJ Strength and Needs Assessment is completed by the residential case manager.

**Juvenile Justice
USP/SUSP
Completion Date
Compliance**

Completion of the first DHS-4789, Juvenile Justice Updated Service Plan, or DHS-4789, Juvenile Justice Supplemental Updated Service Plan, is required within 90 calendar days of the ISP report period end date or sooner, if necessary, to ensure coordination with court hearings. Mich Admin Code, R 400.12418.

The USP or SUSP must be updated and revised at 90-day intervals. The due date of the USP or SUSP must be within 90-calendar days of the previous service plan's report period end date. The USP or SUSP is considered complete when the JJS submits the USP or SUSP to the supervisor in MiSACWIS for approval. The completion date is reflected as the *Report Date* on the first page of the service plan.

The USP or SUSP is considered overdue if the date the service plan is submitted for approval in MiSACWIS is on or after the 91st calendar day from the previous service plan's report period end date.

Service plans must be signed by the JJS. Mich Admin Code, R 400.12418.

**ISP/USP/SUSP
SUPERVISORY
APPROVAL**

Prior to finalizing, the service plan and required assessments must be reviewed and approved by the supervisor. The service plan approval process requires the supervisor to review and approve the service plan within 14 calendar days of the date the service plan was submitted for approval in MiSACWIS. MiSACWIS generates the approval date when the supervisor selects Approve and Save.

The agency is considered out of compliance if the supervisor approval date is past the 14-day review and approval time frame. Mich Admin Code, R 400.12403(1)(i).

Supervisory approval indicates agreement with:

- The court recommendations within the service plan.
- Current visitation plan.
- The identified strengths and needs of the youth and family.
- The current risk level and current placement security level.
- The rate of progress identified.
- Appropriateness of current placement and estimated release date.
- Current treatment goals and services for the youth and family.
- Permanency planning goal.

Service plans must be signed by the JJS's supervisor. Mich Admin Code, R 400.12418.

**GENERATE AND
SAVE**

After a service plan has been approved in MiSACWIS, the report must be generated and saved in MiSACWIS.

Note: MiSACWIS will not automatically save an approved report.

**REQUIRED
SIGNATURES AND
TIMEFRAMES**

When the service plan is approved in MiSACWIS, signatures for all appropriate case members are required to be obtained, including youth ages 11 and older. Signatures from all appropriate case members must be obtained within 30 calendar days of the Report Date.

**RECORDING
SIGNATURES IN
MISACWIS**

After signatures are obtained, the JJS must document in MiSACWIS whether case plan members participated in the creation of the case service plan, signed the plan, and agreed with the plan. Use the Signatures hyperlink for the appropriate case service plan to document each signature.

**UPLOADING
SIGNATURE PAGES**

Case service plan signatures are required to be scanned and uploaded into MiSACWIS. The full document is not required to be scanned and uploaded, as information contained in the document can be viewed in MiSACWIS. Use the document hyperlink for the appropriate case service plan to upload signature pages.

**DHS-738, REENTRY
PLAN**

When a youth is placed in a residential treatment facility, the DHS-738, Reentry Plan, shall be completed by the assigned JJS in MiSACWIS with input and assistance from the youth's treatment and transition team; see [JJM 431, Reentry Services](#).

The DHS-738a, Reentry Planning Tool is an optional tool to assist the juvenile justice specialist in obtaining the information necessary to complete and generate the DHS-738, Reentry Plan.

Note: The JJS and treatment facility staff are required to discuss and agree upon an estimated release date for the youth and document it in each service and treatment plan. Any disagreement between the JJS and residential case manager regarding release readiness should be resolved following the process outlined in [JJM](#)

[410, Placement Selection and Standards, Release and Replacement from Residential Placement.](#)

The DHS-738 needs to reflect the input of all members of the treatment and transition team, but the final completion and approval responsibility rests with the assigned JJS and their supervisor for MDHHS-supervised youth.

COMPLETION DATE COMPLIANCE

The DHS-738, Reentry Plan, is started at least six months prior to the youth's estimated release date and finalized and approved by the treatment and transition team at least 14 calendar days before the youth's estimated release date.

In the rare instance of an unplanned release, the DHS-738, Reentry Plan, needs to be finalized and approved by the JJS and juvenile justice supervisor within 14 calendar days of the youth's unplanned release date. An unplanned release is a release that is both prior to the estimated release date **and** unexpected (for example, a court ordering the immediate release of a youth against the juvenile justice specialist and facility treatment team recommendation or a youth AWOLP/escape who does not return to the facility).

Supervisory Approval

Prior to finalizing, the DHS-738, Reentry Plan, must be reviewed and approved by the supervisor. The DHS-738 approval process requires the supervisor to review and approve the DHS-738 in MiSACWIS. MiSACWIS generates the approval date when the supervisor selects Approve and Save. Supervisory approval indicates agreement with:

- The JJS's assessment of the youth's and family needs.
- The services that will be provided based on the youth's and family needs.

SERVICE PLAN DISTRIBUTION

Prior to distribution, review [SRM 131, Confidentiality, Redaction](#), for details on proper redaction. A copy of each approved service plan is required be filed in the youth's case record. According to 1939 PA 288, MCL 712A.2(i)(i) and MCL 712A.19, and MCR 3.943, a copy of the approved service plan must be provided to the following:

- Youth 11 years of age or older.
- Court.
- Youth's attorney.
- Prosecuting attorney.

The following also need to be provided a copy of the approved service plan:

- Parent(s)
- Guardian Ad Litem, if applicable.
- Youth's foster parent(s) (Mich Admin Code, R 400.12418) or custodian.
- A nonparent adult, if the nonparent adult is required to comply with the case service plan.
- If tribal membership, citizenship, or eligibility has been determined, the tribal government representative.
- Other person as the court may direct.

FORMS

- DHS-349, Juvenile Justice Case Opening Checklist.
- DHS-4789, Juvenile Justice Initial Service Plan.
- DHS-4789, Juvenile Justice Updated Service Plan.
- DHS-4789, Supplemental Updated Service Plan.
- DHS-738, Reentry Plan.
- DHS-738a, Reentry Planning Tool.

LEGAL BASE

Federal

The Social Security Act, 42 USC 675 and 42 USC 675a.

Defines the term case plan and the requirements for the content of each case plan.

The Social Security Act, Subpart E-Federal Payments for Foster Care and Adoption Assistance, 45 CFR 1356.21(g).

Defines the requirements for a case plan.

The Social Security Act, Subpart G-Reporting Populations, 45 CFR 1355.44(b)(2)(ii).

Defines the information that states must attempt to gather and report regarding a child's sexual orientation.

Prison Rape Elimination Act National Standards, General Definitions, 28 CFR 115.5.

Established definitions for transgender and intersex.

State**The Probate Code, 1939 PA 288, as amended, MCL 712A.2(i)(i).**

Defines the party in a delinquency proceeding to include the petitioner and juvenile.

The Probate Code, 1939 PA 288, as amended, MCL 712A.19.

Requires that an agency report filed with the court shall be accessible to all parties to the action.

The Juvenile Facilities Act, 1988 PA 73, as amended, MCL 803.223.

If a juvenile is committed to a juvenile facility, the department or county juvenile agency, as applicable, must complete an annual report identifying the services being provided to the juvenile, where the juvenile has been placed, and the juvenile's progress in that placement.

Child Care Organizations Act, 1973 PA 116, MCL 722.123a(6)

At each dispositional review hearing and permanency planning hearing held with respect to the child, the court shall approve or disapprove the qualified residential treatment program placement.

Michigan Court Rule**MCR 3.943(c)(1)(2).**

The youth and/or the youth's attorney and the petitioner must be provided the opportunity to review written reports for dispositional hearings.

**Michigan
Administrative
Code****Licensing Rules for Child Placing Agencies, Mich Admin Code, R 400.12403(2)(i).**

An agency shall have and follow written policies and procedures for service plans.

Licensing Rules for Child Placing Agencies, Mich Admin Code, R 400.12418, Development of service plans.

Provides information on when service plans must be completed, who is provided a copy of the service plan and who must sign the service plan.

Requires MDHHS to develop service plans with the youth, the youth's parents or legal guardian, the referring agency, the foster parent and other parties involved in providing needed services, or medical care, unless the agency documents why any of the entities have not been involved.

Licensing Rules for Child Placing Agencies, Mich Admin Code, R 400.12419, Initial service plans.

Provides details on the information required to be included in an initial service plan.

Licensing Rules for Child Placing Agencies, Mich Admin Code, R 400.12420, Updated service plans.

Provides details on information required to be included in an updated service plan.

Licensing Rules for Child Placing Agencies, Mich Admin Code, R 400.12422 Foster care record.

Requires the initial and updated service plans to be filed in a youth's case record.

POLICY CONTACT

Juvenile justice supervisors and management may submit policy clarification questions to Juvenile-Justice-Policy@michigan.gov.

OVERVIEW

Every youth receiving Michigan Department of Health and Human Services (MDHHS) services by court order is entitled to a hearing to determine if the youth should remain under the court's jurisdiction. The result of these reviews/hearings can be an order for discharge or for continued supervision which may include an order for change of the placement or case service plan. The juvenile justice specialist (JJS) is to work closely with families and service and treatment providers in the preparation of reports for court progress reviews, and in the development of aftercare or reentry plans to be presented to the court. It is mandatory for the JJS to attend all court scheduled hearings/reviews.

DEFINITIONS

Release

Termination of a residential placement by order of the committing or referring court.

Discharge

Termination of wardship as ordered by the committing or referring court. Results in closing of the relevant program, for example juvenile justice, and closing of the juvenile justice case.

CRIMINAL COURT

Youth 14 years of age or older can be tried as a result of an automatic or traditional waiver, MCL 712A.4(1) which occurs if the youth has been charged with an offense listed in MCL.769.1(1)(a)(I); See [JJM 210, Waiver Proceedings and Pre-Sentence Investigations](#).

JUVENILE COMPETENCY HEARING

A competency evaluation can be requested by court motion, the juvenile, juvenile's attorney or prosecuting attorney. A recommendation for a competency evaluation can occur at any point **prior** to adjudication. See [JJM 210, Waiver Proceedings and Pre-Sentence Investigations](#), *Juvenile Competency* for criteria to evaluate prior to a recommendation that the court should order a competency evaluation. See [MDHHS-PUB-1213 Juvenile Competency Flow Chart](#), for time frames and purposes of hearings.

PRELIMINARY HEARING

The preliminary hearing is held to determine whether the petition should be dismissed, the matter should be diverted, heard on the consent calendar or to continue the preliminary hearing. MCR 3.935(B)(3). The court may request the JJS to submit a court report and attend the hearing prior to a referral or commitment order.

PRETRIAL HEARING

The JJS must consult with local court policies for responsibilities related to a pretrial hearing.

A pretrial hearing is held to review:

- Information and evidence that the parties must provide one another before trial, and the information and evidence that the parties may obtain after filing a motion.
- Technical rules for filing written motions in a delinquency case, and when a court is required to conduct an evidentiary hearing.
- Constitutional, statutory, and court rule requirements for the admissibility of identification testimony, juvenile confessions, and evidence seized by police.
- Juvenile competency requirements.
- Requirements necessary to raise an alibi or insanity defense.
- Juvenile's right to jury trial and trial by judge.
- Closing delinquency proceedings, ordering special protections for a witness, and venue issues.

ADJUDICATION HEARING

An adjudication hearing is held to determine whether a youth has committed a criminal law, civil infraction or status offense. This may include a trial, plea or dismissal.

JJS Responsibilities

An adjudication hearing may require a court report containing the following:

**DISPOSITIONAL OR
SENTENCING
HEARING**

- Current charges.
- Family history.
- Permanency plan.
- Treatment needs and recommendations.
- Placement recommendations.
- Conditions of Placement Agreement.

When a juvenile is charged as an adult see [JJM 210, Waiver Proceedings & Pre-Sentence Investigations](#), for responsibilities on pre-sentence investigation report prior to sentencing hearing.

The dispositional hearing determines what measures the court will take concerning the juvenile. MCR 3.943(A). If it is determined the youth has committed an offense, the court may then order a disposition as provided by MCL 712A.18.

The number of days between the plea of admission or trial and disposition is within the court's discretion. Except for good cause, the interval may not be for more than 35 days between the plea of admission or trial and disposition when the youth is detained. MCR 3.943(B).

For JJS responsibilities see *adjudication* in this item. The JJS may need to prepare for adjudication and disposition or sentencing to occur on the same day.

**DISPOSITIONAL
REVIEW HEARING**

Dispositional review hearings are held to:

- Review the progress of the juvenile, the juvenile's parents, or custodian.
- Provide the opportunity to review any reports and hear testimony from the JJS and other persons providing services to the youth or his/her family.
- Determine the appropriateness of the case services plan by assessing the following areas:
 - Appropriateness of services.
 - Parent/legal guardian participation in services.

- Appropriateness of placement.
 - Juvenile's participation in services.
 - Juvenile's behavior in the current placement.
 - Progress of treatment.
 - Permanency planning.
- Supplement or amend an order in delinquency cases as long as the youth remains under the jurisdiction of the court. MCR 3.945(A)(1).
 - Meet federal guidelines for Title IV-E funding. 42 U.S.C. 675(5)(B).

Out-of-Home Placement

If the youth is placed in out-of-home care the court must hold the **first** dispositional review hearing no later than every 182 days after being removed from his or her home.

After the first dispositional review hearing, review hearings must be held no later than every 91 days for the first year that the youth is subject to the court's jurisdiction.

After the first year a review hearing shall be held no later than 182 days from the immediately preceding review hearings until the case is dismissed. MCL 712A.19(3).

The court must continue to approve or disapprove of a youth's placement at each dispositional review and permanency planning hearing held for every youth when placed in a Qualified Residential Treatment Program (QRTP). MCL 722.123a(6).

In the case of a youth who is placed in a QRTP for more than 12 consecutive months or 18 nonconsecutive months, or, in the case of a youth who has not attained age 13, for more than 6 consecutive or nonconsecutive months, the department shall obtain the signed approval of the director of the department for the continued placement of the youth in that setting. MCL 722.123a(7).

In-Home Placement

A review hearing shall be held not more than 182 days from the date a petition is filed to give the court jurisdiction over the youth and at least every 91 days for the first year that the youth is subject to the court's jurisdiction.

After the first year a review hearing shall be held no later than 182 days from the immediately preceding review hearings until the case is dismissed.

Note: A hearing may be held more frequently at the court's discretion. MCL 712A.19(2).

JJS Responsibilities

Submit to the court an Initial Services Plan (ISP), Updated Services Plan (USP), or Supplemental Updated Service Plan (SUSP), as indicated in [JJM 230, Juvenile Justice Service Plans](#). The court may also require a written summary report.

Escalation of Placement

A review hearing is required before a juvenile is moved to a more physically restrictive type of placement, unless the court in its dispositional order has provided for a more physically restrictive type of placement or the juvenile and a parent consent to the new placement in a writing filed with the court. MCR 3.945(A)(2)(b).

A juvenile, who has been ordered placed in a juvenile facility, may be released only with the approval of the court. MCR 3.945(A)(2)(b).

TO EXTEND COURT JURISDICTION

To extend jurisdiction to age 21 for youth whose commitments were for a Class I or Class II offense, for example, a life offense or a serious felony versus person, a hearing must be held, unless adjourned for good cause, as near as possible, but before, the juvenile's 19th birthday.

Not less than 14 days before a review hearing is conducted, the youth and parent must be given notice of the hearing and informed that the court may extend jurisdiction. MCR 3.945(B)(1). MDHHS is to prepare a commitment report for presentation at the hearing. MCR 3.945(B)(3). The juvenile justice updated service plan may serve as the commitment report.

When a youth is tried and sentenced in the same manner as an adult, the court of jurisdiction may place a juvenile on probation and

commit the youth to MDHHS under Youth Rehabilitation Services Act, 1974 PA 150, as amended, MCL 803.301 et seq.

RELEASE HEARING

When a juvenile is being released from placement the JJS explains to the court the plan for continued supervision in the community based on a written determination from the residential facility staff that the juvenile has been rehabilitated and is considered to be no threat to the community.

The court must approve releases and may determine the approval process for release from the department/institution for all court wards, MCL 712A.18c(4) and Act 150 public wards, MCL 803.307(1).

A juvenile, who has been ordered placed in a juvenile facility, may be released only with the approval of the court. MCR 3.945(A)(2)(b).

The JJS must consult with local court policies for responsibilities related to a pretrial hearing.

PROBATION VIOLATION

Determination of whether to file a violation of probation, may include the following:

- Whether alternatives can be sought based on the nature of the offense. See [JJM 470, Detention Alternatives, Detention and Jail Requirements](#) for further options to determine what is the most appropriate option for the youth.
- Severity of the offense.
- Frequency that the youth has violated his or her probation previously.

Upon receipt of supplemental petition alleging a probation violation the court may order the youth to appear for a violation or detention hearing. MCR 3.944(A).

Violation Hearing

Violation hearings determine if the juvenile has violated conditions of community placement, probation and/or conditions of release

(technical or by committing a new offense). Violation hearings are held on motion of the court upon petition of any interested person. MCR 3.944(A)(1).

Detention Hearing

If a court orders the juvenile be apprehended, a hearing must take place within 24 hours after the juvenile has been taken into court custody. MCR 3.944(A)(1)(b).

JJS Responsibilities

See; [JJM 470, Detention Alternatives, Detention & Jail Requirements.](#)

TERMINATION OF JURISDICTION

The discharge/termination hearing is to evaluate the juvenile's preparedness for discharge from jurisdiction prior to age of automatic discharge.

The JJS in the county of commitment or county with case management responsibility who recommends discharge/termination from court jurisdiction must submit the required document to the committing court, documenting the reasons for the termination request. If the youth is in a training school the JJS is to consult with the training school staff regarding discharge and is to send the jointly developed report and recommendation to the committing court with a copy to the training school. (The same procedure must be used when a youth has escaped from the training school.)

The JJS must comply with the Michigan court rules when processing a termination from court wardship. Although court youths are referred to the agency for care and supervision, the court retains jurisdiction from the time of referral to the time of discharge.

At least 3 months prior to the youth's 19th birthday the court must conduct a final review hearing of the youth's commitment. MCR 6.938(A).

All 1974 PA 150 youth must be automatically discharged by the court at 19 years of age unless the committing offense was a Class I or II offense or the youth was sentenced by an adult court and the committing court extends jurisdiction to age 21 years. The youth is

then automatically discharged from state wardship at 21 years. MCL 803.307(7)(2). See *extending court jurisdiction* in this item for requirements to extend jurisdiction.

Discharge recommendations may be approved or denied by the committing court based on the JJS's report, without a formal hearing or as determined by the committing court. A hearing may be scheduled if the committing court determines that there is insufficient information upon which to base a final decision. The committing court will send written notification of its decision to the JJS, youth, youth's parents and prosecutor. The JJS must notify the victim of the discharge. All cases, services and payments relating to the P.A. 150 wardship are closed at discharge. The discharge must be noted in MiSACWIS as a closed case with the reason for closure.

Note: Dual wardships will revert to abuse/neglect legal status if the youth is under age 19 years at the time of discharge of Act 150 wardship.

The JJS must petition the committing court for discharge for:

- Age - four months before his/her 19th birthday or his/her 21st birthday.
- Satisfactory adjustment:
 - Youth who are at low risk of recidivism based on most recent Michigan Juvenile Justice Assessment (MJJAS) and have completed at least three months of aftercare services.
 - Youth who are at moderate risk and have completed at least six months of aftercare services in the community.
- A youth who is involved in a department-funded program, an intensive counseling program, educational program, or employment training program which would be interrupted if the youth was discharged, and youth and family request continuation of jurisdiction, the discharge petition may be delayed until age 19 or 21 as indicated above or until the natural conclusion of the program if sooner than the automatic discharge age.

- National service - A youth must be petitioned for discharge if he/she has been accepted into the armed services or a service agency such as Peace Corps or AmeriCorps.
- A youth who has been sentenced to jail or adult probation.
- Move to another state - The JJS may recommend discharge of a youth who has moved to another state after receiving a satisfactory report from the other state through the interstate services procedures.
- Maximum Benefit (supervisor approval needed) - A youth who has been in the community at least six months, has not responded to services, and would gain no additional benefit from continued jurisdiction, may be discharged on that basis. The JJS may make such recommendation to the committing court for **youth** who are at least 18 years of age and whose discharge will not cause a risk of harm to the community. All resources to assist the youth in completing treatment goals must be exhausted before this option can be used.
- Death - The JJS is to send a notice of discharge to the committing court.

The JJS may petition the court for termination of jurisdiction over the youth by completing the following:

- A request for discharge of wardship submitted on the [Request and Order to Terminate Court Jurisdiction, JC 36](#).
- A written report detailing the youth's placement history, adjustment, current status, and supporting information for request to terminate jurisdiction must be provided for the court hearing. A minimum of three copies are required.

Note: Do not attach the report to the petition.

JJS Responsibilities

Submit to the court, prepared in collaboration with the institution or agencies involved in providing services to the juvenile, an updated case service plan containing: MCR 3.945(B)(4)(a)-(g).

- The extent and nature of the youth's participation in education, counseling or work programs.

- The youth's willingness to accept responsibility for prior behavior.
- The youth's behavior in his or her current placement.
- The prior record and character of the youth and his or her physical and mental maturity.
- The youth's potential for violent conduct as demonstrated by prior behavior.
- The recommendations of the institution, agency, or facility charged with the youth's care, for the youth's release or continued custody.
- Other information the prosecuting attorney or juvenile may submit.

Court Hearing

The JJS is to petition the court for a final review hearing to be held no less than three months before the end of juvenile's probation and commitment. MCL 712A.18i(7).

Prepare and submit to the court a report demonstrating the youth has been rehabilitated and is not a risk to public safety. At that hearing the JJS is to present to the court an updated case service plan prepared in collaboration with the institution or agencies involved in providing services to the juvenile. The report is to indicate the extent to which the juvenile has been rehabilitated and is or is not a risk to public safety.

Submit copies of the current MJJAS Reentry assessment and JJ Strengths and Needs assessment to the court.

Without Court Hearing

The worker must submit a request for discharge of wardship on the Request and Order Terminating Court Jurisdiction, JC 36.

A written report detailing the youth's placement history, adjustment, current status, and supporting information for request to terminate jurisdiction may be requested by the local court.

LEGAL BASE**Federal****The Social Security Act, 42 USC 675.**

The status of each child is reviewed periodically but no less frequently than once every six months by either a court or by administrative review in order to determine the safety of the child, the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and to project a likely date by which the child may be returned to and safely maintained in the home or placed for adoption or legal guardianship, and, for a child for whom another planned permanent living arrangement has been determined as the permanency plan, the steps the State agency is taking to ensure the child's foster family home or child care institution is following the reasonable and prudent parent standard and to ascertain whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities (including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in the activities).

State**The Probate Code, 1939 PA 288, as amended, MCL 712A.4(1).**

If a juvenile 14 years of age or older is accused of an act that if committed by an adult would be a felony, the judge of the family division of circuit court in the county in which the offense is alleged to have been committed may waive jurisdiction under this section upon motion of the prosecuting attorney. After waiver, the juvenile may be tried in the court having general criminal jurisdiction of the offense.

The Probate Code, 1939 PA 288, as amended, MCL 712A.18(1).

If it determined the youth committed an offense, the court may order disposition that is appropriate to the welfare of the youth and society.

If the court finds that a juvenile concerning whom a petition is filed is not within this chapter, the court shall enter an order dismissing the petition. Except as otherwise provided in subsection (10), if the

court finds that a juvenile is within this chapter, the court shall order the juvenile returned to his or her parent if the return of the juvenile to his or her parent would not cause a substantial risk of harm to the juvenile or society.

Youth Rehabilitation Services Act, 1974 PA 150 as amended, MCL 803.301 et seq.

When a youth is tried and sentenced in the same manner as an adult, the court of jurisdiction may place a juvenile on probation and commit the youth to MDHHS.

The Probate Code, 1939 PA 288, as amended, MCL 712A.18d(1).

The court must consider several factors in determining whether jurisdiction over a juvenile shall continue.

The Probate Code, 1939 PA 288, as amended, MCL 712A.19(2).

When a youth remains in his or her home and remains under court jurisdiction a review hearing shall be held no later than 182 days after petition is filed and then 91 days after for the first year.

The Probate Code, 1939 PA 288, as amended, MCL 712A.18c(4).

If the court has retained jurisdiction over a child under this section, the child may be released only with the approval of the court. Except as otherwise provided in section 18d, the child shall be automatically released upon reaching 19 years of age.

The Probate Code, 1939 PA 288, as amended, MCL 712A.18i(7).

The court shall conduct a final review of the juvenile's probation not less than 3 months before the end of the probation period. If the court determines at this review that the best interests of the public would be served by imposing any other sentence provided by law for an adult offender, the court may impose the sentence.

Youth Rehabilitation Services Act, 1974 PA 150 as amended, MCL 803.307(1).

A youth accepted by a youth agency remains a public ward until discharged from public wardship with the approval of any of the following and, if placed in an institution, shall remain until released

with the approval of any of the following circumstances set forth in MCL 803.307.

**Youth Rehabilitation Services Act, 1974 PA 150 as amended
MCL 803.307(7)(2).**

Except as otherwise provided in this section, a youth accepted as a public youth shall be automatically discharged from public wardship upon reaching the age of 19. Except as provided in subsection (3), a youth committed to a youth agency under section 18(1)(e) of chapter XIIA of 1939 PA 288, MCL 712A.18, for an offense that, if committed by an adult, would be a violation or attempted violation of section 72, 83, 84, 86, 88, 89, 91, 110a(2), 186a, 316, 317, 349, 520b, 520c, 520d, 520g, 529, 529a, 530, or 531 of the Michigan penal code, 1931 PA 328, MCL 750.72, 750.83, 750.84, 750.86, 750.88, 750.89, 750.91, 750.110a, 750.186a, 750.316, 750.317, 750.349, 750.520b, 750.520c, 750.520d, 750.520g, 750.529, 750.529a, 750.530, and 750.531, or section 7401(2)(a)(i) or 7403(2)(a)(i) of the public health code, 1978 PA 368, MCL 333.7401 and 333.7403, shall be automatically discharged from public wardship upon reaching the age of 21. Except as provided in subsection (4), a youth committed to a youth agency under section 1 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1, shall be automatically discharged from public wardship upon reaching the age of 21.

Child Care Organizations Act, 1973 PA 116, MCL 722.123a(6).

At each dispositional review hearing and permanency planning hearing held with respect to the child, the court shall approve or disapprove the qualified residential treatment program placement.

Child Care Organizations Act, 1973 PA 116, MCL 722.123a(7).

In the case of a child who is placed in a qualified residential treatment program for more than 12 consecutive months or 18 nonconsecutive months, or, in the case of a child who has not attained age 13, for more than 6 consecutive or nonconsecutive months, the department shall obtain the signed approval of the director of the department for the continued placement of the child in that setting.

**Michigan Court
Rule****Michigan Court Rules, 3.935(B)(3).**

The court shall determine whether the petition should be dismissed, whether the matter should be referred to alternate services pursuant to the Juvenile Diversion Act, MCL 722.821 et seq., whether the matter should be heard on the consent calendar as provided by MCR 3.932(C), or whether to continue the preliminary hearing.

Michigan Court Rules, 3.943(A).

A dispositional hearing is conducted to determine what measures the court will take with respect to a juvenile and, when applicable, any other person, once the court has determined following trial or plea that the juvenile has committed an offense.

Michigan Court Rules, 3.945(B)(1).

When a juvenile committed under MCL 712A.18(1)(e) for an offense specified in MCL 712A.18d remains under court jurisdiction after the juvenile's 18th birthday, the court must conduct a hearing to determine whether to extend the court's jurisdiction to age 21, pursuant to MCL 712A.18d.

Unless adjourned for good cause, a commitment review hearing must be held as nearly as possible to, but before, the juvenile's 19th birthday.

Notice of the hearing must be given to the prosecuting attorney, the agency or the superintendent of the institution or facility to which the juvenile has been committed, the juvenile, and, if the address or whereabouts are known, the parent, guardian or legal custodian of the juvenile, at least 14 days before the hearing. The notice must clearly indicate that the court may extend jurisdiction over the juvenile until the juvenile reaches 21 years of age and must include advice to the juvenile and the parent, guardian, or legal custodian that the juvenile has the right to an attorney.

Michigan Court Rules, 3.943(B).

The interval between the plea of admission or trial and disposition, if any, is within the court's discretion. When the juvenile is detained, the interval may not be more than 35 days, except for good cause.

The interval between the plea of admission or trial and disposition, if any, is within the court's discretion. When the juvenile is detained, the interval may not be more than 35 days, except for good cause.

Michigan Court Rules, 3.945(A)(1).

At a dispositional review hearing, the court may modify or amend the dispositional order or treatment plan to include any disposition permitted by MCL 712A.18 and MCL 712A.18a or as otherwise permitted by law.

The court must conduct periodic hearings to review the dispositional orders in delinquency cases in which the juvenile has been placed outside the home. Such review hearings must be conducted at intervals designated by the court or may be requested at any time by a party or by a probation officer or caseworker. The victim has a right to make a statement at the hearing or submit a written statement for use at the hearing, or both. At a dispositional review hearing, the court may modify or amend the dispositional order or treatment plan to include any disposition permitted by MCL 712A.18 and MCL 712A.18a or as otherwise permitted by law. The Michigan Rules of Evidence, other than those with respect to privileges, do not apply.

Michigan Court Rules, 3.945(A)(2)(b).

A review hearing is required before a juvenile is moved to a more physically restrictive type of placement unless the court in its dispositional order has provided for a more physically restrictive type of placement. A review hearing is not required if the juvenile and a parent consent to the new placement in a writing filed with the court. A juvenile, who has been ordered placed in a juvenile facility, may be released only with the approval of the court.

Michigan Court Rules, 3.944(a)(1)(a).

Upon receipt of a sworn supplemental petition alleging that the juvenile has violated any condition of probation, the court may direct that the juvenile be notified pursuant to MCR 3.920 to appear for a hearing on the alleged violation, which notice must include a copy of the probation violation petition and a notice of the juvenile's rights as provided in subrule (C)(1).

Michigan Court Rules, 3.944(A)(1)(b).

Order that the juvenile be apprehended and brought to the court for a detention hearing, which must be commenced within 24 hours

after the juvenile has been taken into court custody, excluding Sundays and holidays as defined in MCR 8.110 (D)(2).

Michigan Court Rules, 3.944(A)(2)(b).

When a juvenile is apprehended pursuant to court order as provided in subrule (A)(1)(b), the officer must: (b) notify the custodial parent, guardian, or legal custodian that the juvenile has been taken into custody, of the time and place of the detention hearing, if known, and of the need for the presence of the parent, guardian, or legal custodian at the detention hearing.

Michigan Court Rules, 6.938(A).

The court must conduct a final review of the juvenile's probation and commitment not less than 3 months before the end of the period that the juvenile is on probation and committed to the state institution or agency. If the court determines at this review that the best interests of the public would be served by imposing any other sentence provided by law for an adult offender, the court may impose that sentence.

Michigan Court Rules, 3.945(B)(4)(a)-(g).

The court must extend jurisdiction over the juvenile until the age of 21, unless the juvenile proves by a preponderance of the evidence that the juvenile has been rehabilitated and does not present a serious risk to public safety. In making the determination, the court must consider the following factors:

- (a) the extent and nature of the juvenile's participation in education, counseling, or work programs;
- (b) the juvenile's willingness to accept responsibility for prior behavior;
- (c) the juvenile's behavior in the current placement;
- (d) the juvenile's prior record, character, and physical and mental maturity;
- (e) the juvenile's potential for violent conduct, as demonstrated by prior behavior;
- (f) the recommendations of the institution, agency, or facility charged with the juvenile's care regarding the appropriateness of the juvenile's release or continued custody; and

(g) any other information the prosecuting attorney or the juvenile submits.

Michigan Court Rules, 3.945(B)(3).

The Michigan Rules of Evidence do not apply, other than those with respect to privileges. The institution, agency, or facility must prepare a report for use at the hearing to extend jurisdiction. The report must contain information required by MCL 803.225. The court must consider this information in determining whether to extend jurisdiction beyond the age of 19.

POLICY CONTACT

Juvenile justice supervisors and management may submit policy clarification questions to juvenile-justice-policy@michigan.gov.

POLICY

The juvenile justice specialist must maintain the active case record. The county office must maintain the inactive case record in accordance with the approved record retention schedule.

AUTHORITY

The Social Welfare Act, 1939 PA 280, as amended, MCL.400.115a(1) (I).

PURPOSE

To ensure appropriate documentation of all services that are provided to a delinquent youth.

PROCEDURE

The active case record begins with the department acceptance of the case for supervision and must continue until the youth is discharged from wardship. This record must be kept in an area in the local office designated by office management or in a similar area when the youth is placed in a juvenile justice residential placement. Case records may be removed from the local office for court hearings.

Upon the youth's discharge from wardship, the case record becomes an inactive case record. Staff at the juvenile justice placement must return the record to the referring or committing county office. The inactive case record must remain the responsibility of the local office management until destroyed as described in the record retention schedule. Case records for Michigan Children's Institute (dual wards) must be permanently retained; see AHS 502, Records Management - Case Record and SRM 171, Services Case Activity Reporting.

**CASE RECORD
ESTABLISHMENT**

The local office must establish and maintain a case record for each juvenile justice youth:

- Committed to the department by court order.
- Referred by court order and supervised by the department.
- Out-of-town inquiry.
- Assigned for the purpose of conducting a pre-sentence investigation at the request of the circuit court.

**CASE RECORD
CONTENT**

Case records for wards receiving services must contain all forms and narrative reports. They must be maintained in the following designated sections of the case file; see FOM 722-5, Foster Care - Case Record, Case Record/Case File Contents.

**Front Inside Cover
(Legal)**

- Petitions.
- Court orders including order of referral/commitment and court review order.
- DHS-4747, Victim's Rights Request or equivalent.
- DHS-269, Criminal History Information Request.
- DHS-3185, Youth's Placement and Education Record; see RFF 3185.
- DHS-3198, Unauthorized Leave Notification; see RFF 3198.
- DHS-3198-A, Unauthorized Leave Report to Court/Law Enforcement; see RFF 3198A.
- DHS-3307, Initial Placement Outline and Information Record; see RFF 3307.
- DHS-3307-A, Youth Face Sheet.

**First Inside
Section (Narrative)**

- Court reports or child protective services reports.
- DHS-201, Pre-sentence Investigation Report.
- DHS-4789, Delinquency Initial Service Plan.
- DHS-4790, Delinquency Updated Service Plan(s).
- DHS-4476-A, Bureau of Juvenile Justice Classification Report; see RFF 4476A.
- 30-day admission conference report.

- Parent/Agency agreement.
- DHS-4536, Juvenile Justice Risk of Youth Re-offending Reassessment Quarterly Report; see RFF 4536.
- DHS-4537, Delinquent Youth Strengths/Needs Reassessment Report; see RFF 4537.
- DHS-497, Residential Risk Assessment; see RFF 497.
- DHS-4781, Supplemental Updated Services Plan; see RFF 4781.
- DHS-4527, Independent Living Agreement; see RFF 4527.
- DHS-4539, Delinquent Youth Security Level Matrix for Re-offenders; see RFF 4539.
- DHS-69, Foster Care/Juvenile Justice Structured Decision Making Action Summary; see RFF 69. This form is not available in Microsoft Word. This form prints from SWSS FAJ.
- DHS-767, Conditions of Placement Agreement; see RFF 767.

**Second Inside
Section (Medical &
Psychological)**

- DHS-221, Medical Passport.
- DHS-1662, Youth Health Record Initial Physical; see RFF 1662.
- DHS-1664, Youth Yearly Dental Record; see RFF 1664.
- Medical reports/evaluations.
- Psychiatric and psychological reports/evaluations.
- Copy of DHS-3762, Consent to Emergency Treatment; see RFF 3762.
- DCH-1354, Third Party Liability Health Insurance Information. This form is not available in Microsoft Word. This form prints from the SWSS FAJ Medicaid module.

**Third Inside
Section
(Educational &
Employment)**

- Substance abuse assessment instruments including the DHS-1013 Substance Abuse Screening Instrument, the Personal Experience Inventory, and/or the Substance Abuse Subtle Screening Instrument as used.

- School records including report cards, school social worker reports, transcripts, diplomas, and documentation of general equivalency diploma as applicable.
- Copy of notification to school administration.
- Records of vocational training.
- All employment information.
- Individualized education program team records (as applicable) including:
 - Student support team reports.
 - Evaluation review reports.
 - Multidisciplinary evaluation team reports.
 - Individualized education programs.
 - Records associated with youth referral to a section 504 committee and resulting actions and decisions (as applicable).

**Fourth Inside
Section
(Correspondence)**

- Correspondence.
- Envelope containing the following:
 - Birth certificate (original) or DHS-261, DHS Request for a Michigan Birth Record; see RFF 261 or copy of letter requesting an out-of-state birth record.
 - Recent (within last year) photograph of ward.
- DHS-3204, Youth Acceptance Notice; see RFF 3204.

**Back Inside Cover
(Financial)**

- DHS-4526, Parent/Guardian Notification of Acceptance; see RFF 4526.
- Written notification to family independence specialist (FIS) or eligibility specialist (ES).
- DHS-3205, Foster Care/Delinquent Ward Benefit Eligibility Record; see RFF 3205.
- DHS-352, Determination of Appropriate Funding Source; see RFF 352.
- DHS-350, Redetermination of Appropriate Foster Care Funding Source; see RFF 350.
- DHS-634, Foster Care Non-scheduled Payment Authorization; see RFF 634.
- DHS-3377, Clothing Inventory Checklist; see RFF 3377.
- DHS-626 (SWSS), Foster Care Payment Authorization; see RFF 626.
- DHS-3600, Individual Service Agreement (private placing agency or child care; institutional placements, as appropriate); see RFF 3600.
- County fiscal forms.
- Independent living budget.
- DHS-176, Benefit Notice (for negative action taken); see RFF 176.
- DHS-1150, Application Eligibility Notice (MA approval); see RFF 1150.
- DHS-3508, Request for Adjustment to County Charges; see RFF 3508.
- DHS-1582, Payment Voucher; see RFF 1582.
- DHS-1582 CS, Children's Services Payment Authorization; see RFF 1582CS.

- DHS-4713, Service Youth Profile Report.

INACTIVE CASES

Juvenile justice case records that are inactive must:

- Be maintained in the local office for 10 years after the case becomes inactive in accordance with the approved county record retention schedule.
- Include the following:
 - Petitions and court orders.
 - A copy of the youth's birth certificate.
 - Funding eligibility forms (DHS-352,350).
 - Placement record.
 - Case face sheet.
 - Initial service plan.
 - Updated service plan(s).
 - Supplemental updated service plan(s).
 - School transcripts.
 - General Equivalency Diploma exam results.
 - All medical and mental health records.
 - Discharge summary.
- Be made available when requested for required audits, investigations and inquiries.
- Be destroyed in accordance with the approved county office record retention schedule; see SRM 131, Confidentiality.

Exception: For all training school wards who did not attend school after release from the training school in a local or intermediate school district, the school record must be separated into a packet and sent to Document Control in central office for processing and storage for 99 years. Michigan Children's Institute (dual ward) case records must be permanently maintained.

REQUEST FOR INFORMATION FROM THE CASE RECORDS

The local office must process all requests for information from a case record by complying with confidentiality policy; see SRM 131, Confidentiality.

PURPOSE

To clarify the juvenile justice specialist's (JJS) responsibility to fulfill statutory obligations arising under the William Van Regenmorter Crime Victim's Rights Act. Victims who have requested notification of certain events outlined within this policy must receive prompt notice of those events.

DEFINITION

Juvenile

Per **MCL 780.781(1)(e)**, an individual alleged or found to be within the court's jurisdiction under section 2(a)(1) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, for an offense, including, but not limited to, an individual in a designated case.

Per **MCL 780.752(1)(g)**, an individual within the jurisdiction of the circuit court under section 606 of the revised judicature act of 1961, 1961 PA 236.

PROCEDURE

When a youth is committed or referred to Michigan Department of Health and Human Services (MDHHS), the JJS must ensure the prosecutor is provided the [DHS-4737, Victims' Rights Request](#) to provide to the victim. When notice is requested, the victim will sign the letter and mail it to the local MDHHS office. It is the responsibility of the victim to keep the department informed of any change in address or telephone number. The court, using the [DHS-4737, Victims' Rights Request](#) or a court order, may also request such notice on behalf of the victim.

When notice is requested by the court or victim, the JJS must enter the request in the youth's case file. Files of youth for whom victims' notification has been requested must be clearly identified. Notification must also be documented in the electronic case record in the *victim notification* tab.

Local office staff must establish procedures to receive notification during non-working hours when informed of a potential threat to the victim and the residential facility staff have not been able to make contact with the victim.

The JJS must include copies of the [DHS-4737](#) or court order requiring victim notification and an after hours telephone number for the local contact point in the intake materials sent to any residential

placement in the Juvenile Justice Assignment Unit (JJAU) referral packet or directly to any non-contracted placement. When notified by the victim of a change of address, phone number or any other information regarding notice, the JJS must immediately notify the youth's residential placement of the change.

JUVENILE COURT JURISDICTION REQUIREMENTS

Pursuant to 1939 PA 288, MCL 780.798, the following notifications are required when a youth is adjudicated for an offense in juvenile court, including, an individual in a designated case, for example; a youth may be tried in the same manner as an adult or waived to the court of general criminal jurisdiction:

- The youth is dismissed from court jurisdiction. 780.798(1)(a). 780.770a(1)(a).
- A youth is transferred from a juvenile facility to another juvenile facility. MCL 780.798(1)(b).
- A legal name of the youth while under court jurisdiction. MCL 780.798(1)(c).
- A youth is detained for having committed an act which, if committed by an adult, would be a criminal violation. MCL 780.798(1)(d).
- A youth escapes from a secure detention or treatment facility. MCL 780.798(3).
- A youth has an upcoming home visit. 780.798(4)(c).

CRIMINAL COURT JURISDICTION REQUIREMENTS

Pursuant to 1985 PA 87, MCL 780.770a, the following notifications are required when a youth has come under jurisdiction through circuit court (criminal court) under section 606 of the revised judicature act of 1961, 1961 PA 236 due to committing a specified violation which would be considered a serious offense:

- The youth is dismissed from court jurisdiction. MCL 780.770a(1)(a).

- A youth is transferred from a **secure** juvenile facility to a non secure juvenile facility. MCL 780.770a(1)(b).
- Youth's escape from a detention facility. MCL 780.770a(3).

TRANSFER/RELEASE FROM SECURE/NON SECURE PLACEMENT

At the time of the petition to the court for release or transfer of the youth from a secure residential placement to a non-secure setting or a residential placement to another residential placement, the JJS must ensure that written notice of the planned discharge or transfer has been sent to the victim prior to release or transfer. If the JJS is not successful in notification before planned release or transfer, they must notify the victim as soon as possible after the transfer. The residential facility director is responsible for sending written notice of any decision to discharge or transfer a youth to a non-secure setting to the JJS.

ESCAPE

In the event of escape from a residential facility, the facility staff must have primary responsibility for immediately notifying the victim, the court, and the JJS. A victim notification letter must be completed by facility staff and sent regardless of whether telephone contact has been made with the victim. When notified of the escape and informed that telephone contact has not been made, the JJS should attempt to make telephone contact with the victim. The JJS must continue to attempt to notify the victim by telephone, daily, at reasonable intervals, until it can be assured that a letter should have been received.

If informed the safety of the victim may be threatened and the victim cannot be contacted by telephone, the JJS or local office staff covering non-working hours must initiate delivery of a written notice to the last known address of the victim and attempt two additional telephone contacts with the victim. Local office efforts should be coordinated with the facility staff who are required to notify the victim in these circumstances. All attempts to contact the victim must be entered as social work contacts in the electronic case record.

When a youth is apprehended, the JJS must notify the victim of the apprehension by first class mail.

HOME VISITS

While a youth is in residential placement, it is the responsibility of the facility to notify the victim and the JJS, in advance, of any planned home visits.

DISMISSAL FROM COURT JURISDICTION

The JJS must make every effort to notify the victim upon a youth's planned or unplanned discharge from court jurisdiction. If the JJS is not successful in notification before planned discharge, they must notify the victim as soon as possible after the discharge.

COURT ORDERED VICTIM RESTITUTION REQUIREMENTS

Delinquency cases in which victim restitution is ordered by the court, as a condition of probation, must be reviewed by the JJS to determine if restitution is being made and documented within the service plan in the electronic case record.

The JJS is to review the case during each service period. If it is determined that restitution is not being made as ordered, the JJS must give notice to the court by way of the [MC 258, Report of Nonpayment of Restitution](#). The report must include a statement of the amount of arrearage and any reasons for the arrearage that are known to the JJS. A copy of the report must be provided to the prosecuting attorney.

LEGAL

State

The William Van Regenmorter Crime Victims Act, 1985 PA 87, as amended MCL 780.752(1)(g).

"Juvenile" means an individual within the jurisdiction of the circuit court under section 606 of the revised judicature act of 1961, 1961 PA 236, MCL 600.606.

The William Van Regenmorter Crime Victim's Rights Act, 1985 PA 87, as amended, MCL 780.770a.

Provides victim notification requirements when a circuit court has jurisdiction to hear and determine a specified juvenile violation if committed by a juvenile 14 years of age or older and less than 18 years of age.

William Van Regenmorter Crime Victim's Rights Act, 1985 PA 87, as amended MCL 780.781 (1)(e).

"Juvenile" means an individual alleged or found to be within the court's jurisdiction under section 2(a)(1) of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, for an offense, including, but not limited to, an individual in a designated case.

The William Van Regenmorter Crime Victim's Rights Act, 1985 PA 87, as amended, MCL 780.798 et seq.

Provides victim notification requirements when court has jurisdiction over a youth who commits a violation under probate code of 1939, 1939 PA 288.

POLICY CONTACT

Juvenile justice supervisors and management may submit policy clarification questions to juvenile-justice-policy@michigan.gov.

POLICY

The juvenile justice specialist must inform any youth who is subject to the Sex Offenders Registration Act of the obligation to register, verify registration when required, and make situational reports to the registering authority. The juvenile justice specialist must also inform each youth of the right to petition for removal from the sex offender registry. In cases where the juvenile justice specialist determines that a youth required to register has not been registered by the court, the juvenile justice specialist must seek clarification and obtain necessary registration documents from the court.

PURPOSE

To ensure that the juvenile justice specialist assists each youth in fulfilling sex offender registration, verification and reporting obligations.

PROCEDURE

[JJM 300, Offense Class I-V, Sex Offender Registration, and DNA Profile Codes](#) Exhibits VI-VIII, provides a list of tiered sex offenses and additional guidance on registration. Any youth registered prior to July 1, 2011, must continue to comply with the Sex Offenders Registration Act as amended.

Any youth convicted as an adult for a Tier I-III offense must be registered in accordance with MCL 28.722b(i).

REGISTRATION

The court is required under law to register a youth as a sex offender for adjudication or conviction of certain offenses. Upon receipt of the case, the juvenile justice specialist must review the case to ensure that ordered registration is correctly documented. Case records must include:

- Signed copy of the MSP DD-004A, Explanation of Duties to Register as a Sex Offender.
- Signed copy of the MSP RI-004, Michigan Sex Offender Registration.

Send both forms to the address at the bottom of the RI-004. The case record may also contain copies of the MSP RI-004V Sex Offender Verification/Update if the youth has had to verify his or her registration.

Michigan State Police forms related to sex offenders can be found on their department web site at

http://www.michigan.gov/msp/0,1607,7-123-1645_3500---,00.html

In cases where the juvenile justice specialist cannot verify that registration has occurred as ordered by the court, the juvenile justice specialist must seek clarification and obtain necessary documents from the court.

REGISTRATION REQUIREMENTS

Youth who were 14 years of age or older at the time of the offense and who were adjudicated for a Tier III offense must be registered unless the court grants a Romeo and Juliet exemption as described below.

Any youth convicted as an adult in circuit court must register in accordance with the adult registration rules in MCL 28.722b(i).

Any youth convicted in a designated proceeding in juvenile court must register in accordance with the adult registration rules in MCL 28.728(4)(a).

Juveniles may avoid the requirement to register for certain Tier III offenses if the court grants their petition seeking a Romeo and Juliet exemption.

ROMEO AND JULIET EXEMPTION DETERMINATION

The granting of a Romeo and Juliet exemption must be decided by a court. The court may hold a post-conviction, pre-sentencing hearing, or a post-adjudication, pre-disposition hearing to make a determination regarding status.

The defendant must prove by a preponderance of the evidence that:

- The victim was between the ages of 13 and 16.
- The defendant or juvenile was not more than four years older than the victim.
- The sexual conduct was consensual.

The defendant may also assert status by proving by a preponderance of evidence that:

- The victim was 16 or 17 and was not under the custodial authority of the defendant at the time of the violation.
- The victim consented to the conduct. The rules of evidence, except those relating to privileges and the rape shield law (MCL 750.520j), do not apply at this proceeding.

The victim has the right to attend and be heard, to attend and be silent, or refuse to attend.

The court's decision is a final order, appealable by right to the Court of Appeals.

SEX OFFENDER VERIFICATION AND REPORTING REQUIREMENTS

Sex offenders in the community and other than secure placements must comply with periodic verification and situational reporting requirements under state law. These requirements are explained on the Michigan State Police Sex Offender Verification/Update (MSP RI-004V). Verification will trigger the requirement to pay a \$50 annual sex offender registration fee.

IDENTIFICATION CARDS

Any youth required to register as a sex offender must have a digitized driver's license or state identification card obtained from a Secretary of State office for identification. The address must match the current address listed on the registry.

When a youth is in a residential placement and does not have a state identification card, the juvenile justice specialist must provide the youth's certified birth record to the facility as needed to assist the youth in securing the state identification card. After the facility has assisted the youth with obtaining the card, the juvenile justice specialist must ensure the certified birth record is returned to the youth's local office case file. The original certified birth record must remain in the local office file until the case is closed.

For a youth in the community, the juvenile justice specialist must assist the youth in obtaining a state identification card; see JJ4 430, Community Placement.

The registering authority is the law enforcement agency or sheriff's office having jurisdiction over the offender's residence, place of employment, institution of higher learning, or the nearest Michigan State Police post. The registering authority is where the \$50 annual verification fee must be paid.

PETITION FOR REMOVAL FROM THE SEX OFFENDER REGISTRY

A sex offender who is on the registry under any of the following circumstances may petition immediately for removal from the registry:

- Youth is seeking or is granted a Romeo and Juliet exemption.
- Youth was under 14 at the time of the offense and was adjudicated as a juvenile.
- Youth is on the registry for an offense that no longer requires registration (indecent exposure and offenses that are not Tier III offenses). See JJ3 300, Offense Class I-V, Sex Offender Registration and DNA Profile Codes.

The petition must be filed in the county of adjudication/conviction. If the offender was convicted in another state or territory, the petition must be filed in the youth's county of residence.

The prosecuting attorney must be served with the petition.

A false statement in a petition is perjury.

If the victim is known, the prosecuting attorney must notify the victim.

The victim has the right to attend any hearing and make a statement. Victims cannot be required to attend a hearing against their own will.

The juvenile justice specialist must inform the youth of the above information. Further information regarding the eligibility of a youth filing a petition for exemption from the public registry should be

obtained by the youth from the local court and the Sex Offenders Registration Act, MCL 28.728.

PAYMENT METHOD FOR STATE IDENTIFICATION CARD

If the youth or family is unable to pay for a driver's license or state identification card, the DHS-1583, Interagency Voucher Request, must be completed to bill the cost to DHS. The following codes must be used:

- TC-413.
- AGY-431.
- AY-last two digits of the fiscal year.
- Index-65340.
- PCA-47037.
- AOBJ-6155.

The juvenile justice specialist must submit a completed DHS-1583 to the Secretary of State office when requesting a state identification card or driver's license for a delinquent youth. The juvenile justice specialist must also file a copy in the case record.

LEGAL BASIS

Sex Offenders Registration Act, 1994 PA 295, as amended, MCL 28.721, et seq.

PURPOSE

The Michigan Department of Health and Human Services (MDHHS) juvenile justice specialist (JJS) must verify that deoxyribonucleic acid (DNA) samples required by law have been submitted to the Michigan Department of State Police and that DNA samples or profiles have been expunged/destroyed when required by law. When procedures have not been completed as required, the juvenile justice specialist must work with the court, prosecutor, law enforcement agency and Michigan Department of State Police to resolve the identified issue(s).

DEFINITIONS

Felony

MCL 712A.18k, MCL 803.225a(7)(a) and MCL 803.307a(7)(a) define a "felony" as "a violation of a penal law of this state for which the offender may be punished by imprisonment for more than 1 year or an offense expressly designated by law to be a felony."

Profile

MCL 28.172(c) and Mich Admin Code, R 28.5051(j) define "DNA identification profile" or "profile" as "the results of the DNA identification profiling of a sample, including a paper, electronic, or digital record."

Sample

MCL 28.172(g) and MCL 712A.18k define "sample" as "a portion of an individual's blood, saliva, or tissue collected from the individual."

MCL 803.225a(7)(b) defines "sample" as "a portion of a juvenile's blood, saliva, or tissue collected from the juvenile."

MCL 803.307a(7)(b) defines "sample" as "a portion of a public ward's blood, saliva, or tissue collected from the public ward."

Mich Admin Code, R 28.5051(c) defines "sample" as "a source of cellular DNA that is collected using the DNA collection kit provided by the Michigan Department of State Police."

**DNA SAMPLE
REQUIRED****Upon Arrest**

Youth arrested for committing or attempting to commit a felony offense or an offense that would be a felony offense if committed by an adult, must have a DNA sample collected if one has not previously been collected. To determine if an offense meets the definition of a felony or attempted felony, compare the youth's offense to the Michigan Penal Code, 1931 PA 328 and/or the Michigan Public Health Code, 1978 PA 368 and review the punishment designated for the offense. If the offender may be punished by imprisonment for more than one year or the law specifically states that the offense is a felony, a DNA sample is required.

If the arrested youth is not charged, the DNA sample collected must not be submitted to the Michigan Department of State Police. If the DNA sample was already received by the Michigan Department of State Police, the law enforcement agency must notify the Michigan Department of State Police to destroy the DNA sample. If the youth's charge is dismissed or resulted in an acquittal, the law enforcement agency and the prosecutor must request that the DNA sample and any DNA profile be destroyed.

Motion to Destroy DNA Profile and Sample

When a charge or charges against a youth have been dismissed or a youth has been acquitted of an offense or offenses in a case and does not know if his or her DNA profile and sample has been destroyed as required by law, the youth may request a hearing by completing MC 443, Motion to Destroy DNA Profile and Sample. After a hearing, the court will issue MC 444, Order to Destroy DNA Profile and Sample, either ordering the arresting agency and Michigan State Police to immediately destroy the sample and provide certification of destruction to the court or that the sample shall not be destroyed.

**Upon Adjudication
or Conviction**

Youth who have been **adjudicated for or convicted of** a felony, attempted felony or one of the following listed misdemeanors or local ordinances that are substantially corresponding to the following misdemeanors, must have a DNA sample collected:

- Disorderly person by window peeping, engaging in indecent or obscene conduct in public, or loitering in a house of ill fame or prostitution, MCL 750.167(1)(c),(f), or (i).
- Indecent exposure, MCL 750.335a.
- First and second prostitution violations, MCL 750.451.

Note: To determine if an offense meets the definition of a felony or attempted felony, compare the youth's offense to the Michigan Penal Code, 1931 PA 328 and/or the Michigan Public Health Code, 1978 PA 368 and review the punishment designated for the offense. If the offender may be punished by imprisonment for more than one year or the law specifically states that the offense is a felony, a DNA sample is required.

Youth who have been **convicted** of one of the following listed misdemeanors or local ordinances that are substantially corresponding to the following misdemeanors, must have a DNA sample collected:

- Leasing a house for purposes of prostitution, MCL 750.454.
- Person who, for a purpose other than prostitution, takes or conveys to, or employs, receives, detains, or allows a person 16 years of age or less to remain in a house of prostitution, MCL 750.462.

Youth who have been **adjudicated for** the misdemeanor of Criminal sexual conduct IV, MCL 750.520e, or a local ordinance that substantially corresponds to criminal sexual conduct IV, MCL 750.520e must have a DNA sample collected.

REVIEW OF ORDER FOR DNA SAMPLE AND/OR CRIMINAL HISTORY RECORD

When a youth under the care and supervision of MDHHS is required by law to provide a DNA sample, the juvenile justice specialist must determine if a DNA sample has been collected by:

- Obtaining a copy of the MC 283, Order for DNA Sample, from the court. If the Certification and Return section of the MC 283 is signed and dated by the law enforcement agent/Sheriff with

the box checked "was not taken because the Department of State Police already has a DNA sample of the defendant/juvenile," no further verification is necessary. The copy of the MC 283 must be submitted along with the DHS-62, Delinquent Youth DNA Profile Verification, for supervisory approval. Upload the MC 238 and approved DHS-62 in MiSACWIS and file in the legal section of the youth's case record.

- Reviewing the Criminal History Record in the Law Enforcement Information Network (LEIN) when a copy of the MC 283, Order for DNA Sample, is not available; see [JJM 280, LEIN Checks](#) for details on how to complete a LEIN request.

DNA Record Available - Yes

When the Criminal History Record field "DNA RECORD AVAILABLE" equals "YES", the Michigan Department of State Police already has a DNA sample that meets statutory requirements. The juvenile justice specialist must submit the Criminal History Record result along with the DHS-62, Delinquent Youth DNA Profile Verification, for supervisory approval prior to completing LEIN Document Disposal. Upload the approved DHS-62 in MiSACWIS and file in the legal section of the youth's case record.

DNA Record Available - No

When the Criminal History Record field "DNA RECORD AVAILABLE" equals "NO," the juvenile justice specialist must contact the investigating law enforcement agency responsible to collect the sample to make arrangements for collection to occur.

Verification of DNA Profile

Upon obtaining information that the DNA sample collection and submission has been completed by the investigating law enforcement agency, the juvenile justice specialist must repeat the Review of Criminal History Record by requesting a LEIN clearance to verify that the Criminal History Record field "DNA RECORD AVAILABLE" equals "YES." The juvenile justice specialist must submit the Criminal History Record result along with the DHS-62, Delinquent Youth DNA Profile Verification, for supervisory approval

prior to completing LEIN Document Disposal. Upload the approved DHS-62 in MiSACWIS and file in the legal section of the youth's case record.

SAMPLE COLLECTION

When a DNA sample is required and the record does not contain verification that the collection has been completed, the juvenile justice specialist must work with the investigating law enforcement agency and placement provider to coordinate sample collection. Pursuant to MCL 803.307, the youth must not be released from placement in a facility to a community-based placement until the DNA sample has been collected. The youth must also not be discharged from wardship until the DNA sample has been collected. When a sample is required for a youth under the care and supervision of MDHHS, the investigating law enforcement agency is the designated agency to collect the sample.

The investigating law enforcement agency must collect the sample and submit it to the Michigan Department of State Police within 72 hours. Pursuant to Mich Admin Code, R 28.5053(5)(f), the collection and submission of the sample must be completed within 30 days of the youth's acceptance date.

The Michigan Department of State Police, CODIS Section, is responsible for profiling the DNA sample and maintaining profile records. Questions about the DNA collection process may be directed to:

Michigan State Police
CODIS Section
7320 N. Canal Rd.
Lansing, MI 48913
Phone: 517-636-0465
Fax: 517-636-0491
Email: MSPCODIS@michigan.gov

Payment to Obtain Sample and Forensic Tests

The DHS-93, Examination Authorization/Invoice for Services, can be used to process payment for the cost of obtaining the DNA sample that is sent to the Michigan Department of State Police for profiling. The DHS-93 must be used only for the DNA sample collection procedure required to complete the DNA collection kit

(blood, saliva, or tissue collection). The Michigan Department of State Police completes the actual DNA profiling.

The DHS-93 can be used for other required forensic testing. Refer to the following for procedures and codes:

- Service Funding and Payments Manual, [SRF 801, Medical Service Authorization Fee Schedule](#), provides coding in Section VII - DNA Gene Coding for BJJ.
- [SRF 800, Medical Service Authorization](#).
- Use the DHS-94, Medical Services Authorization Provider Enrollment/Other Change, to enroll medical providers for services authorized on the DHS-93.

Note: A contract provider cannot be enrolled as a medical services provider to pay for services that are already covered by their contract.

COURT-ORDERED FEES

A fee of \$60.00 must be assessed by the court upon adjudication or conviction of the listed offenses. The JJS must inform the youth of his/her responsibility to pay the fee and that failure to pay may result in court action against the youth. The court may suspend all or part of the assessment fee if it determines that the youth is unable to pay.

LEGAL BASE State

The DNA Identification Profiling System Act, 1990 PA 250, as amended, MCL 28.176(1)(a).

Except as otherwise provided in this section, the Michigan State Police shall permanently retain a DNA identification profile of an youth obtained from a sample in the manner prescribed by the Michigan Department of State Police under this act if the youth is arrested for committing or attempting to commit a felony offense or an offense that would be a felony offense if committed by an adult.

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

Provides specific information on when a DNA sample should be obtained and the agency designated to collect a sample. Details the DNA assessment fee and how it is ordered and when it can be waived.

The Juvenile Facilities Act, 1988 PA 73, as amended, MCL 803.225a.

Provides DNA sample collection requirements for juveniles who are under the supervision of the department of a county juvenile agency under section 18 of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.18 and have been found responsible for or convicted of certain offenses. Prohibits a youth to be released to a community placement of any kind or discharged from wardship until DNA samples have been collected. Provides which samples are required to be collected by the designated agency and required assessment fees.

The Youth Rehabilitation Service Act, 1974 PA 150, as amended, MCL 803.307a.

Provides specific details on when a public ward cannot be placed in a community placement of any kind and shall not be discharged from wardship until he or she has provided a DNA sample.

Provides information on which offenses require a DNA sample, authorized disclosure of DNA profiles, and when a DNA assessment fee can be ordered.

Forensic Science Division DNA Profiling System, Mich Admin Code, R 28.5051-28.5059.

Identifies requirements to collect samples from certain juvenile offenders and designates the investigating law enforcement agency as responsible to complete the sample collection.

CONTACT

Policy clarification questions may be submitted by juvenile justice supervisors and management to Juvenile-Justice-Policy@michigan.gov.

PURPOSE

To ensure the Juvenile Justice Specialists (JJS) engage youth and families to participate and progress toward meeting the goals outlined in case service plans.

DEFINITIONS

Face-to-face contacts

Defined as being held in person. Videoconferencing or any other similar form of technology does not serve as a face-to-face contact for the purposes of meeting the federal requirements set forth in section 622(b)(17) of the Social Security Act.

Sibling

For the purposes of visitation only, siblings include children related through birth, adoption, or marriage and include siblings as defined by the American Indian or Alaskan Native child's tribal code or custom. A sibling relationship continues after termination of parental rights or when a marriage ends by death or divorce.

Calendar Month

Each of the twelve named periods into which a year is divided; for example, January, February, etc.

Note: Timeframes within respect to calendar days are applicable for all juvenile justice contact standards except when otherwise specified.

YOUTH CONTACT REQUIREMENTS

The JJS must maintain contacts with each youth, the youth's family, and placement providers. Social Security Act, 42 USC 622(b)(17) and Mich Admin Code, R 400.12421. Placement providers must allow the JJS access to youth through mail, telephone, and face-to-face visits. When visiting a youth, the JJS must be afforded the opportunity to speak with the youth in private.

Note: Each visit in a placement must include observation of the conditions in the youth's bedroom.

**Youth is in
Another State**

For requirements on youth being placed in another state, refer to [ICM 150, Interstate Parole/Probation Procedures](#). For further requirements regarding youth visiting another state, refer to [ICM 170, Interstate Compact for Juveniles Travel Permits](#).

**When a Foster
Care and Juvenile
Justice Case are
Open**

Refer to visitation policy in [FOM 722-06D, Case Management of Dual Wards](#).

Upon acceptance of a case, face to face contact with the youth must be made within five business days by the JJS.

Quality Visits

Quality visits between the JJS and the youth have been found to produce positive outcomes for youth in out of home placement. A quality visit is defined as one in which the JJS:

- Meets with the youth individually, without the presence of other individuals to give the youth an opportunity to ask questions or to ensure the youth feels safe in their environment.
- Assesses the youth's current needs and takes appropriate action or offers services in response to the identified need of each youth.
- Shows interest in the youth to build and establish rapport.
- Shares and explains the case plan in a developmentally appropriate way while allowing the youth to ask questions and express viewpoints.

**RESIDENTIAL
PLACEMENT**

The first face-to-face contact with the youth must take place within five business days from admission.

Subsequent Months

The JJS must have at least one face-to-face contact with the youth each calendar month at their placement location.

Released from Placement

Following a youth's release from a residential placement, the first face-to-face contact with the youth must take place within five business days from the date the youth returned to the community placement. All subsequent visits must be determined by the Michigan Juvenile Justice Assessment System (MJJAS) assessment as described in item below while the youth remains in the approved community placement.

**Treatment Team
Contact
Requirements**

There must be monthly contact with the youth's treatment team at the residential placement facility. Contact may be through face-to-face meeting, secure video conference, or conference call as long as face-to-face meetings occur at least every other quarter.

**COMMUNITY BASED
PLACEMENTS**

Monthly contact standards need to correspond with the calculated risk level of the most recent MJJAS tool.

- A Final Risk Level of High requires three face-to-face visits take place with the youth each month.
- A Final Risk Level of Moderate requires two face-to-face visits take place with the youth each month.
- A Final Risk Level of Low requires one face-to-face visit take place with the youth each month.

At least one contact each calendar month must take place at the youth's placement location. One contact each month must include a private meeting between the youth and the JJS. For more information regarding reentry, see [JJM 431, Reentry Services](#).

For more information on completing the MJJAS assessments, see [JJM 230, Juvenile Justice Service Plans](#).

**Contacts by
Contracted
Agencies/Partners**

If the family is receiving Families First, Family Reunification Program (FRP), Families Together Building Solutions (FTBS), Juvenile Justice Diversion and Reintegration Alternative Programs services (JJDR), or Youth Advocate Programs (YAP), the provider contacts may replace all but one of the monthly face to face contact requirements. **This does not discourage any additional visits the JJS may choose to make.** Contractors must submit all face-to-face contacts with children, parent(s)/legal guardians, and caregivers to the assigned JJS on a weekly basis using the [MDHHS-5689, Case Notes](#). Face-to-face contacts must be entered as social work contacts in the electronic case management record within five business days of receipt.

**DETENTION/JAIL OR
RECEPTION/
ASSESSMENT
CENTER/
PSYCHIATRIC
FACILITY**

An initial face-to-face visit must occur within five business day after placement with weekly face-to-face visits thereafter. Depending on the youth's needs, a telephone call with the youth may replace every other face to face visit.

**CONTACT
STANDARDS
PARENT(S)/LEGAL
GUARDIAN(S)**

A face-to-face contact with the parent(s)/legal guardian must occur each calendar month with more frequent visits as needed or described in the case service plan when the permanency goal is reunification. At least every third month, the visit must be in the parent(s)/legal guardians residence.

A visit should include engagement of the family in the development of the initial and updated services plans. This means the JJS must include the parent(s) in discussions regarding the needs and strengths of the youth and family and must reach an understanding

of what is required of the youth and family to meet the goals of the case service plan.

For youth with a permanency goal other than reunification, the JJS should continue to have contact with the parent(s)/legal guardian that continue to play an active role in the youth's life. Ongoing contact with the parent(s)/legal guardian allows the JJS to monitor and assess the appropriateness and safety of the relationship. At least every third month, the visit must be in the parent(s)/legal guardian's residence.

The JJS must make efforts to engage the parent that is not participating in services (for example, removal household or a non-custodial parent) and attempt to schedule the required visits. If the parent is unreachable or does not cooperate then the JJS must document this in social work contacts in electronic case management record.

For absent parent protocol; see [FOM 722-06G, Efforts to Identify and Locate Absent/Putative Parent\(s\)](#).

FIREARM ASSESSMENT

A firearm assessment is intended to be used when a specialist becomes aware of a firearm in a home during an open case. The goal of this assessment is to assess the safety of the youth, help ensure youth safety, and guide caregivers through the safe storage of firearms. See [PSM 713-01, CPS Investigation - General Instructions](#) for guidance on assessing firearm safety.

SIBLING VISITS

See [FOM 722-06I, Maintaining Connections: Parenting Time, Sibling Visitations, and Contact](#) for detailed information on sibling visits. Probate Code, 1939 PA 288, as amended, MCL 712A.18f(3)(f) and 42 USC 671(a)(31).

TREATMENT AND SERVICE PROVIDERS

Feedback from professionals working with the youth and the family must be obtained and incorporated into each case service plan. The JJS must make at least monthly contact with each professional involved in the youth's care to solicit the professional's observations

and recommendations regarding the youth and the community placement provider. Contact may occur through any form of communication (such as face-to-face visits, phone, or emails). These contacts must be documented in social work contacts in the electronic case management record and the information obtained must be summarized in the appropriate sections of the case service plan.

The diagnosis appointment and medical tabs of the health profile in electronic case management system must be updated to include all physical, dental and behavioral health care. See [FOM 801, Health Services for Children in Foster Care](#) for all required health profile information.

In addition, all professional reports for the youth and parents including, but not limited to, psychiatric and psychological evaluations, therapy and treatment plans, substance abuse screens and treatment summaries must be reviewed and summarized in the case service plan and uploaded in the electronic case management record.

CONTACT WITH SUPERVISOR

The JJS must meet with their supervisor at least monthly for case consultation on every assigned case. Discussion should include:

- Treatment progress of youth.
- Risk level of youth, based on most recent MJJAS assessment.
- Youth's compliance with treatment.
- Services currently being offered to youth.
- Reentry planning (when youth is placed in residential).
- Permanency plan of youth.
- Any issues or concerns expressed by the youth.
- Barriers/concerns expressed by JJS.

VISIT SUPPORT FORMS DOCUMENTATION

When visiting, the JJS may use the [DHS-904, Foster Care/Adoption/Juvenile Justice Caseworker/Child Visit Quick Reference Guide](#), as needed.

The JJS may use the [DHS-904A, Foster Care/Adoption/Juvenile Justice Caseworker/Child Visit Tool](#), to ensure coverage of relevant

visit topics and record information for completion of the service plan.

All contacts must be entered as social work contacts in the electronic case management record including attempted contacts and missed appointments. The social worker contact narrative is generally a short summary of the contact. Any significant information obtained during the contact must be summarized in the appropriate sections of the case service plan.

All face-to-face contacts must be entered in the electronic case management record, within five business days of the contact.

All other social work contacts must be entered prior to the report period end date on the applicable case service plan.

LEGAL BASE

Federal

Social Security Act, 42 USC 622(b)(17).

Describes the state standards for the content and frequency of caseworker visits for children who are in foster care under the responsibility of the state, which, at minimum, ensure that the children are visited on a monthly basis and that the caseworker visits are well-planned and focused on issues pertinent to case planning and service delivery to ensure the safety, permanency, and well-being of the children.

Social Security Act, 42 USC 671(a)(31)(b).

Requires that whenever siblings are not placed together, reasonable efforts must be made to provide frequent visitation or other ongoing interaction between the siblings.

State

Probate Code, 1939 PA 288, as amended, MCL 712A.18f(3)(f).

Describes efforts to be made to provide frequent in-person visitation or ongoing interaction between siblings.

**Michigan
Administrative
Code****Child Placing Agency Rule, Mich Admin Code, R 400.12421.**

Describes provisions for visitation between youth and caseworker, sibling visitation and parenting time.

POLICY CONTACT

Juvenile justice supervisors and management may submit policy clarification questions to juvenile-justice-policy@michigan.gov.

POLICY

Transportation arrangements are the responsibility of the juvenile justice specialist (JJS) unless the ward is placed with a private child placing agency or child caring institution. The JJS is not to use any kind of physical or mechanical restraint with the ward.

PURPOSE

The transportation of youth for events related to case management (for example, placement interviews, transportation to treatment, etc.).

AUTHORITY

The Social Welfare Act, 1939 PA 280, as amended, MCL 400.115a(1) (i).

PROCEDURE

The following procedures must be followed in transporting a ward within the state.

Outstate

- If the JJS is unable to transport, volunteer resources should be used. However, if it is not possible for either JJS or a volunteer to transport a ward, a transporter can be hired to transport a ward to placement. An attendant can be hired if deemed necessary.
- State cars must be used whenever possible to transport juvenile justice wards.
- Supervisory approval must be granted to utilize the assistance of an attendant.
- An attendant must be present if there are any concerns or allegations of sexual misconduct or sexual advances. It is preferred that the JJS or attendant be of the same sex as the ward.

**Physical and
Mechanical
Restraint Usage**

If any kind of restraint is considered necessary, the JJS must discuss the situation with his/her supervisor and consider the following alternatives:

- Hire an attendant to accompany the JJS on the trip.
- Hire a competent transporter and attendant, such as a contracted, skilled and trained service, to transport the ward. (The JJS must advise the transporter of the possible need for restraints.)
- Contact residential/institutional staff to request assistance with the transportation.
- Contact local law enforcement personnel (preferably the Sheriff's office) to request assistance transporting the ward.

Note: An exception to this policy may be made by the local office director. This exception must be in writing with a copy sent to the Juvenile Justice Programs for monitoring and evaluation purposes.

Prior to implementing local procedures regarding use of restraints, the following must be completed:

- Local procedures and ongoing training program on the use of restraints must be approved by the juvenile justice program director.
- A list of the names of the local office employees who completed the training must be sent to the juvenile justice program office director.

**AWOL Attempts
During Transport**

If a ward attempts to leave the car or run away while enroute to or from a destination, the JJS must:

- Try to talk the ward out of running away. Do not attempt to chase a ward that has run away from the vehicle if pursuit would place the JJS, ward or community at risk of harm.

- Call or drive to the nearest police station to notify the police of the situation.
- Upon returning to the office, complete and process the DHS-3198-A, Unauthorized Leave Report to Court/Law Enforcement, or request a court apprehension order.

**Reimbursement for
Attendant or
Transporter**

Payments to non-state employee attendants or transporters may be made at the prevailing minimum wage plus reimbursement for travel expenses in accordance with Standardized Travel Regulations. Use DHS-1582, Payment Voucher, to submit a claim with the following information:

- Name of youth.
- Case number of youth.
- Type of program involved.
- Date of transport.
- Signature of attendant or transporter.
- Signature of local office director.

**Payment to
Detention
Transporters**

Non-state employee detention transporters and attendants pre-authorized by Juvenile Justice Programs or by a local office director to transport youth to or from a secure county operated detention center, or to and from a department-operated program, are reimbursed at the rate of 1.75 times minimum wage.

Requests for payment by pre-authorized RDSS transporters and attendants are submitted separately by attendants and transporters directly to Juvenile Justice Programs.

Requests for payment by other detention transporters and attendants authorized by a local office director, are submitted by the transporter only to the local office director on a DHS-1582CS, Children's Services Payment Authorization.

**Reimbursement for
Ward's Meals**

To provide a treatment milieu in which privacy is possible (for instance away from family members, foster parents, etc.), the JJS may wish to have an interview with a ward during lunch. A transporter may also need reimbursement for a ward's meal if meals or lodging were purchased during transport. Reimbursement for the ward's meal or lodging is available under Standardized Travel Regulations Section 7.8, Guest Meals. The DHS-1582TV, State Employee Travel Voucher, must include:

- Name of youth.
- Youth's case number.
- Reason for meal (for example, interview away from home, school, etc., for continuing treatment).
- Supervisor's signature to indicate approval.

**Reimbursement for
Ward's Family
Members Meals**

When the JJS transports family members of the ward to a placement housing the ward for scheduled reviews, interviews, and case staff meetings and those family members are unable to purchase meals, the JJS may do so and be reimbursed as described in the Reimbursements for Ward's Meals in this item.

POLICY

Juvenile Justice Specialists may access the Law Enforcement Information Network (LEIN) only in the performance of official duties. Refer to [SRM 700, Law Enforcement Information Network \(LEIN\)](#) and [SRM 701, Law Enforcement Network \(LEIN\) Use, System & Security](#) for requirements for accessing, requesting, reviewing and disseminating Criminal History Record Information obtained from the LEIN system.

PURPOSE

Reporting suspected abuse or neglect promotes the safety, health and welfare of minor youth and youth age 18 and older under the care and supervision of Michigan Department of Health and Human Services (MDHHS).

A juvenile justice specialist (JJS) who has reasonable cause to suspect abuse or neglect or exploitation must report all instances.

DEFINITIONS

See [APR 200, Mandated Reporter - Child](#) and [APR 201, Mandated Reporter - Adult](#).

REPORTING REQUIREMENTS FOR SUSPECTED ABUSE/NEGLECT/EX PLOITATION

See [APR 200, Mandated Reporter - Child](#) for reporting requirements and procedures.

See [APR 201, Mandated Reporter - Adult](#) for reporting requirements and procedures.

ALLEGATIONS OF POLICE ABUSE

Law enforcement is prohibited from violating constitutional protections against police misconduct which includes excessive force and sexual assault. 34 USC 12601. Law enforcement is also prohibited from depriving any person of rights. 18 USC 242. Law enforcement may not discriminate based on race, color, religion, national origin, or sex. 34 USC 10228(c),

If a youth under the care and supervision of MDHHS reports allegations of police abuse, the juvenile justice specialist must contact local law enforcement officials. When written or verbal allegations involve child sexual abuse or criminal sexual conduct, a copy of the allegations must also be sent to the prosecuting attorney. Youth are to be informed of whom the reports have been sent to and provide the option to contact the local FBI field office.

The youth may also mail a written copy of the complaint and materials submitted to the FBI to the Department of Justice:

US Department of Justice
950 Pennsylvania Avenue, NW
Civil Rights Division
Criminal Section PHB
Washington, DC 20530

LEGAL BASE

Federal

34 USC 12601(a), Cause of action.

It shall be unlawful for law enforcement with responsibility for the administration of juvenile justice to deprive persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

18 USC 242, Deprivation of rights under color of law.

It is a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

42 USC 2000d, Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or national origin, et seq.

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

34 USC 10228(c), Discrimination prohibited; notice of non-compliance; suspension and restoration of payments; hearing; civil action by Attorney General; private action, attorney fees, intervention by Attorney General

No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this chapter.

State**Child Protection Law, 1975 PA 238, MCL 722.623.**

Provides reporting requirements for **individuals who have reasonable cause to suspect abuse, neglect or exploitation of a child.**

POLICY CONTACT

Juvenile justice supervisors and management may submit policy clarification questions to juvenile-justice-policy@michigan.gov.

POLICY

The juvenile justice specialist (JJS) must complete the consent form DHS-3762, Medical Care Authorization for Minor Child (see RFF 3762) for each ward in out-of-home care and give it to the appropriate person who is authorized to consent to emergency treatment. The JJS must also follow the procedures listed below for other consent responsibilities.

PURPOSE

To assist in the process of ensuring the appropriate person is consenting for medical treatment, driver's license and Special Education.

AUTHORITY

Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.124.

Youth Rehabilitation Services Act, 1974 PA 150, as amended, MCL 803.303.

PROCEDURE

AUTHORITY TO CONSENT TO MEDICAL CARE FOR CHILDREN IN OUT-OF-HOME CARE			
Type of Ward	Emergency Medical and/or Surgical Treatment	Routine Non-Surgical Care	Non-Emergency Elective Surgery
Act 150/court.	Foster parent/child care institution. **	Agency */child care institution. **	Parent or legal guardian.
Act 150/Act 220 (dual wards).	Foster parent/child care institution. **	Agency */child care institution. **	MCI superintendent.
* Agency refers to Department of Human Services, private child placing agency or the Probate Court.			
** Child care institution refers to a private child care or agency institution authorized for medical care.			

After appropriate distribution of the consent form, there is to be an indication in the ward's record on the DHS-3307-A, Youth Face Sheet (see RFF 3307A) that the authorization has been provided.

Only the ward's parents or legal guardian may consent to non-emergency elective surgery unless the parent's rights have been permanently terminated by court action. (Non-emergency elective surgery is surgery which is neither urgent nor mandatory for the preservation of life or prevention of disability, and surgery which may be scheduled in advance at a time of convenience.) The Michigan Children's Institute (MCI) superintendent must consent for MCI wards.

The consent form must be sent to the ward's placements for the appropriate person to authorize emergency treatment.

Other Consent Responsibilities

Only the parents or the legal guardian may sign a driver's license application for state/court wards placed with the department. For state/court wards under age 18, responsibility for giving consent remains with the ward's parents for the following actions. (For permanent MCI, dual wards, the superintendent of MCI must consent.) If the parents are unavailable the JJS must bring the matter to the court for signature purposes.

1. Consent to marriage.
2. Consent to enter military.
3. Consent for public use of a ward's photographs.
4. Consent for special education evaluation and placement.

Note: During the intake, the JJS must complete and have the parent/guardian sign the DHS-4262-BJJ-EV, Special Education Consent to Evaluate (see RFF 4262). For MCI wards, a surrogate parent who is not an employee of the department must be appointed to represent the interests of the ward and sign.

The DHS-4262-BJJ-EV form must be completed for each ward in out-of-home care and given to the appropriate person at each of the ward's placements, unless the ward remains in the home school district. There is to be an indication in the ward's record on the DHS-3307-A, Youth Face Sheet that the authorization has been provided.

A permanent MCI or dual ward, who has reached age 16 and completed a driver's training course, may want to obtain a driver's license. Employees of the Department of Human Services have been determined by the Department of State to be "responsible adults" within the meaning of the Michigan Vehicle Code for the

purpose of participating with such a ward in obtaining a driver's license. The JJS may sign the application with the ward.

JJS responsibility in signing this application does not extend to civil liability for negligent operation of a motor vehicle on the part of the ward; this liability may be assigned to the owner of the vehicle or the ward.

EXHIBIT I: CLASS I OFFENSE CODES

Class I Offense - Any one of the following crimes committed by a youth age 14 through 17 years of age and adjudicated or convicted by circuit court or the family division of the circuit court. These offenses can extend court jurisdiction to 21 years of age.

MCL Code	Offense Code	Crime
750.83	100	Assault with intent to murder.
750.91	102	Attempted murder.
750.316	103	Murder I.
750.317	104	Murder II.
750.520b	105	Criminal Sexual Conduct (CSC) first degree.
750.529	106	Robbery, armed.
750.529a	108	Car jacking.
750.349	109	Kidnapping.
750.72	111	Arson of a dwelling.
750.86	112	Assault with intent to maim.
750.531	150	Robbery of a bank, safe or vault.
750.186a	151	Escape from any juvenile facility.
333.7401(2)(a)(i)	152	Violation of the Controlled Substance Act >1000 Grams.
333.7403(2)(a)(i)	153	Violation of the Controlled Substance Act > 1000 Grams.
750.89	154	Assault w/Intent to commit armed robbery.
750.84	155	Assault w/Intent to do great bodily harm w/dangerous weapon.
750.110a(2)	156	Home invasion I w/dangerous weapon.
750.1 et seq.	157	Other class I offenses.

Included are attempts, conspiracy or solicitation to commit any of the listed offenses. Also, any lesser included offenses and any other offense that occurred during the same transaction are included as prosecutorial waiver offenses.

EXHIBIT II: CLASS II OFFENSE CODES

Class II Offense - Any one of the following crimes committed by a youth age 12 through 17 years of age and adjudicated by the family division of the circuit court. The court may extend jurisdiction until the youth is 21 years of age.

MCL Code	Offense Code	Crime
750.88	202	Assault with intent to rob, unarmed.
750.520c	204	CSC II.
750.520g	205	Assault with intent to commit CSC.
750.530	206	Larceny of Money or other property.
750.328	207	Death due to explosives.
750.1 et seq	209	Other felony offenses not listed for which jurisdiction may be extended to age 21.
750.520d	210	CSC III.

EXHIBIT III: CLASS III OFFENSE CODES

Class III Offense - Any offense other than Class I or Class II offenses which, if committed by an adult, would be punishable by imprisonment for more than one year or an offense expressly designated by law to be a felony.

MCL Code	Offense Code	Crime
750.73	300	Arson, real or personal property or preparing to burn.
750.82	301	Assault w/dangerous weapon (felonious assault).
750.87	302	Assault w/intent to commit crime.
750.110	303	Breaking and Entering w/intent to commit felony/larceny.
750.110	304	Attempt breaking and entering w/intent to commit felony/larceny.
750.356a	307	Breaking and entering of vehicle to steal property commit felony (including larceny from and with damage).

MCL Code	Offense Code	Crime
750.131	308	Cashing check w/no account or non-sufficient funds > \$50.
333.7403	309	Violation controlled substance act < 649 grams.
750.157n	310	Financial transaction device - stealing/retaining without consent.
750.520e	311	CSC IV - misdemeanor.
750.213	313	Extortion.
750.321	315	Manslaughter.
750.356	317	Larceny > \$1000 (including by conversion, forgery, uttering and publishing).
750.360	318	Larceny in a building (include vacant building or attempt).
750.357	319	Larceny from a person.
750.377a	320	Malicious destruction of personal property > \$1000.
750.479	321	Public officer - attempting to obstruct official duties.
750.535(2)(b)	322	Receiving/concealing stolen property > \$1000.
750.227	323	Carrying a concealed weapon (including possession of pistol in motor vehicle, forbidden weapon, blackjack, explosives, incendiary devices).
750.227b	324	Felony firearm.
750.413	325	Unlawfully driving away automobile (UDAA).

MCL Code	Offense Code	Crime
750.1 et seq	326	Other high misdemeanors & offenses designated felony.
750.136b	327	Felony child abuse.
750.356c	328	Retail fraud I.
750.397	329	Mayhem.
752.861	330	Reckless, careless or negligent use of firearm.
750.81(5)	331	Assault or an assault and battery (2 or more previous convictions).
750.197	332	Escapee (must be charged as such).
750.338	333	Gross indecency between males.
750.338a	334	Gross indecency between females.
750.338b	335	Gross indecency between male & female.
750.414	336	Motor vehicle - unlawful use.
750.411i	337	Stalking aggravated.
750.110a	339	Home invasion first degree, home invasion 2nd degree, home invasion 3rd degree.
750.145(c)(4) (a)	340	Child sexually abusive material - possession.
750.81d	341	Police officer - assaulting/resisting/obstructing.

MCL Code	Offense Code	Crime
750.49	342	Animals - fighting.
750.50b	343	Animals - killing/torturing.
750.200i	344	Harmful devices - unlawful possession or use.
333.7401(2)(a)(iv)	345	Controlled substance - Delivery/manufacture (narcotic or cocaine) less than 50 grams.
750.377B	346	Malicious destruction of fire or police property.
750.147b	347	Ethnic Intimidation.
750.145	348	Children-Contributing to Delinquency.
750.158	349	Sodomy.
750.1 et seq	350	Other Felony offense(s) not listed (not extendable).
750.74	351	Third Degree Arson. Arson of personal property of \$20,000 or more. Also includes personal property having a value of \$1,000 or more if the person has 1 or more prior convictions.
257.626(3)	352	Reckless Driving - causing serious body impairment.
257.626(4)	353	Reckless Driving - causing death.

EXHIBIT IV: CLASS IV OFFENSE CODES

Class IV Offense - Any misdemeanor which, if committed by an adult, would be punishable by imprisonment for one year or less (that is, low misdemeanor).

MCL Code	Offense Code	Crime
436.1701(1)	400	Alcohol - Selling/furnishing to minor.
750.81	402	Simple assault; assault and battery.
750.81a	403	Aggravated assault.
750.113	404	Breaking and entry of coin box.
750.115	405	Illegal entry (entry w/o owner's permission).
333.7404	406	Violation of controlled substance act, misdemeanor.
750.167	407	Disorderly person, disturbing peace.
257.626(2)	408	Reckless driving.
750.240	409	Fire - False alarm.
750.335a	410	Indecent exposure.
750.3562	412	Larceny - all misdemeanor larceny offenses.
750.377a(c) and (d)	413	Malicious destruction of property < \$1000.
750.416	414	Tampering with motor vehicle.
750.540	415	Malicious use of telephone which also includes other electronic means of communication, such as email.
750.535	416	Receiving/concealing stolen property < \$1000.
750.552	417	Trespassing.
No MCL	420	Other low misdemeanors or other offenses (including joyriding).
750.356d	421	Retail fraud II.
No MCL	422	Minor in possession of firearm.
750.812	423	Domestic violence (90 day misdemeanor).
750.813	424	Domestic violence (2nd offense, 1 yr. misdemeanor).
No MCL	425	Discharge of a gun in the city.
257.301	426	Operating - No license/multiple licenses.
436.1703(2)	427	Alcohol - Use of fraudulent identification by minor.
436.1703(2)	428	Furnishing fraudulent identification to minor.
750.356d(4)	429	Retail fraud third degree.

MCL Code	Offense Code	Crime
257.904	430	Operating - License suspended, revoked, denied/allowing a suspended person to operate.
750.411h	431	Stalking.
257.625(3)	432	Operating - Impaired.
750.77	434	Fifth Degree Arson.
257.601d	435	Moving Violation - cause of death.

EXHIBIT V: CLASS V OFFENSE CODES

Class V Offense - Any status offense which would not be a crime (felony or misdemeanor) if committed by a person age 18 or older.

MCL Code	Offense Code	Crime
712A.2(a)(2)	500	Incorrigible - Home, school, placement.
712A.2(a)(3)	501	Truancy - Home, school.
No MCL	502	Other status offenses.
436.1703(1)(a)	503	Alcohol - Purchase/attempt to purchase/consumption/possession by minor.
722.642	504	Tobacco - Possession/use by minors.
No MCL	505	Violation of Probation.
No MCL	506	Curfew Violation.
No MCL	507	Violation of Court Order.

EXHIBIT VI: SEX OFFENDER REGISTRATION TIER I OFFENSE CODES

MCL Code	Offense Code Description/Registration Requirement	Type of Offense
750.145c(4)	Knowing possession of child sexually abusive material and electronically searching and accessing child sexually abusive materials.	Felony
750.335a(2)(b)	Indecent exposure with fondling if victim is a minor. A minor is a person under 18 years of age.	Misdemeanor
750.349b	Unlawful imprisonment if the victim is a minor.	Felony

MCL Code	Offense Code Description/Registration Requirement	Type of Offense
750.449a	Electronically searching and accessing child sexually abusive materials.	Felony
750.520e	Fourth degree Criminal Sexual Conduct if the victim is 18 or older.	Misdemeanor
750.520g(2)	Assault with intent to commit Criminal Sexual Conduct (sexual contact) if the victim is 18 or older.	Felony
750.539j	Video voyeurism if the victim is a minor.	Felony
28.722(r)(vii)	Any other violation that by its nature constitutes a sexual offense against a minor.	Not specified
28.722(r)(viii)	An offense committed by a sexual delinquent person.	Not specified
28.722(r)(ix)	An attempt or conspiracy to commit a tier I offense.	Not specified
28.722(r)(x)	An offense substantially similar to a tier I offense under the law of the United States, another state or country, or tribal or military law.	Not specified

EXHIBIT VII: SEX OFFENDER REGISTRATION TIER II OFFENSE CODES

MCL Code	Offense Code Description/Registration Requirement	Type of Offense
28.722(s)(i)	A tier I offender subsequently convicted of another tier I offense.	Not specified
750.145a	Soliciting a person under the age of 16 for an immoral purpose.	Felony
750.145b	Soliciting a person under the age of 16 for an immoral purpose; second offense.	Felony
750.145c(2) or (3)	Creation or distribution of child sexually abusive material.	Felony
750.145d(1)(a)	Using the Internet to commit various crimes against a minor.	Per underlying crime
750.158	Crime against nature or sodomy with minor victim. Registration not required if the victim was between 13-16, and the defendant was not more than 4 years older than the victim, and the victim consented to the violation, or the	Felony

MCL Code	Offense Code Description/Registration Requirement	Type of Offense
	victim was 16 or 17 and was not under the custodial authority of the defendant at the time of the violation, and the victim consented to the violation.	
750.338, 338a, or 338b	Gross indecency against a minor. Registration not required if the victim was between 13-16, and the defendant was not more than 4 years older than the victim, and the victim consented to the conduct, or the victim was 16 or 17 and was not under the custodial authority of the defendant at the time of the violation, and the victim consented to the conduct.	Felony
750.448	Soliciting a minor to become a prostitute.	Misdemeanor
750.455	Pandering.	Felony
750.462e(a)	Commercial sexual activity or forced labor of a minor.	Felony
750.520c	Second degree Criminal Sexual Conduct committed against a victim 13 years of age or older.	Felony
750.520e	Fourth degree Criminal Sexual Conduct committed against a victim 13 years of age or older but less than 18.	Misdemeanor
750.520g(2)	Assault with intent to commit sexual contact committed against a victim 13 years of age or older but less than 18.	Felony
28.722(t)(xii)	An attempt or conspiracy to commit a tier II offense.	Not specified
28.722(t)(xiii)	An offense substantially similar to a tier II offense under the law of the United States, another state or country, or tribal or military law.	Not specified

EXHIBIT VIII: SEX OFFENDER REGISTRATION TIER III OFFENSE CODES

MCL Code	Offense Code Description/Registration Requirement	Type of Offense
28.722(u)(i)	A tier II offender subsequently convicted of another tier I or tier II offense.	Not specified
750.338, 338a, 338b	Gross indecency committed against a minor under age 13.	Felony
750.349	Kidnaping if the victim is a minor.	Felony

MCL Code	Offense Code Description/Registration Requirement	Type of Offense
750.350	Enticing a child under age 14.	Felony
750.520b, 750.520d, and 750.520g(1)	First degree Criminal Sexual Conduct, third degree Criminal Sexual Conduct and Assault with intent to commit sexual penetration. Registration not required if the victim was between 13-16, and the defendant was not more than 4 years older than the victim, and the victim consented to the conduct.	Felony
750.520c or 750.520g(2)	Second degree Criminal Sexual Conduct or Assault with intent to commit sexual contact committed against a victim under 13.	Felony
750.520e	Fourth degree Criminal Sexual Conduct if the defendant is 17 or over and the victim is under 13.	Misdemeanor
28.722(v)(vii)	An attempt or a conspiracy to commit a tier III offense.	Not specified
28.722(v)(viii)	An offense substantially similar to a tier III offense under the law of the United States, another state or country, or tribal or military law.	Not specified

POLICY

At initial referral/commitment of a delinquent youth, the juvenile justice specialist (JJS) and his/her supervisor will make the decision on placement and treatment using the DHS-4789, Initial Service Plan (see RFF 4789) as guidelines. These choices must be made, however, within the security level indicated by the youth's score in the Classification Report section (DHS-4789, Section II).

PURPOSE

To provide services which address not only the needs of the youth in the out-of-home placement, but also the needs which must be met in the home in order to bring about reunification as quickly and safely as possible.

AUTHORITY

The Social Welfare Act, 1939 PA 280, as amended, MCL 400.115b(1).

PROCEDURE

Placement choices allow all living arrangements including but not limited to, own home, relative home, foster home, private child caring institution, Department of Human Services (DHS) operated institutions or independent living arrangements. Reasonable efforts must be made to provide the services needed to safely maintain the youth in a community based setting and avoid an out of home placement.

All delinquent wards accepted by the department must abide by specific conditions of placement that are set forth in policy. Special conditions may be set by the court of jurisdiction and applied to a specific placement or need of a ward. These conditions apply to the following placements:

- Own home.
- Relative's home.
- Foster home.
- Group home.
- Private institution/residential facility.
- Independent living.

**The (DHS-767)
Conditions of
Placement
Agreement**

The DHS-767, Conditions of Placement Agreement (see RFF 767) is required for all Act 150 and court delinquent wards. The ward must have the conditions of placement explained to him/her at the time of placement and indicate understanding of same conditions by his/her signature on the form. The agreement must also be signed by the JJS. Signature of the ward's parents, and a representative of the placement residence (i.e., foster parents, residential care center director, camp director) are optional.

Note: At the time the DHS-767 is signed, the JJS must inform the ward of the potential consequences of escape, attempted escape, solicitation, and/or conspiracy to escape.

The following are conditions of placement that can be contained in the agreement:

- Obey the laws of the United States, state, county, and city where placement occurs.
- Obey the reasonable demands of the residence where placement occurs and/or as set forth by the JJS.
- Be involved in school, work, training, or any combination on a regular, consistent basis.
- Meet the special conditions set forth by the JJS.
- Obey the mandatory and special orders of the court.

PURPOSE

To ensure that placement of delinquent youth is based on the needs and best interests of the youth and the community, the safety of the youth, the family's strengths, and access to available resources.

DEFINITIONS**Least Restrictive Environment**

Supervised community placement, preferably a placement with the juvenile's parent, guardian, relative, or a facility or conditions of treatment that is a residential or institutional placement only utilized as a last resort based on the best interest of the juvenile or for reasons of public safety. MCL 712A.1(j).

Family Team Meeting (FTM)

A deliberate and structured approach to involving youth, families, and caregivers in case planning through a facilitated meeting of family and their identified supports.

Qualified Residential Treatment Program (QRTP)

A child caring institution that is defined as a program that:

- Has a trauma-informed treatment model designed to address the needs, and clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances, and can implement the necessary treatment identified in the child's assessment.
- Has registered or licensed nursing staff and other licensed clinical staff who can provide care, who are on-site consistent with the treatment model, and available 24 hours and 7 days a week. The QRTP does not need to have a direct employee/employer relationship with required nursing and behavioral staff.
- Facilitates family participation in child's treatment program (if in child's best interest).
- Facilitates family outreach, documents how this outreach is made, and maintains contact information for any known biological family and fictive kin of the child.

- Documents how the child's family is integrated into the child's treatment, including post discharge, and how sibling connections are maintained.
- Provides discharge planning and family-based aftercare supports for at least 6 months post discharge.
- The program is licensed and nationally accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), the Council on Accreditation, or others approved by the Secretary. 42 USC 672(k)(4).

QRTP Independent Assessor

A trained professional or licensed clinician who is not an employee of the State agency and who is not connected to, or affiliated with, any placement setting in which children are placed by the State. 42 U.S.C. 675a(D)(i).

**INITIAL PLACEMENT
AFTER
ACCEPTANCE****Placement
Selection Criteria**

All community-based placements must be in the least restrictive environment and made in compliance with Licensing Rules for Child Placing Agencies, Mich Admin Code R 400.12404, which requires that the juvenile justice specialist consider all of the following factors in selecting an appropriate placement for a youth:

- The permanency goal.
- The physical, emotional, and educational needs of the youth.
- Needs and preferences of the youth.
- Religious preference.
- Continuity of relationships.
- The available resources for timely placement.
- The youth's racial, ethnic and cultural needs.
- Is in the youth's best interest.

**Community-Based
Placement**

Placement in the youth's own home or a relative's home or the least restrictive, safe, most family like setting as close to the family as possible, is to be given priority. MCL 712A.13a(12).

**Non-Secure
Residential
Treatment Facility**

Placement in a non-secure juvenile justice residential treatment facility may only be considered when the offense(s) and required assessment tools completed by the juvenile justice specialist in MiSACWIS indicate a security level of *non-secure* and a Family Team meeting has been held and determined:

- The youth's needs cannot be met by any other type of placement.
- The youth's needs can be met in a non-secure private, contracted juvenile justice residential treatment facility.
- All community resources have been exhausted.
- The facility is the least restrictive placement to meet the youth's needs.

Exception: The juvenile justice specialist has recommended a community-based placement that meets the youth's needs, but a written court order for a placement with a security level of *non-secure residential* has been received.

When a youth meets the criteria for placement in non-secure juvenile justice residential facility, a juvenile justice assignment unit referral must be completed; see [JJM 700, Juvenile Justice Assignment Unit Placement Process](#) for detailed information.

Pregnant Youth Residential Preparation

The juvenile justice specialist is responsible for pre-planning for pregnant youth and any appropriate support for babies born to residents in private or public facilities. Mother-baby programs should be considered.

A clearly defined plan will be included in the initial service plan or updated service plan and shared with the committing court and

residential staff, prior to admission. The facility in collaboration with the juvenile justice specialist is responsible to assist the youth and family in planning for the unborn baby and any subsequent treatment issues.

The juvenile justice specialist responsibilities include:

- Ensuring that following birth, the baby is immediately enrolled in Medicaid.
- Ensuring parenting education is provided to youth by the facility or another agency.
- Informing the family of any paternity and/or guardianship requirements and available services such as Medicaid, ADCF, WIC, etc if a family member agrees to take the baby.

The facility staff responsibilities include:

- Facilitating prompt medical care to the youth before, during and after the birth.
- If the plan is for placement with the non-custodial parent, relative or foster care because the mother must remain in residential treatment after the birth, frequent and regular contact with mother and child must be facilitated by the residential staff.
- Prior to the birth, the youth will be provided with counseling to assist her in planning for her child's care.

Secure Residential Treatment Facility

Research shows that placement in detention or other secure facilities causes more harm than good when used for status offenders. MDHHS staff must **not** recommend the use of detention or other secure facilities for any youth adjudicated of a status offense or for a status offender that has violated a valid court order.

Placement in a secure juvenile justice residential treatment facility may only be considered when the offense(s) and required assessment tools completed by the juvenile justice specialist in MiSACWIS indicate a security level of *secure* or a written court order for a placement with a security level of *secure* has been received and an FTM has been held to determine if alternate

support services and safety plans can be implemented to maintain the youth in the community.

When a youth meets the criteria for placement in a secure juvenile justice residential facility, a juvenile justice assignment unit referral must be completed; see [JJM 700, Juvenile Justice Assignment Unit Placement Process](#) for detailed information.

Release or Replacement from Residential Placement

At least six months prior to the estimated release date, the DHS-738, Reentry Plan, must be drafted in MiSACWIS by the juvenile justice specialist with the assistance of the Treatment and Transition Team; see [JJM 230, Juvenile Justice Services Plans](#) and [JJM 430, Community Placement and Reentry](#) for detailed information on reentry planning responsibilities.

At or near satisfactory completion of treatment, the residential case manager and the juvenile justice specialist must agree that the youth is ready for release. Any disagreement between the JJS and residential case manager regarding release readiness or any other aspect of treatment planning which cannot be resolved at that level must be escalated to the director of the residential program and the juvenile justice specialist's supervisor for resolution.

If resolution is not achieved at that level, appeals must be escalated via the local Michigan Department of Health and Human Services (MDHHS) office director and/or business service center director to the director of Juvenile Justice Programs for resolution.

When the youth is determined to be ready for release, the juvenile justice specialist must petition the court for a release or replacement hearing if the court has not already ordered that the youth's release is at the discretion of the juvenile justice specialist between hearings or the next scheduled review hearing is more than 21 calendar days in the future. The juvenile justice specialist must attend the hearing.

The juvenile justice specialist must ensure that appropriate notification is provided to victims requesting notice; see [JJM 260, Victim Notification](#) for details on when notification is required.

The DHS-69, Foster Care/Juvenile Justice Action Summary, must be completed prior to any placement change; see [FOM 722-03, Placement Selection and Standards](#) for additional information on placement change documentation. Mich Admin Code, R 400.12403.

Inpatient Psychiatric Hospital Placement

See [FOM 722-03, Placement Selection Standards](#) for admission criteria and youth eligibility. MCL 803.304(4).

NEW ADJUDICATION OR CONVICTION

MJJAS Disposition Tool

The Michigan Juvenile Justice Assessment System Disposition Tool (MJJAS-DIS) must be completed when a youth is adjudicated or convicted of a new offense **and** it has been more than 6 months since the last MJJAS-DIS was completed (for example, the youth has been in residential placement more than 6 months and an MJJAS-DIS is not required with the updated supplemental service plans). If a new adjudication or conviction occurs during a case service plan reporting period for which an MJJAS-DIS is already required, the MJJAS-DIS should only be completed once. The MJJAS-DIS risk rating due to the new offense must be provided to the court along with the most recent risk rating to highlight any change in risk rating due to the new offense(s). The new risk rating must be used to assist with determining any necessary change in security level and/or treatment services to meet the youth's rehabilitation needs.

INDEPENDENT LIVING

Independent living preparation is required for all youth in out of home placement age 14 and older, regardless of their permanency planning goal. 42 USC 675(1)(D).

Once the youth is age 14, the caseworker must document the services provided and goals for future services within the *strengths and needs* section of MiSACWIS, which will help the youth prepare

for functional independence, for the Juvenile Justice Initial Service Plan (ISP), Juvenile Justice Updated Supplemental Service Plan (SUSP), or Juvenile Justice Updated Service Plan (USP).

For all youth 16 years or older prior to placement in independent living, the caseworker must assess the youth, with the Casey Life Skills Assessment, as being prepared for independent living and demonstrate a pattern of mature decision making.

Program requirements, documentation and eligibility can be found in [FOM 722-03C, Older Youth: Preparation, Placement, and Discharge](#).

Independent Living Contract

Use the DHS-4527, Independent Living Agreement, form for an independent living arrangement. A copy of the agreement must be given to the youth.

The supervisor must review and approve the written independent living agreement for a youth before the independent living placement can be authorized regardless of funding source, (MDHHS allowance or self-support).

POST JURISDICTIONAL SERVICES

When planning for case closure, refer youth to appropriate services and provide with resources to promote a successful transition and ensure community safety.

Michigan Youth ChalleNge Academy

The Michigan Youth ChalleNge Academy is a 17.5-month, two phase program for youth 16 to 18 years old. The program incorporates eight core components that encourage physical, mental and moral development.

A youth is eligible to apply if they meet the following criteria:

- Not currently on parole or probation for anything other than a juvenile status offense.

- All court cases must be closed and not convicted of a felony.
- Youth may not be court ordered to the program.
- Must be a voluntary participant.

For additional contact information and the application process see Michigan Youth Challenge Academy website.

Job Corps

Any youth, age 16 and older who meet eligibility criteria may enroll in Job Corps which include:

- Educational assistance.
- Independent living skills.
- Career technical training.
- Job placement.

Youth who are on probation or under the supervision of an agency due to court action are ineligible for Job Corps. To become eligible the court or appropriate agency must certify in writing:

- The approval of the youth's release from the agency's supervision,
- The youth's release does not violate applicable laws and regulations, and
- The youth has responded positively to supervision.

If the youth has court fines or court-ordered restitution in excess of \$500.00 dollars the following criteria must be met and documented in writing:

- The youth settles the court fine or court-ordered restitution; or
- The court agrees to suspend the obligation during the youth's enrollment in Job Corps; or
- The regional office permits entry.

For additional information and eligibility criteria see [Job Corps website](#).

**Young Adult
Voluntary Foster
Care (YAVFC)**

The Social Security Act, 42 USC 675(8)(B)(ii)-(iv) includes an option for states to extend foster care maintenance payments for youth ages 18 to 21 who meet specific eligibility requirements.

To implement this option, Michigan has implemented the Young Adult Voluntary Foster Care Act, 2011 PA 225, MCL 400.641 et seq.

Youth who are dual wards at the time they become 18 years of age may be eligible for young adult voluntary foster care. See [FOM 902-21, Young Adult Voluntary Foster Care \(YAVFC\) Funding and Payments](#), and [FOM 722-16, Young Adult Voluntary Foster Care](#), for all eligibility and program requirements.

**LEGAL BASE
Federal****Social Security Act, 42 USC 675(8)(B)(ii)-(iv).**

Provides an option for states to extend foster care maintenance payments for youth ages 18 to 21 who meet specific eligibility requirements.

Social Security Act, 42 USC 675(1)(D).

Provides requirements for youth's age 14 and older to be provided services which prepare for the transition from foster care to successful adulthood.

Social Security Act, 42 USC 672(k)(4).

Provides definition of Qualified Residential Treatment Program.

Social Security Act, 42 U.S.C. 675a(D)(i).

A trained professional or licensed clinician who is not an employee of the State agency and who is not connected to, or affiliated with, any placement setting in which children are placed by the State.

State**Child Care Organizations Act, 1973 PA 150, MCL 722.111(w).**

Provides definition of Qualified Residential Treatment Program.

Child Care Organizations Act, 1973 PA 150, MCL 722.123a(1)(a).

In the case of a child in foster care who is placed in a qualified residential treatment program, the following requirements apply:

Within 30 days after the start of each placement in a qualified residential treatment program, a qualified individual shall do all of the following:

Assess the strengths and needs of the child using an age-appropriate, evidence-based, validated, functional assessment tool approved by the secretary.

Determine whether the needs of the child can be met with family members or through placement in a foster family home or, if not, which setting would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan.

Develop a list of child-specific short-term and long-term mental and behavioral health goals.

Child Care Organizations Act, 1973 PA 150, MCL 722.123a(3).

Within 60 days after the start of each placement in a qualified residential treatment program, the court, or an administrative body appointed or approved by the court, independently, shall do the following:

Consider the assessment, determination, and documentation made by the qualified individual.

Determine whether the needs of the child can be met through placement in a foster family home or, if not, whether placement of the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the goals for the child, as specified in the permanency plan for the child.

Approve or disapprove the qualified residential treatment program placement.

The Youth Rehabilitation Services Act, 1974 PA 150, as amended, MCL 803.304(3) and (4).

MDHHS may supervise a public ward placed in private home care. Youth may be placed in any facility, residence, or program described in this section. If the youth agency determines the best interests of a public ward require the involvement of another state or county entity, other than the department of corrections, then the youth agency and that state or county entity shall determine an appropriate care and treatment plan for the public ward. A youth agency may place a public ward in a mental institution under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106, unless the public ward resides with their parents. If the public ward resides with their parents, placement in a mental institution requires consent of the custodial parent. If placement in a mental institution occurs, the public ward shall be returned to the youth agency's custody upon release from the mental institution.

The Probate Code, 1939 PA 288, as amended, MCL 712A.1(j).

Defines the least restrictive environment for placement purposes.

The Probate Code, 1939 PA 288, as amended, MCL 712A.13a(12).

In determining placement of a juvenile pending trial, the court shall order the juvenile placed in the most family-like setting available consistent with the juvenile's needs.

The Social Welfare Act, 1939 PA 280, as amended, MCL 400.115b(1).

MDHHS shall assume responsibility for all children committed to it by the juvenile division of the probate court, the family division of circuit court, or the court of general criminal jurisdiction under the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, and 1935 PA 220, MCL 400.201 to 400.214. MDHHS may provide institutional care, supervision in the community, boarding care, halfway house care, and other children and youth services and programs necessary to meet the needs of those children or may obtain appropriate services from other state agencies, local public agencies, or private agencies. If the program of another state agency is considered to best serve the needs of the child, the other state agency shall give priority to the child.

**Young Adult Voluntary Foster Care Act, 2011 PA 225, MCL
400.641 et seq.**

Establishes a program for youths at least 18 years of age who choose to remain under certain state care up to 21 years of age.

**Michigan
Administrative
Code****Licensing Rules for Child Placing Agencies, Mich Admin Code,
R 400.12403.**

This rule requires a written policy and procedure for placement and change of placement.

**Licensing Rules for Child Placing Agencies, Mich Admin Code,
R 400.12404.**

This rule requires priority placement with relative and/or siblings and consideration all of the following factors in selecting an appropriate placement for a youth including the youth's permanency goal, needs and preferences of the youth, religious preference, continuity of relationships, the available resources for timely placement and, if in the youth's best interest, the youth's racial, ethnic and cultural needs.

POLICY CONTACT

Juvenile justice supervisors and management may submit policy clarification questions to juvenile-justice-policy@michigan.gov.

PURPOSE

From the time of case acceptance, the assigned Michigan Department of Health and Human Services (MDHHS) case manager must provide services that meet the individualized treatment needs of the youth and family to achieve permanency while maintaining the youth's placement and ensuring safety to the community. MCL 400.115b(1).

DEFINITIONS

See; [JJG, Juvenile Justice Glossary](#).

INITIAL COMMUNITY PLACEMENT

If the initial placement is in-home, an in-home placement conference must be held with the youth and parent(s) or legal guardian(s) within 30 calendar days of case acceptance date. The conference must obtain input into the initial service plan and conditions of placement. When in-home services are provided, the service provider must be invited to attend the meeting. In addition, if a youth is placed in their own home, counseling services must be provided. MCL 803.303(3).

DHS-767, Conditions of Placement Agreement

The [DHS-767, Conditions of Placement Agreement](#), outlines the service requirements, including counseling and reasonable conditions of placement, the youth and their parent(s) or legal guardian(s) or caregiver(s) must meet to remain in the community placement. MCL 803.303(3). The completed DHS-767 must be reviewed by the affected parties, and signed by the youth, parent(s) or legal guardian(s), assigned case manager and caregiver(s). When in-home services are provided, the services provider must sign the DHS-767. The DHS-767 must be reviewed and revised when circumstances change, as necessary, throughout the case.

See [JJM 400, Placement Conditions](#) for additional information on developing the DHS-767 and [JJM 470, Detention Alternatives, Detention and Jail Requirements](#) for additional information on noncompliance and informal or legal sanctions.

**CASE SERVICE
REFERRALS**

The assigned case manager must ensure referrals to service providers are made to address the individualized needs of the youth based on the most recent Michigan Juvenile Justice Assessment (MJJAS) and JJ Strengths and Needs assessment. Document all case services referrals in social work contacts within five business days of service referral.

The assigned case manager must facilitate the process of obtaining the necessary information releases ([DHS-1555-CS, Authorization to Release Confidential Information](#) and/or [DHS-942, School Notification and Education Records Release](#)) for the youth and their family and providing such information to potential service providers.

**CASE SERVICE
PAYMENTS**

Services/items such as special clothing allowances, school expenses, medical and dental treatment, or respite care, may be approved case services authorizations. Unless otherwise specified, the case services authorization categories are applicable to all youth who are placed with or committed to the department by the court; see [FOM 903-9, Case Service Payments](#).

VISITATION

For youth and collateral visiting contact requirements, see [JJM 270, Juvenile Justice Specialist Contact Requirements](#).

**VOTER
REGISTRATION
INFORMATION**

At least 90 calendar days prior to a youth turning 18, and annually thereafter, until case closure, the case manager will provide voter registration information. Updated brochures can be found at the [Secretary of State](#).

**STATE
IDENTIFICATION
CARD OR DRIVER'S
LICENSE**

The assigned case manager must ensure that the youth possess or applies for a state identification card or driver's license within 30

calendar days of the acceptance date. If the youth or family is unable to pay for a driver's license or state identification card, the [DHS-1583, Interagency Voucher Request](#), must be completed to bill the cost to DHS. The following codes must be used:

- TC-413.
- AGY-431.
- AY-last two digits of the fiscal year.
- Index-65340.
- PCA-47037.
- AOBJ-6155.

The case manager must submit a completed DHS-1583 to the Secretary of State office when requesting a state identification card or driver's license for a youth. The case manager must also file a copy in the case record.

Payment Method for State Identification Cards

If a youth or family is unable to pay for a driver's license or state identification card, a [Secretary of State](#) *memo for department of state* form must be provided to the Secretary of State and completed by the juvenile justice specialist (JJS) to bill the cost to MDHHS. The following code and template must be used:

- Program Unit Code.
- Accounting Template 491XX2053.

The JJS must submit this payment voucher by fax to Revenue Management at (517) 335-3120. The JJS must also file a copy in the electronic case record.

CONSUMER CREDIT REPORTS

Each youth age 14 and older under the care and supervision of MDHHS must receive a copy of any consumer credit report annually until discharged from care and must be assisted in interpreting the credit report and resolving any inaccuracies. See [FOM 722-06E, Consumer Credit Reports](#), for additional information and requirements. 42 USC 675(5)(I). A copy of the consumer credit report must be filed in the youth's case file and entered as a social work contact when provided to the youth within five business days.

HOUSING

Any youth, age 18 and older, without an identified housing situation, must be referred to a housing resource prior to case closure. Housing resources include homeless youth/runaway contractors and other local housing resources. Housing must be a key element of a permanency plan started early in case management and must be consistent with achieving the permanency goal.

See [FOM 722-03C, Older Youth: Preparation, Placement, and Discharge](#) for youth housing eligibility and documentation requirements. For housing financial assistance, see [FOM 950, The Youth in Transition \(YIT\) Program](#).

HOMELESS AND RUNAWAY SERVICES

Homeless youth services must be provided to any youth, ages 16-20, who is without permanent shelter and without appropriate supervision and care. 34 USC 11211 (2)(a)(b)(c).

Services provided may include:

- 24-hour crisis intervention services.
- Supervised living.
- Advocacy and support services.
- Independent living skills.
- Employment and educational assistance.
- Information and referral services.
- Counseling.

See [FOM 722-03C, Older Youth: Preparation, Placement, and Discharge](#) for homeless/runaway services eligibility criteria. See [Homeless Youth and Runaway Contracts](#) for a list of contractors located in the state of Michigan.

HEALTH & MEDICAID

The assigned case manager must ensure that Medicaid is opened, and the appropriate health services are made available to youth if needed. See the following policies for detailed requirements:

- [FOM 801, Health Services for Children in Foster Care](#).

- [FOM 802, Mental Health, Behavioral and Developmental Needs of Children Under the Supervision of MDHHS.](#)
- [FOM 803, Medicaid - Foster Care.](#)

Maternal Infant Health Program

Maternal Infant Health Program (MIHP) providers can help pregnant youth and new mothers understand how to stay healthy and keep their babies healthy. A pregnant youth enrolled in MIHP will have a care plan developed just for them. MIHP is free for youth who are pregnant and Medicaid eligible and their infants up to age one. Contact 1-833-644-6447 or visit [MIHP](#) website for more information and eligibility requirements.

SUPPLEMENTAL SECURITY INCOME BENEFITS DETERMINATION

A youth may be eligible for Supplemental Social Security Income (SSI) if:

- The youth has a medically verifiable physical or mental health condition(s) which results in marked and severe functional limitations.
- The medically proven physical or mental health condition(s) will last or are expected to last at least 12 months or expected to result in death.
- They are not employed at a job considered to be substantial work.

See [FOM 902-12, Government and Other Benefits](#), for additional SSI screening and application procedures.

STATE DISABILITY ASSISTANCE

The assigned case manager must assist a youth age 18 or older with a disability in applying for State Disability Assistance (SDA).

A person is disabled for SDA purposes if they meet any of the following criteria:

- Receives other specified disability-related benefits or services.

- Resides in a qualified Special Living Arrangement (SLA) facility.
- Is certified as unable to work due to mental or physical disability for at least 90 days from the onset of the disability.
- Is diagnosed as having Acquired Immunodeficiency Syndrome (AIDS).

For SDA procedures and eligibility criteria, see:

- [BAM 115, Application Processing.](#)
- [BAM 815, Medical Determination and Disability Determination Service \(DDS\).](#)
- [BEM 261, Disability - SDA.](#)
- [BEM 240, Age.](#)

MENTAL HEALTH SERVICES

The assigned case manager must ensure appropriate referrals and supports are coordinated for mental health services determined necessary by the most recent MJJAS and/or JJ Strengths and Needs Assessment.

Serious Emotional Disturbance Waiver

The Serious Emotional Disturbance Waiver (SEDW) enables Medicaid to fund necessary home and community-based services for youth up to age 20 with serious emotional disturbance who meet the criteria for admission to the state inpatient psychiatric hospital (Hawthorn Center) **and** are at risk of hospitalization without waiver services. For further contact information, counties covered and eligibility criteria see [Children with Serious Emotional Disturbances Waiver](#) and [FOM 903-03, Payment for Foster Family/Relative Care.](#)

Community Mental Health Wraparound

Wraparound is a team planning process between MDHHS and Community Mental Health (CMH) that creates an individualized

plan to meet the needs of youth and their families by utilizing a strength-based approach to treatment. Wraparound is an established practice of coordination services and supports for families and their children who have a serious emotional disturbance, are involved with multiple systems, and where other forms of intervention have not had successful outcomes. This service may be available to JJ youth up until the age of 21. A referral should be made **6 months prior** to a youth's planned return to the community using the [Community Mental Health Services Program \(CMHSP\) Key Contacts for Youth Reentry](#) guide. For contact information and eligibility criteria see; [Wraparound Services](#).

Association for Children's Mental Health

A statewide non-profit family organization dedicated to supporting families of children and youth with mental health challenges. Association for Children's Mental Health (ACMH) provides support and training for families and community partners who support them, as well as family networking and leadership opportunities. For eligibility and contact information see [Association for Children's Mental Health](#) website.

Intensive Crisis Stabilization Services

Intensive Crisis Stabilization Services (ICSS) are structured treatment and support activities provided by a mobile intensive crisis stabilization team that are designed to promptly address crisis situations. The goal of this service is to avert a psychiatric admission or other out of home placement for youth who have recently been discharged from a psychiatric hospitalization or other out of home placement and to maintain the youth in their current placement.

These services are made available to youth up to age 21 with serious emotional disturbance (SED) and/or intellectual/developmental disabilities (I/DD) including autism, or co-occurring SED and substance use disorder (SUD).

A crisis is a situation when at least one of the following applies:

- The parent/caregiver has identified a crisis and reports that their capacity to manage the crisis is limited at this time and they are requesting assistance.
- The youth can reasonably be expected within the near future to physically injure self or another individual, either intentionally or unintentionally.
- The youth exhibits risk behaviors and/or behavioral/emotional symptoms which are impacting their overall functioning; and/or the current functional impairment is a clearly observable change compared with previous functioning.
- The youth requires immediate intervention in order to be maintained in their home or present living arrangement or to avoid psychiatric hospitalization or other out of home placement.

Included Services

- Assessments (rendered by the treatment team).
- De-escalation of the crisis.
- Family-driven and youth-guided planning.
- Crisis and safety plan development.
- Intensive individual counseling/psychotherapy.
- Family therapy.
- Skill building.
- Psychoeducation.
- Referrals and connections to additional community resources.
- Collaboration and problem solving with youth serving systems.
- Psychiatric consult, as needed.

Approval Path

The Pre-Paid Inpatient Health Plan (PIHP) must seek and receive MDHHS approval, initially and every three years thereafter, for the intensive crisis stabilization services to use Medicaid funds for program services.

Resource and contact information can be found at [Intensive Crisis Stabilization Services](#) website.

RESPITE SERVICES

Respite services is short-term care and supervision of a youth who is an abuse and/or neglect ward, including dual wards, and juvenile

justice wards in any of the following: a licensed foster home, placed with a relative caregiver, in an adoptive placement, with legal parents or guardians, or in a court ordered placement. Children who are a part of the Serious Emotional Disturbance Waiver (SEDW) program and were referred by Community Mental Health (CMH), whether they are placed in foster care or not, qualify for respite. Respite is available to provide temporary and occasional relief to the youth and the youth's current placement caregiver, parent, or legal guardian to maintain the ability to meet the needs of the youth and to support the well-being of the current placement caregiver. Caring for the needs of youth who have experienced the trauma of neglect and/or abuse requires intensive time, effort, and skill. Respite services can be provided by licensed or unlicensed providers; see [SRM 109, Respite Services and Engagement](#).

EDUCATION & EMPLOYMENT

When work or vocational training has been determined to be a need for a youth based on the most recent MJJAS and/or JJ Strengths and Needs Assessment, the assigned case manager must ensure appropriate referrals and supports are coordinated.

School aged youth need to be enrolled in school and provided the appropriate educational services to support and encourage school success.

Use the [DHS-942, School Notification and Education Records Release](#), when education records are needed for the purpose of a school move or case planning and reporting. See [FOM 723, Educational Services](#) for assigned case manager responsibilities, enrollment requirements, and timeframes.

Disability Rights Michigan

Disability Rights Michigan (DRM) believe youth with disabilities deserve an educational experience geared toward similar outcomes to that of their non-disabled peers. It is important that school age youth continue their education while maintaining placement in the community. DRM supports a learning environment that is inclusive and absent of discrimination and stigma. DRM also aims to improve access and rights to services within vocational rehabilitation and centers for independent living. For youth entering independent living it is imperative they receive services that aid in providing successful transition to the community. DRM identifies and

addresses transitional needs from post education to community employment. Resource and contact information can be found at [Disability Rights Michigan website](#).

Tuition Incentive Program (TIP)

[Tuition Incentive Program \(TIP\)](#) provides tuition assistance and mandatory fee payments for students who qualify to attend college at participating institutions. This includes youth in foster care, state wards, court wards, and Family Independence Program (FIP), Medical Assistance (MA), State Family Assistance (SFA) and Family Support (FS) only recipients. See [FOM 903-17, Support Services to Families](#) for program requirements.

Education and Training Voucher (ETV) Program

[The Chafee Education and Training Voucher \(ETV\) Program](#) provides resources specific to meeting the education and training needs of youth aging out of foster care up to age 26. 42 USC 677. This program provides vouchers of up to \$5,000 per fiscal year to eligible youth attending post-secondary education and vocational programs. See [FOM 960, Education and Training Voucher \(ETV\) Program](#), for details on eligibility, institution type, attendance, funding sources, and allowable expenses.

Youth in Transition Program (YIT)

[Michigan's Youth in Transition Program \(YIT\)](#) assists with meeting the specialized needs of youth. Delinquent youth may be eligible for YIT services if they meet the eligibility criteria and were in an appropriate MDHHS placement at or after age 14. Additionally, dual wards who are 18-23 years old when their delinquency case is closed can receive closed case services. For further information and eligibility criteria on the YIT program, see [FOM 950, The Youth in Transition \(YIT\) Program](#).

Michigan Works! Agency Referral

Youth ages 14 and older that are under the care and supervision of the MDHHS can be referred to the local [Michigan Works! Agencies \(MW!A\)](#) for participation in youth programs and services administered under the Workforce Innovation and Opportunity Act

(WIOA). See [FOM 722-03C, Older Youth: Preparation, Placement, and Discharge](#) for contact information and eligibility criteria.

Michigan Rehabilitation Services

[Michigan Rehabilitation Services \(MRS\)](#) works with youth and adults with disabilities to provide transition services. Transition services assist youth moving from secondary school to post-secondary school activities, including post-secondary education, vocational training, continuing/adult education, adult services, independent living, or soft skills training necessary to obtain and maintain competitive-integrated employment and community inclusion. See [JJM 431, Reentry Services](#) for contact information and eligibility.

A youth with disabilities in community placement may be referred by the assigned JJS to MRS at any time it is deemed appropriate to meet the youth's needs. For further information and eligibility criteria see [JJM 431, Reentry Services](#).

For work and vocational training financial assistance, see:

- [FOM 950, The Youth In Transition \(YIT\) Program](#).
- [FOM 960, Education and Training Voucher \(ETV\) Program](#).

Mentor Michigan

Mentor Michigan recruits talented and committed mentors and connects them with effective programs that serve youth. Mentor Michigan partners with organizations that include faith based and non-profit, educational institutions and government. Providing at risk youth with mentoring connects them to personal growth and development as well as social and economic opportunity. For further contact information to make a referral please see [Mentor Michigan](#).

LEGAL BASE

Federal

34 USC 11211 (2)(a)(b)(c) et seq, Authority to make grants.

Services shall be established that include individual, family and group counseling, home based services and services for runaway and homeless youth and for the families of such youth.

Social Security Act, 42 USC 675(5)(I).

Provides requirements to ensure youth age 14 and older receive a copy of consumer credit report.

Social Security Act, 42 USC 677.

Provides information on educational and training voucher eligibility for youth.

State**The Social Welfare Act, 1939 PA 280, as amended, MCL 400.115b(1).**

The department may provide institutional care, supervision in the community, boarding care, halfway house care, and other children and youth services and programs necessary to meet the needs of those children or may obtain appropriate services from other state agencies, local public agencies, or private agencies.

Youth Rehabilitation Services Act, 1974 PA 150, as amended, MCL 803.303(3).

If a youth is placed in their own home, the youth agency shall provide counseling services and may establish reasonable conditions under which the youth will be permitted to remain in the home, but the youth's parents retain all other parental rights and duties.

POLICY CONTACT

Juvenile justice supervisors and management may submit policy clarification questions to juvenile-justice-policy@michigan.gov.

STATE DISABILITY ASSISTANCE

The assigned caseworker must assist a youth age 18 or older with a disability in applying for State Disability Assistance (SDA).

A person is disabled for SDA purposes if he or she meets any of the following criteria:

- Receives other specified disability-related benefits or services.
- Resides in a qualified Special Living Arrangement (SLA) facility.
- Is certified as unable to work due to mental or physical disability for at least 90 days from the onset of the disability.
- Is diagnosed as having Acquired Immunodeficiency Syndrome (AIDS).

For SDA procedures and eligibility criteria, see [BAM 115, Application Processing](#); [BAM 815, Medical Determination and Obtaining Medical Evidence](#); [BEM 261, Disability - SDA](#), and [BEM 240, Age](#).

MENTAL HEALTH SERVICES

The assigned caseworker must ensure appropriate referrals and supports are coordinated for mental health services determined necessary by the most recent MJJAS and/or JJ Strengths and Needs Assessment.

Serious Emotional Disturbance Waiver (SEDW)

The SEDW enables Medicaid to fund necessary home and community-based services for youth up to age 20 with serious emotional disturbance who meet the criteria for admission to the state inpatient psychiatric hospital (Hawthorn Center) **and** are at risk of hospitalization without waiver services. For further contact information, counties covered and eligibility criteria see [Children with Serious Emotional Disturbances Waiver](#) and [FOM 903-03, Payment for Foster Family/Relative Care](#).

**Community Mental
Health
Wraparound/Case
Management**

Wraparound is a team planning process between MDHHS and Community Mental Health that creates an individualized plan to meet the needs of youth and their families by utilizing a strength-based approach to treatment. Wraparound is an established practice of coordination services and supports for families and their children who have a serious emotional disturbance, are involved with multiple systems and where other forms of intervention have not had successful outcomes. This service may be available to JJ youth up until the age of 21. A referral should be made **6 months prior** to a youth's planned return to the community using the [Key Contact for Youth Reentry](#) guide. For contact information and eligibility criteria see; [Wraparound Services](#).

**Association for
Children's Mental
Health (ACMH)**

A statewide non-profit family organization dedicated to supporting families of children and youth with mental health challenges. ACMH provides support and training for families and community partners who support them, as well as, family networking and leadership opportunities. For eligibility and contact information see [ACMH](#) website.

**Intensive Crisis
Stabilization
Services (ICSS)**

Intensive crisis stabilization services are structured treatment and support activities provided by a mobile intensive crisis stabilization team that are designed to promptly address a crisis situation in order to avert a psychiatric admission or other out of home placement or to maintain a youth in his or her home or present living arrangement who has recently returned from a psychiatric hospitalization or other out of home placement. These services are made available to youth up to age 21 with serious emotional disturbance (SED) and/or intellectual/developmental disabilities (I/DD) including autism, or co-occurring SED and substance use disorder (SUD).

A crisis is a situation when at least one of the following applies:

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A crisis is a situation when at least one of the following applies:

- The parent/caregiver has identified a crisis and reports that their capacity to manage the crisis is limited at this time and they are requesting assistance.
- The youth can reasonably be expected within the near future to physically injure self or another individual, either intentionally or unintentionally.
- The youth exhibits risk behaviors and/or behavioral/emotional symptoms which are impacting their overall functioning; and/or the current functional impairment is a clearly observable change compared with previous functioning.
- The youth requires immediate intervention in order to be maintained in his or her home or present living arrangement or to avoid psychiatric hospitalization or other out of home placement.

Included Services

- Assessments (rendered by the treatment team).
- De-escalation of the crisis.
- Family-driven and youth-guided planning.
- Crisis and safety plan development.
- Intensive individual counseling/psychotherapy.
- Family therapy.
- Skill building.
- Psychoeducation.
- Referrals and connections to additional community resources.
- Collaboration and problem solving with youth serving systems.
- Psychiatric consult, as needed.

Approval Path

The Pre-Paid Inpatient Health Plan (PIHP) must seek and receive MDHHS approval, initially and every three years thereafter, for the intensive crisis stabilization services in order to use Medicaid funds for program services.

For further ICSS information including contact information and eligibility see [Medicaid Provider Manual](#).

**EDUCATION &
EMPLOYMENT**

When work or vocational training has been determined to be a need for a youth based on the most recent MJJAS and/or JJ Strengths and Needs Assessment, the assigned caseworker must ensure appropriate referrals and supports are coordinated.

School aged youth need to be enrolled in school and provided the appropriate educational services to support and encourage school success.

Use the DHS-942, Foster Care Education Records Release, when education records are needed for the purpose of a school move or case planning and reporting. See [FOM 723, Educational Services](#) for assigned caseworker responsibilities, enrollment requirements and timeframes.

**Disability Rights
Michigan**

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Program (TIP)**

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**Education and
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The Chafee Education and Training Voucher (ETV) Program provides resources specific to meeting the education and training needs of youth aging out of foster care up to age 26. 42 USC 677. This program provides vouchers of up to \$5,000 per fiscal year to eligible youth attending post-secondary education and vocational programs. See [FOM 960, Education and Training Voucher \(ETV\) Program](#), for details on eligibility, institution type, attendance, funding sources, and allowable expenses.

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**Michigan Works!
Agency Referral**

Youth ages 14 and older that are under the care and supervision of MDHHS can be referred to the local Michigan Works! Agencies (MW!A) for participation in youth programs and services administered under the Workforce Innovation and Opportunity Act (WIOA). See [FOM 970, Michigan Works! Agency Referrals](#) for contact information and eligibility criteria.

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Michigan Rehabilitation Services (MRS) works with youth and adults with disabilities to provide transition services. Transition services assist youth moving from secondary school to post-secondary school activities, including post-secondary education, vocational training, continuing/adult education, adult services, independent living or soft skills training necessary to obtain and maintain competitive-integrated employment and community

inclusion. See [JJM 431, Reentry Services](#) for contact information and eligibility.

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34 USC 11211 (2)(a)(b)(c) et seq, Authority to make grants.

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If a youth is placed in his or her own home, the youth agency shall provide counseling services and may establish reasonable conditions under which the youth will be permitted to remain in the home, but the youth's parents retain all other parental rights and duties.

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POLICY CONTACT

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PURPOSE

From the time of case acceptance, the assigned Michigan Department of Health and Human Services (MDHHS) caseworker must direct services towards maintaining the youth's safe placement upon reentry to the community pursuant to The Second Chance Act of 2007, PL 110-199 (3)(5). Determining when a youth is ready for reentry to the community is based on collaboration with facility staff, treatment progress and the most recent Michigan Juvenile Justice Assessment System (MJJAS) risk level. Providing supportive services to the youth ensures they maintain a level of continuity and reduces risk of recidivism while ensuring safe communities.

DEFINITIONS

See; [JJG, Juvenile Justice Glossary](#).

Unplanned Release

An unplanned release is a release that is both prior to the estimated release date and unexpected (for example, a court ordering the immediate release of a youth against the juvenile justice specialist and facility treatment team recommendation or a youth AWOLP/escape who does not return to the facility).

Qualified Residential Treatment Program (QRTP)

A child caring institution that is defined as is defined as a program that:

- Has a trauma-informed treatment model designed to address the needs, and clinical needs as appropriate, of youth with serious emotional or behavioral disorders or disturbances, and can implement the necessary treatment identified in the youth's assessment.
- Has registered or licensed nursing staff and other licensed clinical staff who can provide care, who are on-site consistent with the treatment model, and available 24 hours and 7 days a week. The QRTP does not need to have a direct employee/employer relationship with required nursing and behavioral staff.
- Facilitates family participation in youth's treatment program (if in youth's best interest).

- Facilitates family outreach, documents how this outreach is made, and maintains contact information for any known biological family and fictive kin of the youth.
- Documents how the youth's family is integrated into the youth's treatment, including post discharge, and how sibling connections are maintained.
- Provides discharge planning and family-based aftercare supports for at least 6 months post discharge.
- The program is licensed and nationally accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), the Council on Accreditation, or others approved by the Secretary.

MICHIGAN YOUTH REENTRY MODEL

The Michigan Youth Reentry Model uses evidence-based approaches and collaborative case management through continuous case planning with the youth and family. It is important that youth and families make responsible choices and achieve goals in education, employment, behavioral health and maintaining positive personal relationships.

MICHIGAN YOUTH REENTRY INITIATIVE

The Michigan Youth Reentry Initiative (MYRI) provides the opportunity for youth placed at state-run facilities to receive individualized planning and wraparound services to assist with successful community reentry.

A youth's assigned juvenile justice specialist must request a referral to MYRI **six months prior** to the youth's scheduled release date. The assigned juvenile justice specialist must complete and submit the DHS-449, Juvenile Justice Reentry Care Coordination Referral, according to the instructions on the form.

The assigned juvenile justice specialist must participate in and assist with the planning and coordination of reentry services. This includes obtaining any necessary releases of information and sharing of case information to service providers.

The treatment and transition team and MYRI representative must complete and sign the DHS-738, Re-entry Plan, to detail reentry needs and services. For additional information on facility reentry responsibilities, see; [JRM 207, Reentry Planning and Preparation](#).

TREATMENT & TRANSITION

The assigned juvenile justice specialist must begin reentry planning with the treatment and transition team at least **six months prior** to the youth's planned release date. See; [JRM 207, Reentry Planning and Preparation](#), for additional information on residential treatment programming and reentry planning.

The treatment and transition team must meet monthly and include, but is not limited to:

- The youth.
- The youth's identified family, mentor and/or other important people in the youth's life.
- The assigned juvenile justice specialist.
- Residential facility treatment staff.
- Education/vocational providers.
- Community service providers that a youth has been or will be referred to for post-release services.

Treatment and transition team meetings may be attended by conference call or video conferencing to ensure maximum participation of team members.

DHS-767, Conditions of Placement Agreement

The completed DHS-767, Conditions of Placement Agreement, must be reviewed by affected parties, and signed at least 7 calendar days prior to the youth's planned release or within 7 calendar days of a youth's unplanned release. MCL 803.303(3). See; [JJM 400, Placement Conditions](#) for additional requirements.

QRTP Aftercare Requirements

Youth returning to the community from a private, contracted qualified residential treatment program are entitled to receive six months of family-based aftercare support services from the program. For residential staff responsibilities see [JRM 207, Reentry Planning and Preparation](#). MCL 722.111(w).

Note: Aftercare support for youth is not required if the youth moves to another child caring institution, adult foster care, shelter, hospital, detention, or jail.

Reentry/aftercare services are not required to be provided if the youth was in the qualified residential treatment program for 14 days or less, or if the independent initial assessment determines that the youth should be serviced in the community **and** that youth is released from the qualified residential treatment program within 30 days of admission.

CASE SERVICE REFERRALS

When the youth is returning to the community, the assigned juvenile justice specialist must:

- Ensure the youth's basic physical, mental, education/vocational and social needs will be met.
- Ensure that the youth is placed in and remains in a productive status of school/work/training.
- Provide direct service to the youth and their family and refer them to any appropriate community resource.

Six months prior to the youth's planned release date, the juvenile justice specialist must use results from the most recent MJJAS Reentry assessment risk score and Juvenile Justice (JJ) Strengths and Needs assessment to create a reentry plan to address:

- Housing.
- Employment or education.
- Family connections and healthy relationships.
- Medical needs and/or mental health needs.
- Substance abuse needs.
- Disabilities.

- Safety planning.
- Finances.

All case services referrals must be documented in social work contacts within five business days of service referral.

The assigned juvenile justice specialist must facilitate obtaining the necessary information releases (DHS-1555-CS, Authorization to Release Confidential Information, and DHS-942, Foster Care Education Records Release), for the youth and their family and provide such information to potential reentry service providers.

CASE SERVICES PAYMENTS

Services/items such as special clothing allowances, school expenses, medical and dental treatment, may be approved through case service authorizations. Unless otherwise specified, the case service authorization categories are applicable to all youth who are placed with or committed to the department by the court; see [FOM 903-9, Case Service Payments](#) for information.

HOUSING

Housing must be a key element of a reintegration plan started early in case management and must be consistent with achieving the permanency goal. Any youth, age **18 and older**, without an identified housing situation, must be referred to a housing resource prior to case closure. Housing resources include homeless youth/runaway contractors and other local housing resources. 34 USC 11211 (2)(a)(b)(c).

See [FOM 722-03C, Older Youth: Preparation, Placement, and Discharge](#) for housing eligibility criteria.

For housing financial assistance, see [FOM 950, The Youth in Transition \(YIT\) Program](#).

Shelter Care

Family shelter homes are located throughout the state and are available to delinquent youth until a placement is obtained.

For further information and eligibility criteria; see [FOM 941, Family Shelter Home: Program Overview, Requirements and Limitations](#).

The BSC director must approve placement of children ages 10 and older in an emergency shelter care program. Initial approval may be granted for up to 30 calendar days. The CSA executive director must approve placement of a child under the age of 10 in an emergency shelter care program. If a shelter placement must extend beyond 30 calendar days, the caseworker must complete a placement exception request (PER) for approval to extend the emergency shelter placement beyond 30 days. See; [FOM 722-03, Placement Selection and Standards](#) and [FOM 722-03E, Placement Exception Requests and Approvals](#) for further information on placement exception requests.

Note: Children must not remain in an emergency shelter facility for more than 45 days.

STATE IDENTIFICATION CARD OR DRIVER'S LICENSE

Six months prior to the youth's planned release date, the assigned juvenile justice specialist must ensure that the youth possesses or applies for a state identification card or driver's license. If the youth or family is unable to pay, see; [JRM 231, Payment Method for State Identification Card](#).

CONSUMER CREDIT REPORTS

Each youth age 14 and older under the care and supervision of MDHHS must receive a copy of any consumer credit report annually until discharged from care. The youth must be assisted in interpreting the credit report and resolving any inaccuracies. 42 USC 675(5)(I). See; [FOM 722-6E, Consumer Credit Reports](#), for additional information and requirements. A copy of the consumer credit report must be filed in the youth's case file and entered as a social work contact when provided to the youth within five business days.

PSYCHOTROPIC MEDICATION

When a youth is prescribed psychotropic medication, the assigned juvenile justice specialist must ensure that the youth has a follow-up appointment scheduled with a community provider within 30

days. The facility must also provide copies of the most current informed consent documentation to the juvenile justice specialist.

For additional juvenile justice specialist responsibilities, see; [JJM 802-1, Psychotropic Medication](#).

HEALTH & MEDICAID

Upon youth's release, the facility must provide the juvenile justice specialist, legal parents(s) or guardian(s) or adult youth all medical, dental and mental health information, including a medication regime at time of release.

Youth with a medication regime must have at least 30 days of medication provided to the responsible party to whom the youth is released, including written information from the prescribing physician explaining each medication and the reason the youth is prescribed each medication.

See; [FOM 801, Health Services for Foster Children](#), [FOM 802, Mental Health, Behavioral and Development needs of Foster Children](#), and [FOM 803, Medicaid - Foster Care](#) for caseworker responsibilities.

Maternal Infant Health Program (MIHP)

Maternal Infant Health Program (MIHP) providers can help pregnant youth and new mothers understand how to stay healthy and keep their babies healthy. A pregnant youth enrolled in MIHP will have a care plan developed just for them. MIHP is free for youth who are pregnant and Medicaid eligible and their infants up to age one. Contact 1-833-644-6447 or visit [MIHP](#) website for more information and eligibility requirements.

EDUCATION

If the youth needs to continue their education upon reentry to the community, the assigned juvenile justice specialist must ensure that every effort is made to provide the youth with appropriate educational services to support and encourage school success. See; [JJM 723, Educational Services for Juvenile Justice](#).

WORK OR VOCATIONAL TRAINING

When work or vocational training has been determined to be a need for a youth, the assigned juvenile justice specialist must ensure appropriate referrals and supports are planned and coordinated. For work and vocational training financial assistance, see; [FOM 950, The Youth In Transition \(YIT\) Program](#), and [FOM 960, Education and Training Voucher \(ETV\) Program](#).

Michigan Rehabilitation Services (MRS)

Michigan Rehabilitation Services (MRS) works with youth and adults with disabilities to provide transition services. Transition services assist youth moving from secondary school to post-secondary school activities, including post-secondary education, vocational training, continuing/adult education, adult services, independent living or soft skills training necessary to obtain and maintain competitive-integrated employment and community inclusion.

A youth who is disabled and is in public or private residential placement must be assessed for the appropriateness of a referral to MRS. The juvenile justice specialist should include the input of MRS and the youth's treatment and transition team when considering a referral to MRS. This should occur at least **six months prior** to the youth's scheduled release date or within seven calendar days of an unplanned release. The assigned juvenile justice specialist may need to assess the appropriateness of a referral to MRS sooner if the residential treatment program is less than six months long or for more complex cases.

If the youth is assessed as appropriate for a referral to MRS, the assigned juvenile justice specialist will assist the youth with applying for MRS services.

For work and vocational training financial assistance, see; [FOM 950, The Youth In Transition \(YIT\) Program](#), and [FOM 960, Education and Training Voucher \(ETV\) Program](#).

MRS Case Opening

The assigned juvenile justice specialist and youth's treatment and transition team must hold an initial meeting to discuss the youth's release plans with the MRS counselor and decide:

- Which program would benefit the youth – Pre-Employment Transition Services (student with a disability age 14-26) and/or Vocational Rehabilitation Services (individual with a disability).
- The best timing for MRS to begin working with the youth to open the youth's MRS case.

MRS Program - Pre-Employment Transition Services (PRE-ETS)

The following services may be provided to students with disabilities ages 14-26:

- Instruction in self-advocacy including in person-centered planning, peer mentoring, and peer mentoring from individuals with disabilities working in competitive integrated employment.
- Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment to the maximum extent possible.
- Job exploration counseling.
- Counseling on opportunities for enrollment in comprehensive transition or post-secondary educational programs at institutions of higher education.
- Workplace readiness training to develop social skills and independent living.

MRS Referral Packet - Pre-ETS Program

- Student and Parental/Guardian Referral/Consent for Pre-Employment Transition Services (MRS-2900).
- Guardianship order.
- School Verification of Student with a Disability; Pre-Employment Transition Services (MRS-2905); **or**

- Active Individualized Educational Plan (IEP); or
- Active 504 Plan; or
- Post-secondary enrollment verification.
- School documentation or documentation from other sources confirming disability status (Examples: medical records/reports or SSA beneficiary information).

MRS Service Agreement - Pre-ETS Program

The assigned juvenile justice specialist and youth's treatment and transition teamwork with the MRS counselor to complete the Pre-Employment Transition Services Agreement (MRS-2930). This agreement identifies specific services and vendors that would help the student in preparing for the transition from school to post-secondary education, training or employment.

MRS Program - Vocational Rehabilitation (VR)

The following services may be provided to youth when needed to assess MRS eligibility and rehabilitation needs, or to achieve the youth's vocational goals and objectives:

- Pre-Employment Transition Services.
- Medical, psychological or vocational evaluations necessary for planning or diagnosis, if existing information about the youth is insufficient.
- Vocational counseling and career planning.
- Job training arranged through adult education; trade, technical or business schools; colleges or employers.
- Assistance with any additional costs for maintenance and transportation as a result of the customer's participation in a rehabilitation program.
- Personal physical aids such as prosthetic and orthopedic devices, hearing aids, wheelchairs, hand controls, etc. that are necessary for the youth to achieve employment.
- Job and task analysis specific to the achievement of a vocational goal.
- Rehabilitation engineering.

- Accommodation services and assistive technology, personal adjustment counseling.
- Tools, equipment, uniforms and license fees needed for work or training beyond that routinely provided for all students in technical training and work-study programs.
- Job placement assistance and follow-up.
- Individualized Plan for Employment (IPE)-related job coaching services.
- IPE-related personal assistance services.
- Independent living training needed to facilitate or maintain employment.
- Post-employment services needed to maintain employment.

MRS Referral Packet - VR Program

The referral packet to MRS must contain the completed MRS application. Additional information that may be beneficial to facilitate the intake of the youth, if available or applicable, would be:

- Most recent individualized education plan (IEP).
- Guardianship papers.
- Vocational assessment reports.
- Speech and language reports.
- Occupational and physical therapy reports.
- Most recent psychological and/or psychiatric assessment.
- Medical records that document the youth's disability and functional limitations.
- A list of the youth's treatment providers addresses and phone numbers.
- Most recent residential treatment plan and juvenile justice service plan.

MRS Application – VR Program

The assigned juvenile justice specialist must assist the youth with applying for MRS services by ensuring that the youth completes MRS-2910, Application for Vocational and Employment Services.

The assigned juvenile justice specialist must submit the MRS-2910 to the local MRS office with a complete referral packet 14 days prior to the youth's release. To locate the appropriate local office, call 800-605-6722.

MRS Intake – VR program

The assigned juvenile justice specialist participates in the intake with the youth and MRS counselor. The intake information is either provided orally to the MRS counselor or by completing the following forms:

- MRS-2950, Intake for Vocational and Employment Services.
- MRS-2960, Characteristics at Plan.

**Michigan Career &
Technical Institute
(MCTI)**

The Michigan Career & Technical Institute (MCTI) located in Plainwell offers free tuition, room and board for eligible adults who have a physical or mental disability. Depending on aptitude and interest, youth may choose to enroll in one of several technical training programs. A youth's MRS counselor can help determine if MCTI would be a good match. For more information, call the admissions office at (877) 901-7360 or visit the [Michigan Career Technical Institute \(MCTI\)](#) website.

**STATE DISABILITY
ASSISTANCE**

The assigned juvenile justice specialist must assist a youth age 18 or older with a disability that is placed in a public or private residential facility in applying for State Disability Assistance (SDA) to ensure a seamless transition back to the community. For SDA procedures and eligibility criteria, see; [BAM 115, Application Processing](#); [BAM 815, Medical Determination and Obtaining Medical Evidence](#); [BEM 261, Disability - SDA](#) and [BEM 240, Age](#).

The assigned juvenile justice specialist must complete the following to assist in the SDA application process:

- Six months prior to the planned release date from the facility or within seven calendar days of an unplanned release, the assigned juvenile justice specialist must discuss the disability determination process with the MRS counselor and treatment and transition team to determine if SDA should be pursued for the youth. If SDA will be pursued, the assigned juvenile justice specialist must begin to prepare the SDA referral packet.
- The assigned juvenile justice specialist must send the referral packet for SDA eligibility determination 14 calendar days prior to the youth's planned release date or within seven calendar days of an unplanned release, using the following forms:
 - DHS-1749, Notice of Scheduled Release from Juvenile Justice Facility. A copy of the DHS-1749 must be filed in the youth's case record.
 - DHS-49-B, Social Summary.
 - DHS-49-D, Psychiatric/Psychological Examination Report (for mental health disabilities).
 - DHS-49-E, Mental Residual Functional Capacity Assessment.
 - DHS-49-F, Medical-Social Questionnaire.
 - DHS-49-G, Activities of Daily Living (optional).
 - DHS-1555, Authorization to Release Protected Health Information.

The MDHHS Eligibility specialist (ES) must schedule an appointment with the youth to be held within five business days after his/her release date; see [BAM 115, Application Processing](#).

MENTAL HEALTH SERVICES

The assigned caseworker must ensure appropriate referrals and supports are coordinated for mental health services determined necessary by the most recent MJJAS and/or JJ Strengths and Needs Assessment.

**Community Mental
Health
Wraparound/Case
Management**

Wraparound is a team planning process between MDHHS and Community Mental Health that creates an individualized plan to meet the needs of youth and their families by utilizing a strength-based approach to treatment. Wraparound is an established practice of coordination services and supports for families and their children who have a serious emotional disturbance, are involved with multiple systems and where other forms of intervention have not had successful outcomes. This service may be available to JJ youth up until the age of 21. A referral should be made **6 months prior** to a youth's planned return to the community using the [CMHSP Key Contacts for Youth Reentry](#) guide. For contact information and eligibility criteria see; [Wraparound Services](#).

**Serious Emotional
Disturbance
Waiver (SEDW)**

The SEDW enables Medicaid to fund necessary home and community-based services for youth up to age 20 with serious emotional disturbance who meet the criteria for admission to the state inpatient psychiatric hospital (Hawthorn Center) **and** are at risk of hospitalization without waiver services. A referral should be made **6 months prior** to a youth's planned return to the community. For contact information, counties covered and eligibility criteria see; [Children with Serious Emotional Disturbances Waiver](#) and [FOM 903-03, Payment for Foster Family/Relative Care](#).

**Association for
Children's Mental
Health (ACMH)**

ACMH is a statewide non-profit family organization dedicated to supporting families of children and youth with mental health challenges. ACMH provides support and training for families and community partners who support them, as well as, family networking and leadership opportunities. For eligibility and contact information see; [ACMH](#) website.

**Intensive Crisis
Stabilization
Services (ICSS)**

Intensive Crisis Stabilization Services are structured treatment and support activities provided by a mobile intensive crisis stabilization team that are designed to promptly address a crisis situation in order to avert a psychiatric admission or other out of home placement or to maintain a child or youth in their home or present living arrangement who has recently returned from a psychiatric hospitalization or other out of home placement. These services must be available to children or youth up to age 21 with serious emotional disturbance (SED) and/or intellectual/developmental disabilities (I/DD) including autism, or co-occurring SED and substance use disorder (SUD)

A crisis is a situation when at least one of the following applies:

- The parent/caregiver has identified a crisis and reports that their capacity to manage the crisis is limited at this time and they are requesting assistance.
- The child or youth can reasonably be expected within the near future to physically injure self or another individual, either intentionally or unintentionally.
- The child or youth exhibits risk behaviors and/or behavioral/emotional symptoms which are impacting their overall functioning; and/or the current functional impairment is a clearly observable change compared with previous functioning.
- The child or youth requires immediate intervention in order to be maintained in their home or present living arrangement or to avoid psychiatric hospitalization or other out of home placement.

Included Services

- Assessments (rendered by the treatment team).
- De-escalation of the crisis.
- Family-driven and youth-guided planning.
- Crisis and safety plan development.
- Intensive individual counseling/psychotherapy.
- Family therapy.
- Skill building.

- Psychoeducation.
- Referrals and connections to additional community resources.
- Collaboration and problem solving with youth serving systems.
- Psychiatric consult, as needed.

Approval Path

The Pre-Paid Inpatient Health Plan (PIHP) must seek and receive MDHHS approval, initially and every three years thereafter, for the intensive crisis stabilization services in order to use Medicaid funds for program services.

For contact information by region see [Community Mental Health Services Program & Intensive Crisis Stabilization Services Phone List](#) For further ICSS information and eligibility see the [Medicaid Provider Manual](#).

LEGAL BASE

Federal

34 USC 11211(2)(a)(b)(c) et seq, Authority to make grants.

Services shall be established that include individual, family and group counseling, home based services and services for runaway and homeless youth and for the families of such youth.

The Second Chance Act of 2007, PL 110-199 (3)(5).

Provides basis to assist youth offenders reentering the community from placement to establish and provide sufficient transitional services to maintain community placement.

Social Security Act, 42 USC 675(5)(I).

Provides requirements for youth who have attained 14 years of age receive a copy of a consumer report until the youth is discharged from care.

State

Youth Rehabilitation Services Act, 1974 PA 150, as amended, MCL 803.303(3).

If a youth is placed in their own home, the youth agency shall provide counseling services and may establish reasonable conditions under which the youth will be permitted to remain in the

home, but the youth's parents retain all other parental rights and duties.

Child Care Organizations, 1973 PA 116, MCL 722.111(w).

Requires family-based aftercare supports for 6 months post release of youth from qualified residential treatment program.

POLICY CONTACT

Juvenile justice supervisors and management may submit policy clarification questions to juvenile-justice-policy@michigan.gov.

PURPOSE

The ability to set aside an adjudication provides youth with equal opportunities afforded to those without a criminal record. Adjudication can have significant long-term consequences for a youth. Consequences include, but are not limited to, being a barrier to employment, secondary education, military service, public housing, and student loans.

DEFINITIONS

See [JJG Glossary](#).

ELIGIBILITY TO APPLY TO SET ASIDE ADJUDICATION(S)

The case manager must assist the youth with completing the process to set aside an adjudication (also referred to as expungement) if the youth meets the eligibility to apply and wishes to do so.

Beginning July 3, 2021, a youth became eligible to apply to set aside an adjudication per MCL 712A.18e if a year had passed since termination of court jurisdiction. The youth must not have:

- An adult felony conviction.
- A conviction following a designated case.
- More than three adjudications, of which only one can be for an offense that would be a felony for an adult. For example, one felony and two misdemeanors or three misdemeanor offenses.

Note: Multiple adjudications due to delinquent acts occurring within 12 continuous hours or less count as one offense, if none of the adjudications are:

- An assaultive crime as defined in 1927 PA 175, MCL 770.9a.
- An offense involving the use or possession of a weapon.
- An offense with a maximum penalty of 10 or more years imprisonment.

A youth cannot apply for the following to be set aside:

- Adjudication for an offense, if committed by an adult, that would be a felony punishable by life imprisonment.
- Conviction as a juvenile tried as an adult under MCL 712A.2d.

For additional information see [Michigan Legal Help](#) website.

Automatic Expungement Begins in 2023

With the passage of 2020 PA 361, an automatic expungement process will take effect beginning December 30, 2023 for offenses other than:

- Assault; infliction of serious or aggravated injury.
- Felonious Assault with dangerous weapon.
- Sexual Intercourse under pretext of medical treatment.
- Child Abuse.
- Manslaughter.
- Manslaughter; willful killing of an unborn quick child by injury to mother.
- Mayhem.
- Stalking.
- Aggravated Stalking.
- Third Degree Criminal Sexual Conduct.
- Assault with intent to commit Criminal Sexual Conduct.
- Providing or soliciting material support for terrorist acts or terrorism.

See [SRM 131, Confidentiality](#) for penalties of persons who release or disclose a youth's redacted/expunged adjudication. MCL 712A.18t(9).

LEGAL**State****2020 PA 361.**

Act that amends the Probate Code of 1939 to allow for automatic expungement beginning in July 2023.

Note: Implementation of automatic expungement has been delayed and is now effective December 20, 2023, pursuant to State Court Administrative Office (SCAO) memo.

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

Provides requirements for automatic expungement of a youth adjudication.

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

Provides requirements for setting aside an adjudication for youth.

POLICY CONTACT

Juvenile justice supervisors and management may submit policy clarification questions to juvenile-justice-policy@michigan.gov.

POLICY

Inter-county courtesy services are referrals between counties within the state for the provision of service to a specific ward and/or his/her parent(s). It is the responsibility of the assigned juvenile justice specialist (JJS) to provide services to Inter-county delinquent wards.

PURPOSE

To ensure that delinquent wards and/or parents of inter-counties status treatments needs are being met.

AUTHORITY

The Social Welfare Act, 1939 PA 280, as amended, MCL 400.115b(1).

PROCEDURE

If it becomes necessary to place a ward in foster care in a neighboring county, or the ward's parent(s) is located in another county, the placing county and receiving county **are to reach a mutual agreement on the assignment of case responsibilities before the placement**. The agreement must be in writing with each county maintaining a copy in the ward's case record.

If difficulties arise in reaching an agreement, the county of court jurisdiction is to initiate, through supervisory channels, a resolution of the problem.

Initial Service Plan

If the ward or the parent is located in another county at the time of acceptance, the initial service plan must be made cooperatively by both local offices. The local office in the county of court jurisdiction is responsible for compiling the information and recommendation into a single study, developing a plan, and providing services.

Updated Service Plan

If more than one local office is involved in the provision of services, the assigned JJS in each local office must complete the report section appropriate to their assigned function or responsibility as agreed upon in writing. Original copies of reports must be placed in

the department case record and copies forwarded to each local office for review and filing.

CSMIS reporting is the responsibility of the county of original jurisdiction unless otherwise agreed to in writing. The other worker may be shown as a secondary worker on CSMIS.

When a ward's family moves from one county to another:

- Ongoing supervision of the ward continues in the county of court jurisdiction unless the court transfers the case to the county of residence.
 - The courts will work out the logistics of the transfer after receiving a transfer request report from the JJS.
 - If department responsibility is transferred to the county of residence, the complete case record must be forwarded to that county office within five working days of the transfer.
- Courtesy supervision may be requested if the committing court does not transfer jurisdiction. A referral packet is used to request courtesy supervision. Case management functions continue with the county of the committing court jurisdiction. The JJS from the county of residence becomes the secondary JJS on CIMS.

PURPOSE

Detention and jail are the most restrictive placements available and do not provide rehabilitative treatment for juvenile offenders. The assigned juvenile justice specialist (JJS) must ensure that alternatives to placement in detention or jail are considered and when it is necessary to place a youth in detention or jail, the restrictions on placement in detention or jail are followed.

To provide detention alternatives including regional detention support services (RDSS), as well as criteria and restrictions for youth placement in detention and jail and to provide requirements on:

- Deinstitutionalization of status offenders.
- Removal of youth from adult jails and lockups.
- Sight and sound separation of youth from adult detainees.

JUVENILE DETENTION ALTERNATIVES

Planning for the youth referred or committed to the Michigan Department of Health and Human Services (MDHHS) must be based on all of the following:

- The most recent juvenile justice strengths and needs assessment.
- Michigan Juvenile Justice Assessment System (MJJAS) Dispositional Assessment or MJJAS Diversion assessment.
- Community safety.
- Court recommendations.
- Assurance that reasonable efforts have been made to prevent removal from the family.
- Active efforts have been made to prevent removal of a status offender who is an Indian child from their family. See [NAA 215, Placement/Replacement Priorities for Indian Children](#).

When a youth is referred or committed to MDHHS or has violated a valid court order, an evaluation should be made to determine if a youth can be served in his or her own home or if replacement is necessary for the youth's treatment and/or their family and public safety. The treatment and placement continuum must be

considered beginning with the least restrictive placement for the assigned risk level. The treatment and placement continuum includes, but is not limited to, MCL 712A.18:

- Judicial warning to youth or parent(s) or legal guardian(s) and dismissal of petition.
- Fines, restitution, community service and/or curfew restrictions.
- New assessment and/or community-based treatment services to address current offense behaviors and needs.
- Order for parent(s) or legal guardian to refrain from conduct that might be harmful to the youth and/or to participate in treatment.
- In home detention and community-based treatment services.
- In home electronic monitoring and community-based treatment services.
- Foster or relative home placement and community-based treatment services.
- Non-secure residential placement with treatment services.
- Secure residential placement or hospitalization with treatment services.
- Secure juvenile detention facility.
- Adult jail, detention or lockup.

Note: If a youth charged with a status offense is an Indian child and is removed from the home and placed in foster care, refer to MCL 712B.3(b) and placement preferences in [NAA 215, Placement/Replacement Priorities for Indian Children](#).

REGIONAL DETENTION SUPPORT SERVICES

Regional detention support services (RDSS) provide alternatives to juvenile detention or adult jail for youth who have been arrested and who are awaiting a hearing and/or a placement. Services include holdover, home detention, electronic monitoring, and transportation to and from the juvenile detention facilities in

Michigan utilizing trained volunteers as attendants and transporters. RDSS are accessed through Juvenile Justice Programs by calling 517-355-6144.

Eligibility and Cost

Eligibility for RDSS is determined by the county of jurisdiction and includes the sixty rural counties and Native American tribal jurisdictions in Michigan that do not have a secure detention facility.

In counties with a population of 75,000 or less, the costs of RDSS are 100 percent reimbursable. In counties with a population over 75,000 the reimbursement rate is 50 percent.

Holdover in Rural Counties

Non-secure holdover sites may be used for up to 16 hours in rural counties for any youth who cannot be returned home. Holdover sites may be located at a sheriff's office, state police post, county service center, detoxification center, community mental health center, local hospital, or similar facility. An attendant must provide one-on-one supervision. Mechanical restraints may not be used on detained youth during holdover.

Note: An 8-hour extension from 16 hours to a total of 24 hours may be made in unusual situations with **advance** approval.

See [Regional Detention Support Services \(RDSS\)](#) handbook for eligibility and extension request procedure.

Home Detention

Home detention may be provided to youth placed in his or her own home pre-adjudication or post-adjudication. A contract must be signed by the youth, the parent(s), and the court, outlining conditions that must be followed during this time. Supervision takes the form of daily contacts with the youth to ensure the contract conditions are met.

Youth receiving this service must have a preliminary hearing or a post-disposition review hearing with a court order authorizing home detention. The local court of jurisdiction may recruit and supervise volunteers who are paid a daily stipend to provide home detention supervision. The length of home detention for pre-adjudication can be a maximum of 90 days and for post-adjudication a maximum of 30 days.

See [Regional Detention Support Services \(RDSS\)](#) handbook for procedure information and eligibility.

Transportation To and From Juvenile Detention

When a secure juvenile detention facility is not available in the county of jurisdiction, RDSS provides funds for transporters and attendants to transport a youth:

- To pick up or drop off a youth at his/her home.
- To placement in one of the approved, secure juvenile detention facilities in Michigan.
- To and/or from court to one of the approved, secure juvenile detention facilities.
- From one of the approved, secure juvenile detention facilities to a final placement.
- Return of a runaway who has been picked up by authorities in another county of residence.
- A trip from holdover to a doctor or hospital for **emergency** treatment.
- A trip from a detention center to a psychiatric or psychological examination.

Transportation costs which are excluded and non-reimbursable include:

- Transportation to or from a transporter's or attendant's home to the court.
- Returning out-of-state youth arrested in Michigan to their home state, unless that county borders on state lines which allows travel up to 50 miles into or out of the state to pick up or return a runaway to a county of residence.
- Returning a youth from Michigan arrested in another state back to Michigan.
- Transferring youth to and from treatment programs at detention centers.

- Transporting youth from residential programs to court hearings.
- Transporting youth from secure detention facilities to routine doctor and/or dental appointments.

See [Regional Detention Support Services \(RDSS\)](#) handbook for procedure information and eligibility.

Electronic Monitoring (EM)

Electronic monitoring (EM), also known as tether, may be used for pre-disposition and as a disposition. Pre-disposition, a youth must be placed on home detention before EM can be utilized. Post-disposition, a youth must have been adjudicated for a violation of law or probation violation. A court order must document the youth is targeted for jail, detention, a foster home, group home, a state run, or private residential treatment program and that community-based treatment combined with electronic monitoring is an alternative to that placement.

The youth must be court ordered on electronic monitoring as a part of a case-specific plan. Electronic monitoring may be used for thirty days to a maximum of 90 days. This period may be extended with a court order and approval by RDSS. The specific duration must be determined by an assessment of the youth's risk factors, strengths and needs, and attainment of treatment goals.

The assigned JJS must be available or provide appropriate back up after hours and on weekends for emergency curfew changes and/or trouble shooting with the Department of Corrections Monitoring Unit as necessary. Local office staff must establish procedures to receive notification during non-working hours and an after-hours telephone number must be provided to the monitoring unit.

See [Regional Detention Support Services \(RDSS\)](#) handbook for procedure and eligibility.

JUVENILE DETENTION

Detention and jail are the most restrictive placements available and are not designed to provide rehabilitative treatment for youth. The assigned JJS must ensure that alternatives to placement in detention or jail are considered and that when a youth is court ordered to detention or jail, the restrictions on placement are followed.

Status Offenders

Pursuant to 34 USC 11133(11)(A), youth who have been charged with or who have committed a status offense must not be placed in a detention or other secure facilities, unless the youth:

- Committed a violation of a valid court order.
- Is being held in accordance with the Interstate Compact on Juveniles; see [ICM 160, Interstate Runaway, Escapee and Absconder Procedures](#).
- Has been charged with a gun violation under 18 USC 922(x)(2) or similar state law.

Research shows that placement in detention or other secure facilities causes more harm than good when used for status offenders. MDHHS staff must **not** recommend the use of detention or other secure facilities for any youth adjudicated of a status offense or for a status offender that has violated a valid court order.

A status offense is a noncriminal act that is considered a law violation only because of a youth's status as a minor or probation violation that is the equivalent of a status offense.

Truancy, curfew violations, incorrigibility, running away and underage alcohol offenses are considered status offenses for federal compliance.

Offenses such as operating under the influence of alcohol, which are criminal offenses for all adults (not just those under 21), would not be considered status offenses for youth.

In the event a status offender is taken into custody for violating a valid court order, the following must occur in accordance with the Probate Code, 1939 PA 288, MCL 712A.15(3):

- The petitioner shall ensure that an appropriately trained, licensed, or certified mental health or substance abuse professional interviews the youth in person within 24 hours of admission to assess the immediate mental health and substance abuse needs of the youth. The assessment can be done prior to filing a petition.

- Within 48 hours of placement in the secure facility, the petitioner shall submit the assessment to the court and the court shall conduct a hearing.

Note: MDHHS must not file a petition requesting detention or secure facility for a status offender and therefore will not be responsible for completing these steps.

If the court orders a status offender to a detention or other secure facility for violation of such order, the court shall issue a written order that complies with the Probate Code, 1939 PA 288, MCL 712A.15(3)(a)(b):

- There is reasonable cause to believe that the status offender violated the court order.
- The appropriate placement of the status offender pending the disposition of the alleged violation, including if the status offender is court ordered into a detention or other secure facility.

If the court determines the status offender violated a valid court order and issues an order for detention or other secure facility, the written court order must include the following items to comply with the Probate Code, MCL 712A.18(1)(k)(i)-(v):

- The valid court order that has been violated.
- The factual basis for determining that there is reasonable cause to believe that the status offender has violated such order.
- The finding of fact to support a determination that there is no appropriate less restrictive alternative available to placing the youth in such a facility, considering the best interest of the youth.
- The length of time, not to exceed seven days, that the status offender may remain in detention or other secure facility.
- Includes a plan for the status offenders release from such facility.
- The order may not be renewed or extended.

The court may not issue a second or subsequent order unless the status offender violates a valid court order after the date on which

the court issues an order and there are procedures in place to ensure the status offender does not remain in custody longer than seven days or the length of time authorized by the court, whichever is shorter. MCL 712A.18(1)(l)(i)(ii).

If a JJS has information that a status offender is in detention or other secure facility in violation of the above requirements, the JJS must report the suspected violation via email at Juvenile-Justice-Policy@michigan.gov and include as much of the following information as possible:

- Name of youth.
- Date of birth.
- Name of detention or secure facility.
- Length of stay.
- Status offense type.
- Date of status offense.

Court-Ordered Juvenile Detention

Juvenile detention facilities are not designed for rehabilitation and therefore should be used only when necessary and for a limited time. The JJS may recommend juvenile detention for temporary placement of a youth only in the scenarios listed below but never in the case of a status offender as noted above; see *juvenile detention alternatives* in this item for more information on alternatives.

The court may order a youth placed in juvenile detention pending a hearing if the court finds probable cause to believe the youth committed the offense, and one or more of the following are true MCL 712A.15(2)(a)-(f):

- Home conditions make immediate removal necessary.
- Youth's historical record of unexcused failures to appear at juvenile court proceedings.
- Youth has failed to remain in detention or nonsecure facility or placement in violation of a court order.
- Serious offense that release would endanger public safety.
- Violation of a personal protection order and for whom it appears there is a substantial likelihood of retaliation or continued violation.

- Those who have allegedly violated a court order under MCL 712A.2(a)(2) to (4), which includes running away, incorrigibility and truancy. In these instances, MDHHS must **not** file a petition requesting detention or secure facility.

Note: A risk-based assessment should be completed to consider recommending release of the youth to their parent/guardian with a safety plan and services pending a hearing.

See [JJM 220, Court Orders for Referrals/Commitment & Title IV-E Eligibility](#) for instructions to remedy problematic court orders.

Detention Beyond 30 Days

A youth must be removed from detention when the court order for detention ends. If a youth is court-ordered to remain in detention for more than 30 calendar days, the *juvenile detention or court treatment facility placement will exceed 30 days* placement exception request must be completed in MiSACWIS. Approval must be obtained from the local office director or designee prior to the 30th calendar day. If the request is denied, the youth must be moved from detention within five calendar days.

Payment for Detention Care

For instruction regarding payment, see [FOM 903-02, Payment for Detention Care](#).

JAIL, ADULT DETENTION OR LOCKUP

Youth Under Age 17

Youth under age 17 who are taken into custody or detained must not be confined in a:

- Police station.
- Lockup.
- Jail.
- Prison.

Youth under 17 years of age taken into custody must not be transported with or be permitted to associate with adult inmates.

The youth must be out of sight and sound of any adult offenders.
MCL 764.27a.

Exception: A court may order a youth age 15 years or older to be placed in jail or another detention facility for adults, separated from adults by both sight and sound. The court must determine that the youth is a menace to other delinquent youth or may not otherwise be safely detained. MCL 712A.15(5) and 712A.16(1).

Violations

If a JJS has information that a youth is placed in jail, adult detention or lockup in violation of the above requirements, the JJS must report the suspected violation via email at Juvenile-Justice-Policy@michigan.gov and include as much of the following information as possible:

- Name of youth.
- Date of birth.
- Name of jail, adult detention or lockup facility.
- Length of stay.
- Offense type.
- Date of offense.

LEGAL

Federal

Juvenile Justice and Delinquency Prevention, 34 USC 11133 (11)(A).

Provides exclusions for when youth charges with a status offense may be placed in a secure detention facility or secure correctional facility.

Prison Rape Elimination Act National Standards for Prisons and Jails, 28 CFR 115.14.

Any person under the age of 18, and incarcerated or detained in a prison or jail, must be housed separately from any adult inmates and, outside the housing unit, *sight and sound separation* or direct staff supervision must be maintained. Agencies must use best efforts to avoid using isolation to comply with these conditions and must afford youthful inmates the opportunity for daily large-muscle exercise, and to take part in special education services, programs and work opportunities, absent exigent circumstances. This

standard demands significant resources, so agencies are afforded flexibility in finding a way to comply.

Gun Control Act of 1968, 18 USC, 922(x)(2)-(6).

Specifies prohibitions of juveniles knowingly possessing a handgun or ammunition.

State

2020 PA 361.

Public act that amends the Probate Code, 1939 PA 288.

The Probate Code, 1939 PA 288, as amended.

MCL 712A.15(2)(a)-(f)

Custody, pending hearing, is limited to the following children:

- Those whose home conditions make immediate removal necessary.
- Those who have a record of unexcused failures to appear at juvenile court proceedings.
- Those who have run away from home.
- Those who have failed to remain in a detention or nonsecure facility or placement in violation of a court order.
- Those whose offenses are so serious that release would endanger public safety.
- Those who have allegedly violated a personal protection order and for whom it appears there is a substantial likelihood of retaliation or continued violation.

MCL 712A.15(3).

If a juvenile is taken into custody for violating a court order under section 2(a)(2) to (4) of this chapter and is detained in a secure facility, the petitioner shall ensure that an appropriately trained, licensed, or certified mental health or substance abuse professional interviews the juvenile in person within 24 hours to assess the immediate mental health and substance abuse needs of the juvenile. The assessment may

alternatively be done upon filing the petition, prior to any order for placement in a secure facility. Within 48 hours of the placement in the secure facility, the petitioner shall submit the assessment to the court and the court shall conduct a hearing.

MCL 712A.15(3)(a)(b).

Within 48 hours of the placement in the secure facility, the petitioner shall submit the assessment to the court and the court shall conduct a hearing to determine all of the following:

If there is reasonable cause to believe that the juvenile violated the court order.

The appropriate placement of the juvenile pending the disposition of the alleged violation, including if the juvenile should be placed in a secure facility.

MCL 712A.15(5).

Provides requirements and limitations on youth being detained pending a hearing in a jail or secure facility designed to incarcerate adults.

MCL 712A.16(1).

Provides restrictions on what type of a facility a youth under the age of 17 years can be confined when taken into custody or detained.

MCL 712A.18.

Provides guidelines for disposition orders appropriate to the welfare of the juvenile and society in view of the facts proven and ascertained.

MCL 712A.18(1)(k)(i)-(v).

If the court finds that the juvenile has violated a court order under section 2(a)(2) to (4) of this chapter, order the juvenile to be placed in a secure facility. A court order under this subdivision must state all of the following:

The court order the juvenile violated.

The factual basis for determining that there was reasonable cause to believe that the juvenile violated the court order.

The court's finding of fact to support a determination that there is no appropriate less restrictive alternative placement available considering the best interests of the juvenile.

The length of time, not to exceed 7 days, that the juvenile may remain in the secure facility and the plan for the juvenile's release from the facility.

That the order may not be renewed or extended.

MCL 712A.18(1)(I)(i)(ii).

For a second or subsequent violation of a court order under section 2(a)(2) to (4) of this chapter, issue a second or subsequent order under subdivision (k), but only if the court finds both of the following:

The juvenile violated a court order after the date that the court issued the first order under subdivision (k).

The court has procedures in place to ensure that a juvenile held in a secure facility by a court order is not in custody more than 7 days or the length of time authorized by the court, whichever is shorter.

POLICY CONTACTS

Juvenile justice supervisors and management may submit policy clarification questions to juvenile-justice-policy@michigan.gov.

POLICY

The juvenile justice specialist (JJS) will process payments on the service workers support system (SWSS) starting at the date of the initial placement.

PURPOSE

To ensure payments are processed in a timely fashion.

AUTHORITY

The Social Welfare Act, 1939 PA 280, as amended, MCL 400.115a(1) (I).

PROCEDURE

The processing of payment for out-of-home placements and services includes the following:

- State foster care payments may be provided for Act 150 state wards in relative's home, family foster care, private agency family foster care, private child-caring institutions, independent living, county detention, out-of-state foster care or institutions, and for DHS-supervised delinquent court wards eligible for title IV-E funding in family foster care, private agency family foster care, private non-profit child-caring institutions, and out-of-state foster care or institutions.

Note: State foster care payments may only be made to child caring institutions providing treatment under contract with the Department of Human Services. If a court orders treatment of a youth in an institution with which the department has no contract, the court will be responsible for payment.

See Payment Resources in the Childrens Foster Care Manual (FOM) 900 Series, for detailed information on funding source eligibility and the procedures for these payments.

- Local payment from the county child care fund may be provided for DHS-supervised delinquent court wards in a relative's home, independent living, county detention or court treatment facility, and for DHS-supervised delinquent court wards not eligible for title IV-E funding in family foster care, private agency foster care, private child-caring institutions, out-of-state foster care or institutions.

- State funds are used to pay for services, items and programs needed by delinquent wards living at home to prevent family separation and to reunify the family as quickly as possible.

POLICY

It is the policy of the Michigan Department of Human Services (DHS) that each individual, within the meaning of the Individuals With Disabilities Education Act (IDEA), will receive a free and appropriate public education (FAPE). The juvenile justice specialist (JJS) will ensure delinquent youth are evaluated for determination of special education services.

PURPOSE

To ensure the provision of Special Education programs and services to handicapped persons, who have not completed a normal course of study and graduated from high school. Individuals who have completed a GED and are under age 26 may still be eligible for special education programs and services.

AUTHORITY

The Social Welfare Act, 1939 PA 280, as amended, MCL 400.400.115b (1).

Individuals with Disabilities Education Improvement Act of 2004, 20 USC 1400 et seq.

**PRE-DISPOSITIONAL
INVOLVEMENT
PROCEDURES**

Youth may be eligible for special education programs and services not only if they have behavior problems but also if other problems are suspected, such as, learning disabilities, mental impairment, physical impairment, or health problems.

Individuals who are suspected of having such problems are to be referred to the department or facility director or the superintendent of the local public school district. This may be done by the court, JJS or the parents if and when involved predispositionally, by letter, requesting that the youth be evaluated. The JJS will participate in the Individualized Education Planning Team (IEPT) process and request to be notified of all actions and decisions related to the process.

Upon completion of the evaluation meeting, the JJS is to plan to attend the (IEPT) meeting to review evaluation information and to have input concerning final determinations for programs and services.

**POST COMMITMENT
INVOLVEMENT
PROCEDURES**

If the youth is committed to the department, the JJS must determine if the court has initiated the procedure. If not, the JJS must initiate the procedure and write the referral letter and send it to the facility director. If the court has initiated the meeting, the JJS is to replace the court staff on the IEPT at the time of acceptance and carry out the procedures, and the subsequent steps.

The IEPT meeting must be convened within 30 school days of receipt of the referral and parent consent from the court or JJS.

- If the youth is determined by the IEPT to be handicapped, an individualized educational plan will be prepared. This plan is to be incorporated into the JJS's service plan. Supportive services necessary to implement the plan may be provided by the JJS, i.e., counseling, etc. Supportive services necessary to implement the plan must be provided by the school or agency, i.e., counseling, occupational therapist, psychological services, etc.

**IMPLEMENT THE
PLAN**

Regardless of the placement of the youth, school district, agency, training school or court, the plan must be implemented on the date indicated, unless a hearing is requested by the parent or guardian or the school or agency.

**CHANGE OF
SCHOOL**

If the youth was previously determined to be eligible for special education and the youth changes school, agency or training school, the JJS must ensure that the receiving school is notified of the youth's eligibility for a special education program. The new agency or school must initiate a special education program or service immediately. The new school must complete an IEP within 30 school days.

When the youth returns from placement, or is replaced, the JJS must notify the receiving placement or school district of the youth's eligibility for special education. The new school must review and implement a special education program or service immediately. The new school must convene an IEPT within 30 school days.

**AVAILABILITY OF
CONSULTATION**

- The superintendent of schools and the director of special education or school principal in the school district, where youth is placed, will serve as the JJS's link to special education.
- In an agency or training school, camp, etc. the facility director is to be contacted.
- For assistance, JJSs may also contact their local intermediate school districts who will:
 - Provide information regarding eligibility and referral process.
 - Provide follow-up if the school agency doesn't respond within 30 school days following referral.
 - Provide further information about the Federal Individuals with Disabilities Education Act (IDEA).
 - Identify resource availability.
 - Advise as to rules for definitions of handicapped.

PURPOSE

The purpose of the Juvenile Justice Assignment Unit (JJAU) process is to meet the federal and state standards for the placement of juvenile justice youth when a youth is in need of placement in a state run or private, contracted juvenile justice residential treatment facility (secure or non-secure).

The JJAU placement process is required for placement in a state run or private, contracted juvenile justice residential treatment facility or state run detention facility. This policy provides guidance on the different processes for placing youth depending on the youth's legal status at the time of placement.

DEFINITIONS

See [JJG Glossary, Juvenile Justice Glossary](#).

Qualified Residential Treatment Program (QRTP)

A child caring institution is defined as a program that:

- Has a trauma-informed treatment model designed to address the needs, and clinical needs as appropriate, of youth with serious emotional or behavioral disorders or disturbances, and can implement the necessary treatment identified in the youth's assessment.
- Has registered or licensed nursing staff and other licensed clinical staff who can provide care, who are on-site consistent with the treatment model, and available 24 hours and 7 days a week. The QRTP does not need to have a direct employee/employer relationship with required nursing and behavioral staff.
- Facilitates family participation in youth's treatment program (if in youth's best interest).
- Facilitates family outreach, documents how this outreach is made, and maintains contact information for any known biological family and fictive kin of the youth.
- Documents how the youth's family is integrated into the youth's treatment, including post discharge, and how sibling connections are maintained.

- Provides discharge planning and family-based aftercare supports for at least 6 months post discharge.
- The program is licensed and nationally accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), the Council on Accreditation, or others approved by the Secretary.

QRTP Independent Assessor

A trained professional or licensed clinician who is not an employee of the State agency and who is not connected to, or affiliated with, any placement setting in which children are placed by the State. 42 U.S.C. 675a(D)(i).

JUVENILE JUSTICE ASSIGNMENT UNIT (JJAU)

Prior to a youth being placed in a residential setting, the caseworker must have approval on any applicable, required residential placement exception request(s).

The JJAU placement process is **not** required for family/community-based placements such as relative homes, licensed foster homes, independent living, etc. or for shelter residential care, county detention facilities or jail.

Prior to a youth being referred to the Juvenile Justice Assignment Unit (JJAU) for residential intervention, the caseworker must:

Conduct a family team meeting (FTM) to address the reason a residential care program is being recommended and determine if alternate support services and safety plans can be implemented to maintain the youth in the community. See [FOM 722-06B, Family Team Meeting](#) for more information on conducting an FTM.

Juvenile justice specialists seeking to place an MDHHS-supervised juvenile justice youth in an abuse/neglect residential treatment facility must have a court order and approval from the Division of Child Welfare Licensing (DCWL) using the placement exception request process. The JJAU must review the court order to confirm that the JJAU placement process is not required for this type of placement order.

Caseworkers seeking to place an abuse/neglect ward under the care and supervision of MDHHS in a state run or private, contracted juvenile justice residential treatment facility must be assigned by the JJAU. See Abuse/Neglect Youth in this item.

The JJAU will:

- Provide a timely placement that best matches the needs of the youth and family with the contracted Service Description of the residential facility based on the results of the Michigan Juvenile Justice Assessment System and the Juvenile Justice Strengths and Needs Assessment. The JJAU also considers any individual youth circumstances presented by the juvenile justice specialist that can assist in meeting the following placement selection criteria:
 - Permanency goal.
 - Treatment needs of youth, especially related to matching one of the following residential treatment Service Descriptions:
 - General Residential.
 - Mental Health and Behavior Stabilization.
 - Sexually Reactive Residential Care.
 - Developmentally Delayed/Cognitively Impaired.
 - Substance Abuse Treatment.
 - Youth's preference.
 - Placement of sibling groups.
 - Proximity to youth's family.
 - The youth and family's religious preferences.
 - Least-restrictive setting (for example, non-secure vs. secure).
 - Continuity of relationships.
 - Availability of placement resources for the purposes of timely placement and public safety.
- Comply with statutory requirements when making assignments to private, contracted juvenile justice residential treatment facilities.

- Minimize the time a youth spends in detention awaiting placement while allowing the assigned residential provider time to review JJAU packet to prepare for the youth's admission.
- Honor written court **orders** for a specific placement or security level. The JJAU also gives written court placement **recommendations** for juvenile justice youth to a specific juvenile justice residential treatment facility priority and will review the recommended placement for appropriateness prior to considering other placements.

Exception: A court **recommendation** for placement of a juvenile justice youth in an abuse/neglect placement will not be honored. Cross-program placement of a juvenile justice youth into an abuse/neglect residential facility requires a written court **order** and a Division of Child Welfare Licensing approved placement exception request. The JJAU must review the court order to confirm that the JJAU placement process is not required for this type of placement order.

JJAU PREFERENCES

JJAU Preferences are maintained in MiSACWIS by the Division of Juvenile Justice Programs and are based on the state-run facility services and private, contracted juvenile justice residential treatment facility Service Description(s). State run and private, contracted juvenile justice residential treatment facilities and state-run detention facilities must maintain the following JJAU Preferences in MiSACWIS:

- An accurate email address for an intake specialist for each contracted Service Description to receive notification of JJAU assignments.
- The current number of vacancies for each contracted Service Description every seven calendar days, at a minimum.

MDHHS- SUPERVISED JUVENILE JUSTICE YOUTH

All juvenile justice youth that have been referred or committed to MDHHS that require placement in a state run or private, contracted juvenile justice residential treatment facility or state-run detention

facility must be referred to the JJAU using the MiSACWIS JJAU Placement Referral process, even if the court has ordered or recommended a specific placement.

Exception: Placement of a MDHHS-supervised juvenile justice youth in a residential shelter placement or an abuse/neglect residential treatment facility does not require completing a MiSACWIS JJAU Placement Referral.

Note: Placement of a MDHHS-supervised juvenile justice youth in an abuse/neglect residential treatment facility must have a court **order** and approval from the Division of Child Welfare Licensing using the placement exception request process; see [FOM 722-03 for Placement Exception Request](#) information. The JJAU must review the court order to confirm that the JJAU placement process is not required for this type of placement order.

Placement Exception Requests

Initial and ongoing Residential Placement Exception Requests are **not** required for MDHHS-supervised juvenile justice youth with a legal status of 40 - Court Ward Delinquent or 46 - Public Ward - Delinquent - Act 150 in a state run or private, contracted juvenile justice residential treatment facility or state detention facility.

The juvenile justice specialist must send placement exception requests to the Division of Child Welfare Licensing and obtain approval **prior** to making a JJAU Placement Referral in MiSACWIS:

- When the youth's placement will cause the facility to exceed contracted bed capacity.
- When a juvenile justice youth will be placed in an abuse/neglect residential treatment program.

Note: A court order to place a juvenile justice youth in an abuse/neglect residential treatment program is required.

- When a youth will be placed in a non-contracted program. See [FOM 903-04, Purchased Care Payment Procedures](#), for additional requirements of the Non-Contracted Placement Approval Process.

The juvenile justice specialist must submit requests for extensions of placement exception requests at least every 90 days.

**JJAU Placement
Request Packet**

The juvenile justice specialist must complete a JJAU placement request packet. All documents must be legible and be released in compliance with federal and state law; see [SRM 131, Confidentiality](#). The JJAU must refer the youth for an independent assessment prior to residential placement in a QRTP.

The MDHHS-5847, Assessment for Determination of Placement Referral, will be reviewed and completed by the JJAU along with juvenile justice specialists in order to submit the referral for the assessment.

The juvenile justice specialist must enter as much of the JJAU Placement Request documentation in MiSACWIS as possible, either through direct entry into MiSACWIS or uploaded into MiSACWIS as one or more PDF. JJAU Placement Requests must include:

- MDHHS-5521, Juvenile Justice Assignment Unit (JJAU) Placement Referral Checklist.
 - Service plans and assessments that establish the youth's strengths/needs, risk and security level. These include:
 - The juvenile justice initial service plan and most recent updated service plan or supplemental updated service plan with accompanying residential treatment plan.
- Note:** If the youth's initial service plan was completed prior to 10/19/2015 and is not in MISACWIS, the initial service plan must be uploaded into the MiSACWIS JJAU Placement Request Additional Documents.
- Michigan Juvenile Justice Assessment System assessments.
 - JJ Strengths and Needs assessments.
 - Any sexual orientation, gender identity and gender expression (SOGIE) information the youth voluntarily provided. Use the MDHHS-5620, Sexual Orientation, Gender Identity and Gender Expression (SOGIE) Interview Tool.

Note: When deemed necessary, a trauma assessment, mental health or behavioral health assessment, psychological or

psychiatric evaluation may be required by the JJAU to assign the youth to an appropriate placement.

- Court orders:
 - Documenting offenses and adjudication or conviction.
 - Documenting disposition or sentencing, including commitment or referral of the youth to MDHHS for juvenile justice (adjudication orders may be combined with disposition).
 - Containing specific juvenile justice residential treatment facility recommendations or orders related to current JJAU placement referral.
 - Containing specific recommendations or orders for cross-program placement of an abuse/neglect youth into a state run or private, contracted juvenile justice residential treatment facility related to current JJAU placement referral.
 - Documenting requirements for restitution, court fees, DNA sample, fingerprinting, sex offender registration or other conditions set by the court.
- Support documents including:
 - Most recent initial or yearly medical examination.
 - Most recent initial or yearly dental examination.
 - Immunization record.
 - Medical passport.
 - Most recent psychological/psychiatric examination or trauma assessment if one has been completed.
 - Completed DHS-1643, Psychotropic Informed Consent, or prescribing clinician equivalent when youth is prescribed psychotropic medication.
 - Copy of birth certificate.
 - Copy of Social Security card or verification of number.

- Copy of approved DHS-62, Delinquent Youth DNA Profile Verification.
- Available petitions, police reports and victim impact statements.
- Competency and/or restoration evaluation(s), as applicable.
- Current education records, including report cards or progress reports and any special education information.

When documents are not immediately available, the juvenile justice specialist must notify the JJAU and provide the documents as soon as available.

The juvenile justice specialist must only provide historical residential treatment plans or detention reports when deemed crucial for placement decisions and in compliance with confidentiality requirements in [SRM 131, Confidentiality](#). In such cases, the juvenile justice specialist must condense crucial information into a brief one-to-two-page summary or cover letter with key issues highlighted or addressed via telephone call with the JJAU.

QRTP Assessment

All youth entering a residential care program on or after April 1st, 2021, pursuant to Families First Preservation Act, 42 USC 672, must be assessed by a contracted qualified independent assessor. Whenever possible this will occur prior to referral to any residential care program. The facility director and/or designee must not routinely accept youth for placement from the JJAU unless that residential intervention is the least restrictive setting in which they can be served.

When JJAU receives a referral, they will begin to fill out form MDHHS-5847, Assessment for Determination of Placement Referral, in collaboration with the youth's juvenile justice specialist (JJS). Once JJAU determines that all required documentation is received and the MDHHS-5847 is complete, JJAU will make the referral to the independent assessor.

In some emergency situations, a youth may be referred to a residential care program prior to the completion of the assessment. In these instances, the residential care program is not responsible

for conducting or securing the assessment. The referral will be made by the JJAU and the assessment will be conducted by a qualified independent assessor. The facility director and/or designee must cooperate with the independent assessor and the youth's JJS for placement to ensure the youth receives the required independent placement assessment within 30 days of placement. MCL 722.123a(1)(a)(i)-(iii).

A QRTP assessment must be completed by an independent assessor within 14 days of referral and provided to JJAU so they may continue with residential referral process. See [FOM 912, MDHHS Responsibilities](#) for Independent Assessor responsibilities.

Within 60 days of placement in a QRTP, a family or juvenile court of jurisdiction will consider the assessment, determine the most appropriate placement of the youth and approve or disapprove the placement. MCL 722.123a(3).

If it is determined residential placement is not appropriate based on recommendations from independent assessment, the youth may remain in placement, however, Title IV-E funding will not be available after 30 days. 42 U.S.C. 672(k)(3)(B).

JJAU Placement Match

Assigned

An assignment is a placement where a youth's age, gender and indicated treatment needs align with the provider's contracted service description and JJAU Preferences and the provider has a vacancy expected within the next 7 days. The juvenile justice specialist must work with JJAU to provide any clarification necessary to prioritize one of the following Service Descriptions:

- General Residential.
- Sexually Reactive Residential care.
- Mental Health and Behavior Stabilization.
- Developmentally Delayed/Cognitively Impaired.
- Substance Abuse Treatment.

JJAU placement matches are based on the results of the most recently approved Michigan Juvenile Justice Assessment System Dispositional Assessment and the most recently completed Juvenile Justice Strengths and Needs Assessment. These

assessments, in conjunction with established placement selection criteria, are the basis for the final match that JJAU assigns for the youth.

Wait List

A youth may be placed on the provider wait list if the JJAU would have assigned the youth to the provider, but the provider has reported that there is no vacancy expected within the next 7 calendar days. Upon receipt of the wait list notification, the provider must notify the JJAU of the expected waiting period for the next vacancy. The JJAU must notify the juvenile justice specialist of the waiting period and the juvenile justice specialist must notify the court of the wait list status. The court may wait or direct a new JJAU assignment.

Withdrawn

If the assigned provider is not acceptable to the court or if the JJAU is provided with documents that eliminate the possibility of the youth being placed with the assigned provider, the JJAU will withdraw the assignment. The JJAU will assist the juvenile justice specialist to make a new assignment.

**Placement
Provider
Acceptance**

A state run or private, contracted juvenile justice residential treatment facility or state-run detention facility may not admit a MDHHS-supervised youth without an assignment from the MiSACWIS JJAU placement process. The provider must respond to the JJAU Assignment within 5 business days of receiving notification of an assigned or wait-listed youth.

Accepted

The provider accepts the assigned youth and enters a Probable Admit Date, which is required to be within ten calendar days of acceptance. If the provider cannot admit the youth within ten calendar days, the provider is responsible for notifying JJAU and the youth may be assigned to another provider based on the needs of the youth and the timeliness of the next vacancy.

The provider is required to contact the juvenile justice specialist within 1 business day of accepting the assigned youth to make arrangements for admission.

When notified of an accepted placement, the juvenile justice specialist is responsible for arranging transportation of the youth to the residential site; see [JJM 275, Transport and Youth's Meal Reimbursement](#).

Not Accepted - Secure Providers

Secure state run and secure private, contracted juvenile justice residential treatment facilities **must** accept every JJAU assignment.

Not Accepted - Non-Secure Providers

Based on the information provided in MiSACWIS and the JJAU Referral Packet, a non-secure private, contracted juvenile justice residential treatment facility may respond in MiSACWIS that a JJAU assigned youth is not accepted. A detailed explanation should be documented in MiSACWIS as to the circumstances that exist that would place the assigned youth, other youth or staff safety at risk.

If the provider has safety concerns but cannot make a decision based on the information available in MiSACWIS and the JJAU Referral Packet, the provider is required to contact the juvenile justice specialist or the JJAU within 1 working day to request supplemental information.

If the provider does not accept the youth based on safety reasons, any supplemental information should be returned immediately to the juvenile justice specialist or JJAU. The JJAU will assist the juvenile justice specialist to make a new assignment.

YOUTH ACCEPTED

Once a youth has been accepted for placement, the juvenile justice specialist must forward the following information to the placement provider by the scheduled admission date:

- DHS-3762, Consent to Emergency Treatment, signed by the caseworker.
- Photocopy of the active MI Health card (Medicaid) or the recipient ID number of the youth if the card is not available.
- Victim's rights information including name, address, telephone number, date of birth, and what victim's rights information has been requested.
- DHS-3600, Individual Services Agreement.

Or within two weeks of the youth's admission, the juvenile justice specialist must forward cumulative education records, including special education records and records of the last school attended, to assist the facility in development of an appropriate educational treatment plan to the residential treatment facility; see [JJM 723, Educational Services for Juvenile Justice](#).

COURT SUPERVISED YOUTH

State run facilities must immediately report any court-supervised placements (also known as direct court placements) to the JJAU. A court-supervised placement occurs when the court orders a youth into a placement without referring or committing the youth to MDHHS for care and supervision. There is no open MDHHS juvenile justice case and the court retains full control of the case through its own probation officer. In the event that a court makes a court-supervised placement to a state-run juvenile justice facility, the facility must take the following immediate actions:

- Provide the court order placing the youth at the state-run facility and facility admission documentation to the JJAU.
- Coordinate with the court to schedule and conduct youth admission.
- Verify MiSACWIS payment rosters and enter medical chargebacks.

The JJAU must take the following actions:

- Review the order to verify the court-supervised placement.
- Complete a file clearance in MiSACWIS to determine if any cases are open with MDHHS.
- Create a MiSACWIS residential record and assign to facility intake.
- Record the placement and appropriate service authorization for chargeback to the county.

**ABUSE/NEGLECT
YOUTH**

For the placement of an abuse/neglect youth in a state run or private, contracted juvenile justice residential treatment facility, see [FOM 903-04, Non-Contracted Placement Approval Process](#), for approval process and [FOM 722-03, Residential Placement Exception Request](#), for information on placement exception request (PER) processes.

**RESIDENTIAL
REPLACEMENT
PROCESS****Provider Request
for Replacement**

A youth must not be moved from one residential treatment program or facility to another without going through the JJAU placement process. All replacement requests must go through the QRTP assessment process. The assigned provider must continue residential treatment services for the youth and the youth's family until:

- Release is approved by the court (MCL 803.307(1)).
- MDHHS assigns a new placement.

Disruption of, or non-cooperation in the program is not sufficient reason for replacement of a youth.

**Co-Located
Residential
Treatment
Programs**

Youth must not be moved from one residential placement or program to another, even within the same campus/area without going through the JJAU placement process. A new JJAU Placement Referral must be completed in MiSACWIS when a youth will remain with the same provider, but permission has been given by the court to release the youth to a new placement or program with a different Service Description (for example, mental health and behavior stabilization to general residential), a change in rate, and/or security level. Information must be used from visits with the youth, treatment team and treatment plans to collaborate with the provider to ensure that a youth is benefitting from treatment.

**Maximum Benefit
Reached**

When a youth does not benefit from or has reached maximum benefit from a treatment provider, the juvenile justice specialist must meet with the residential treatment staff to resolve the issue. If the issue cannot be resolved, the juvenile justice specialist must seek resolution through consultation with supervision and the facility director; and, if necessary, with the child welfare licensing consultant for the facility.

If these efforts still do not resolve the issue, the juvenile justice specialist must request a court hearing to determine continued placement or replacement of the youth.

If the court ordered or recommended the placement, a new court order must be requested. If the court determines that the youth should be replaced, the juvenile justice specialist must make a new JJAU Placement Referral in MiSACWIS.

**Detention to JJ
Residential
Treatment Facility**

A youth must not be moved from detention to a treatment program without using the JJAU placement process. Based on the contents of the detention court order, a new court order may be required to end the period of detention, direct the youth to a specific program or allow the JJAU to match a youth with an appropriate juvenile justice residential treatment facility.

**TEMPORARY
BREAKS**

In cases in which a youth escapes or is absent from a placement for 14 calendar days or less (such as hospitalization), the youth may be placed back in the original placement without making a new referral to the JJAU. See [JJM 722-03A, Absent Without Legal Permission \(AWOLP\) & Escape](#), for additional requirements when a youth escapes.

If a youth escapes or is removed from a placement for more than 14 calendar days, the caseworker must make a new JJAU Placement Referral for replacement when:

- The court is informed and will accept return of the youth to the original placement.

- The caseworker has evaluated the circumstances relating to the escape/removal and believes return to the original placement is appropriate and in the best interest of the youth.

See [FOM 903-07, Temporary Breaks/Bed Hold Payments](#), for additional details regarding the payment and approval process for bed holds.

Note: A QRTP assessment is not needed if the youth returns to their original placement.

INTERSTATE RESIDENTIAL PLACEMENT REQUESTS

A JJAU placement referral must be completed and all suitable juvenile justice residential placements in Michigan must be exhausted as a prerequisite to referral of a youth under MDHHS supervision to a residential treatment facility in another state under ICPC. Delinquent youth must have a hearing in the Michigan court and the court must make ICPC Article VI findings as a prerequisite to referral out of state. The placement in the receiving state must be licensed in its own state and meet Michigan licensing standards. The facility must have a contracted, MDHHS-approved rate of payment prior to any placement; see [ICM 140, Interstate Residential Care Procedures](#).

LEGAL BASE

Federal

Social Security Act, 42 U.S.C. 672(k)(3)(B).

If the assessment required under section 475A(c)(1) determines that the placement of a child in a qualified residential treatment program is not appropriate, a court disapproves such a placement under section 475A(c)(2), or a child who has been in an approved placement in a qualified residential treatment program is going to return home or be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home, Federal payments shall be made to the State under section 474(a)(1) for amounts expended for foster care maintenance payments on behalf of the child while the child remains in the qualified residential treatment program only during the period necessary for the child to transition home or to such a placement. In no event shall a State

receive Federal payments under section 474(a)(1) for amounts expended for foster care maintenance payments on behalf of a child who remains placed in a qualified residential treatment program after the end of the 30-day period that begins on the date a determination is made that the placement is no longer the recommended or approved placement for the child.

Social Security Act, 42 USC 675.

Requires that each child is placed in a safe, least restrictive (most family like) setting in close proximity to the parents' home, consistent with the best interest and special needs of the child or when placed a substantial distance from the home of the parents the reasons why it is in the best interests of the child. Also requires a child's health and education record be supplied to the provider with whom the child is placed and assurances that each placement takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.

Requires each state plan to provide that the state has procedures for orderly and timely interstate placement of children.

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

Social Security Act, 42 U.S.C. 675a(D)(i).

A trained professional or licensed clinician who is not an employee of the State agency and who is not connected to, or affiliated with, any placement setting in which children are placed by the State.

Prison Rape Elimination Act National Standards, Subpart D- Standards for Juvenile Facilities, 28 CFR 115.341-115.342.

Assessment must be completed to reduce the risk of sexual abuse. Placement of residents in housing, bed, program, education and work assignments.

Prison Rape Elimination Act National Standards, Subpart D- Standards for Juvenile Facilities, 28 CFR 115.342 (a)(c).

Allows the agency to use all information obtained to make housing assignments for youth with the goal of keeping all residents safe and free from sexual abuse.

Lesbian, gay, bisexual, transgender, or intersex residents shall not be placed in particular housing on the basis of such identification or status.

State

The Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.111 et seq.

Defines child caring institution and the licensing and regulation and standards of care.

Interstate Compact on Juveniles Act, 2003 PA 56, as amended, MCL 3.691 et seq.

Supervision or return of juveniles, delinquents, and status offenders; interstate compact; form.

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

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

The Social Security Number Privacy Act, 2004 PA 454, as amended, MCL 445.81 et seq.

Provides prohibitions on the use of social security number and penalties for violations.

Social Welfare Act, 1939 PA 280, as amended, MCL 400.115o et seq.

(1) Both of the following apply to residential care bed space for juveniles who are within or likely to come within the court's jurisdiction under section 2(a) or (d) of chapter XIIA of 1939 PA 288, MCL 712A.2, or committed to the department under the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309:

(a) If 1 or more appropriate juvenile residential care providers located or doing business in this state have bed space available, the department shall use that space rather than a space available by a provider located or doing business in another state. This requirement does not apply if the provider located or doing business in another state offers a specialized program that is not available in this state.

(b) If an excess of bed spaces is available within a security level, the department shall use the bed spaces of private providers with whom it has contracted and allow state owned bed spaces to go unused first. However, in applying this subdivision, a bed space that is available because a facility refused to accept a juvenile does not count toward a surplus.

(2) As used in this section, "appropriate juvenile residential care provider" means a private nonprofit entity domiciled in this state that is licensed by the department of consumer and industry services and that entered into 1 or more contracts with the family independence agency to provide residential care services for juveniles on or before the effective date of the amendatory act that added this section. (Jan. 12, 1999)

The Youth Rehabilitation Services Act, 1974 PA 150, as amended, MCL 803.304(5).

When necessary, a youth agency may place a public ward in a public or private institution or agency incorporated under the laws of another state or country and approved or licensed by that state's or country's approving or licensing agency, provided that the program which the youth agency seeks to place a public ward meets licensing laws, requirements, and rules required for the placement of a public ward with a public or private institution or agency in Michigan. However, if 1 or more appropriate juvenile residential care providers located or doing business in this state have bed space available, the youth agency shall use that space rather than a space available by a provider located or doing business in another state. This requirement does not apply if the provider located or doing business in another state offers a specialized program that is not available in this state. For purposes of placements by the department only, "appropriate juvenile residential care provider" means a private nonprofit entity domiciled in this state that is licensed by the department of consumer and industry services and that entered into 1 or more contracts with the department to provide residential care services for youths on or before the effective date of the amendatory act that added this sentence (Jan. 12, 1999).

The Youth Rehabilitation Services Act, 1974 PA 150, as amended, MCL 803.307(1)

A youth accepted by a youth agency remains a public ward until discharged from public wardship with the approval of any of the following and, if placed in an institution, shall remain until released with the approval of any of the following:

(a) If the youth was committed to a youth agency under section 18(1)(e) of chapter XIA of 1939 PA 288, MCL 712A.18, and the youth was adjudicated as being in the court's jurisdiction under section 2(a) of chapter XIA of 1939 PA 288, MCL 712A.2, with the approval of the family division of circuit court.

(b) If the youth was committed to a youth agency under section 1 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1, with the approval of the court of general criminal jurisdiction under section 1b of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1b.

The Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.123a(1)(a)(i)-(iii).

In the case of a child in foster care who is placed in a qualified residential treatment program, the following requirements apply:

Within 30 days after the start of each placement in a qualified residential treatment program, a qualified individual shall do all of the following:

Assess the strengths and needs of the child using an age-appropriate, evidence-based, validated, functional assessment tool approved by the secretary.

Determine whether the needs of the child can be met with family members or through placement in a foster family home or, if not, which setting would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan.

Develop a list of child-specific short-term and long-term mental and behavioral health goals.

The Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.123a(3)(a)-(c).

Within 60 days after the start of each placement in a qualified residential treatment program, the court, or an administrative body appointed or approved by the court, independently, shall do the following:

Consider the assessment, determination, and documentation made by the qualified individual.

Determine whether the needs of the child can be met through placement in a foster family home or, if not, whether placement of the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the goals for the child, as specified in the permanency plan for the child.

Approve or disapprove the qualified residential treatment program placement.

POLICY CONTACTS

Policy clarification questions may be submitted by juvenile justice supervisors and management to Juvenile-Justice-Policy@michigan.gov.

JJAU placement process questions may be submitted to JJAU@michigan.gov.

PURPOSE

Delinquent youth under the care and supervision of the Michigan Department of Health and Human Services (MDHHS) must be in an approved placement with legal permission. Juvenile justice specialists and managers must ensure timely actions are taken to notify all required individuals and diligent search efforts are made to locate the youth and return the youth safely to an approved placement.

Youth that have been referred to the Michigan Department of Health and Human Services (MDHHS) under MCL 400.55(h) or committed to MDHHS under 1974 PA 150 for delinquency are subject to the same policy requirements as abuse/neglect foster care youth outlined in [FOM 722-03A, Absent Without Legal Permission](#) with the exceptions and additions in this policy item.

DEFINITIONS

Absent without Legal Permission (AWOLP)

A youth solely adjudicated for a status offense(s) is considered to be in absent without legal permission (AWOLP) status if he or she leaves any approved placement without legal permission or fails to return when required.

A youth is considered to be in AWOLP status if he or she leaves his or her approved placement in a parent/legal guardian home or own home/independent living without legal permission or fails to return when required.

Escape

MCL 803.306a and MCL 400.115n define the escape of a youth as "to leave without lawful authority or to fail to return to custody when required" when from a facility or residence "other than his or her own home or the home of his or her parent or guardian."

A youth is considered to be in escape status if he or she is not a status offender and leaves an approved placement other than his or her own home or the home of his or her parent or guardian without legal permission or fails to return when required.

NOTIFICATION AND DILIGENT SEARCH EFFORTS

Upon receipt of information that a youth is in AWOLP or escape status, immediate action must be taken by the local MDHHS office supervising the juvenile justice case to complete required notifications, including any victim notification required in [JJM 260, Victim Notification](#).

See [FOM 722-03A, Absent Without Legal Permission](#) for additional activities that must occur at the following intervals:

- Immediately.
- Within 24 hours.
- Within one business day.
- Within two business days.
- Ongoing diligent search efforts.

Exception: Placement Agency Foster Care provider policy contained in FOM 722-03A does not apply to the juvenile justice program.

Determine if a MDHHS Alert Unusual Case/Incident or DHS Alert needs to be completed based on the circumstances of the case, such as the potential for coming to the public's attention or could generate media stories, etc.

REQUEST FOR APPREHENSION ORDER

The local MDHHS office supervising the juvenile justice case must file a supplemental JC-04a, Petition (Delinquency Proceedings) with the court of jurisdiction to request the court to issue an order to apprehend the juvenile.

Exception: Pursuant to MCL 803.306, a peace officer may return a delinquent youth to the approved facility in which he or she was placed without a warrant.

PLACEMENT PAYMENTS

The assigned juvenile justice specialist must process any payment changes according to [FOM 903-7, Temporary Breaks/Bed Hold Payments](#).

**WHEN AN
AWOLP/ESCAPED
YOUTH IS LOCATED**

As soon as possible, but no later than one business day after locating the youth, the local MDHHS office supervising the juvenile justice case must make any required victim notifications as outlined in [JJM 260, Victim Notification](#). The local MDHHS office supervising the juvenile justice case must also take the actions and complete documentation of the actions taken as outlined in [FOM 722-03A, Absent Without Legal Permission](#), When an AWOLP Youth Is Located section.

LEGAL BASE**Federal****Suzanne Lyall Campus Safety Act, PL 101-647**

Requires law enforcement to notify the National Crime Information Center (NCIC) any time a person under age 21 is reported missing.

The Victims of Trafficking and Violence Protection Act of 2000, PL 106-386, as amended

A sex trafficking victim is defined as an individual subject to the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purposes of a commercial sex act or who is a victim of a severe form of trafficking in persons in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induces to perform the act is under 18 years old.

The Adam Walsh Child Protection and Safety Act of 2006, PL 109-248

Prohibits a state law enforcement agency from removing a missing person from its law enforcement data system or the National Crime Information Center computer database based solely on the age of such person.

The Preventing Sex Trafficking and Strengthening Families Act, PL 113-183

States must develop and implement plans to expeditiously locate any child missing from foster care; determine the primary factors that contribute to the child's running away or being absent from

foster care; determine the child's experiences while absent from foster care, including screening whether the child was a victim of sex trafficking. The supervising agency must report within 24 hours of receiving information on missing or abducted children to the law enforcement authorities and the National Center for Missing and Exploited Children.

State

Michigan Penal Code, 1931 PA 328, as amended, MCL 750.186a

Established penalties for youth placed in a juvenile facility and who escape or attempt to escape from that juvenile facility or from the custody of an employee of that juvenile facility.

The Probate Code, 1939 PA 288, as amended, MCL 712A.2c

The court may issue an order authorizing a peace officer or other person designated by the court to apprehend a juvenile who is absent without leave from an institution or facility to which he or she was committed under section 18 of this chapter...The order shall set forth specifically the identity of the juvenile sought and the house, building, or other location or place where there is probable cause to believe the juvenile is to be found. A person who interferes with the lawful attempt to execute an order issued under this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both.

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

If a juvenile escapes from a state run or private, contracted secure facility or residence in which he or she has been placed for a violation described in section 2(a)(1) of this chapter, other than his or her own home or the home of his or her parent or guardian, the individual at that facility or residence who has responsibility for maintaining custody of the juvenile at the time of the escape shall immediately notify 1 of the following of the escape or cause 1 of the following to be immediately notified of the escape:

(a) If the escape occurs in a city, village, or township that has a police department, the police department of that city, village, or township.

(b) Except as provided in subdivision (a), 1 of the following:

(i) The sheriff department of the county in which the escape occurs.

(ii) The department of state police post having jurisdiction over the area in which the escape occurs.

(2) A police agency that receives notification of an escape under subsection (1) shall enter that notification into the law enforcement information network without undue delay.

(3) As used in this section, "escape" means to leave without lawful authority or to fail to return to custody when required.

The Social Welfare Act, 1939 PA 280, as amended, MCL 400.115n

Escape of juvenile from facility or residence; notification; definitions.

The Youth Rehabilitation Services Act, 1974 PA 150, as amended, MCL 803.306

A public ward shall not absent himself or herself from the facility or residence in which he or she has been placed without the youth agency's prior approval. A public ward who violates this provision may be returned to the facility in which he or she was placed by a peace officer without a warrant. A person who knows the whereabouts of a public ward who violates this subsection shall immediately notify the youth agency and the nearest peace officer.

The Youth Rehabilitation Services Act, 1974 PA 150, as amended, MCL 803.306a

Escape from facility or residence; notification; orders; applicability of subsection (1); "escape" defined.

William Van Regenmorter Crime Victim's Rights Act, 1985 PA 87, as amended, MCL 780.770a(3)

Upon the victim's written request, the family independence agency or county juvenile agency, as applicable, shall give to the victim notice of a juvenile's escape. A victim who requests notice of an escape shall be given immediate notice of the escape by any means reasonably calculated to give prompt actual notice. If the escape occurs before the juvenile is delivered to the family independence agency or county juvenile agency, the agency in charge of the juvenile's detention shall give notice of the escape to the family independence agency or county juvenile agency, which shall then give notice of the escape to the victim who requested notice.

**Michigan
Administrative
Code****Licensing Rules for Child Placing Agencies, Mich Admin Code,
R 400.12415**

Incident reporting policy.

POLICY CONTACT

Policy clarification questions may be submitted by juvenile justice supervisors and management to Juvenile-Justice-Policy@michigan.gov.

Child Locator Centralized Unit policy clarification questions may be submitted to Child-Welfare-Policy@michigan.gov.

PURPOSE

Youth that have been referred to the Michigan Department of Health and Human Services (MDHHS) under MCL 400.55(h) or committed to MDHHS under 1974 PA 150 for delinquency that are placed in out-of-home care are subject to the same policy requirements as abuse/neglect foster care youth outlined in [FOM 723, Educational Services](#), with the exceptions and additions in this policy item.

Note: When a youth is placed in a state-run or private, contracted residential treatment facility; see the JR4 Education policy series and the master contract for Residential Foster Care Juvenile Justice (RFCJJ) for residential facility staff duties.

Every effort must be made to ensure that the educational needs of all juvenile justice youth are met. The juvenile justice specialist must ensure youth are provided with appropriate educational services to support and encourage school progress and success. The juvenile justice specialist is responsible for monitoring the provision of educational services to determine their quality and effectiveness. If educational services are determined to be inadequate or ineffective, the juvenile justice specialist, in conjunction with the youth, will determine and make the appropriate adjustments in educational case service planning.

SCOPE

This policy applies to juvenile justice specialists, supervisors and managers of the juvenile justice program.

COMPULSARY SCHOOL ATTENDANCE

See [FOM 723, Educational Services](#). If a youth is 18 years of age or older and is placed in a state run or private, contracted residential juvenile justice facility, and the youth has graduated or completed his or her GED, the juvenile justice specialist must ensure the residential facility provides access to appropriate post-secondary educational and/or vocational opportunities for the youth.

EDUCATIONAL REQUIREMENTS

See [FOM 723, Educational Services](#).

**MDHHS POINT-OF-
CONTACT AND
DISTRICT FOSTER
CARE LIAISON**

The Every Student Succeeds Act (ESSA) of 2015 requires that school districts identify a foster care liaison to collaborate with foster care staff when considering school placement and to help set up transportation when needed. School districts are required to have identified these liaisons if MDHHS has identified education point-of-contact in each county office. See [FOM 723, Educational Services](#) for detailed information on responsibilities.

**FOSTER CARE
PLACEMENT AND
PREFERRED
SCHOOL**

Fostering Connections to Success and Increasing Adoptions Act and the Every Student Succeeds Act require that at the time of initial out-of-home placement or replacement, youth must continue his or her education in the school of origin whenever possible and if in the youth's best interest. The proximity of the caregiver home to the youth's school must be considered when placing or changing a youth's placement.

**Best Interest
Factors**

See [FOM 723, Educational Services](#).

**District Foster
Care Liaison and
School Staff
Involvement in
Best Interest
Decision**

See [FOM 723, Educational Services](#).

**Parent and Child
Involvement in
Best Interest
Decision**

See [FOM 723, Educational Services](#).

**SERVICES AT
PLACEMENT AND
PLACEMENT
CHANGES**

School-aged youth must be registered for and attending school within five days of initial placement or any placement change, including while placed in child care institutions or emergency placements.

**Transfer of
Student Records
to New School**

See [FOM 723, Educational Services](#).

**Transfer of
Student Records
to Placement
Provider**

See [FOM 723, Educational Services](#). The records indicated must be also be scanned into MiSACWIS as part of the juvenile justice assignment unit placement process when requesting placement in a state run or private, contracted juvenile justice treatment facility; see JJM 700, Juvenile Justice Assignment Unit.

**Juvenile Justice
Specialist Role**

The juvenile justice specialist must coordinate with school personnel, with input from the youth, to ensure the youth's educational needs are identified and that the youth is provided the necessary educational services; see [FOM 723, Educational Services](#) for detailed information on responsibilities.

**SCHOOL
TRANSPORTATION**

If it is determined that it is in the youth's best interest to remain at his/her current school despite being placed in a foster home outside of the school district, and there is an additional cost for transportation, MDHHS is responsible for this cost. See [FOM 723, Educational Services](#) for transportation options.

HOME SCHOOLING

All youth in out-of-home placement are required to attend a public or private school program. Home schooling is not permitted. Online and blended learning opportunities are not considered home schooling and may be considered in special circumstances.

ONLINE EDUCATION PROGRAMS

Youth in out-of-home placements must be enrolled in public or private school programs as often as possible. If the situation arises that an alternative education program is required, online programs may be considered for youth 16 years and older. All other options must be considered prior to considering an online education program.

Guidelines

See [FOM 723, Educational Services](#).

Exception: A family team meeting is not required.

Online Education Best Interest Factors

See [FOM 723, Educational Services](#).

Accepted Programs

See [FOM 723, Educational Services](#) for Accepted Programs.

Exception Requests

See [FOM 723, Educational Services](#) for information that must be included in the exception request.

Exception: A family team meeting is not required. An exception request must be sent to:

Juvenile Justice Policy
235 S. Grand Ave. Suite 1315
Lansing, MI 48909
Fax: 517-373-2799
Email: Juvenile-Justice-Policy@michigan.gov

SPECIAL EDUCATION

The Individuals with Disabilities Education Act (IDEA) ensures that all youth with disabilities are entitled to a free appropriate public education to meet their unique needs and prepare them for further education, employment, and independent living.

Individualized Education Plan (IEP)

See [FOM 723, Educational Services](#) for information on IEPs and the juvenile justice specialist role.

Requesting an IEP

See [FOM 723, Educational Services](#).

Suspensions/ Expulsions

See [FOM 723, Educational Services](#).

SURROGATE PARENTS

Surrogate parents are appointed to represent youth with disabilities and developmental delays under the following circumstances:

- No parent can be identified.
- The juvenile justice specialist, after documented reasonable efforts, cannot discover the whereabouts of a parent.
- The youth is a ward of the state or court **and** parental rights have been terminated.

Surrogate parents have all the rights of birth parents for educational matters, (permission for evaluation and placement, release information and request for educational hearing). The primary responsibility of surrogate parents is to ensure that youth with disabilities are provided with a free, appropriate public education.

Surrogate Parent Selection Requirements

See [FOM 723, Educational Services](#) for detailed information on selecting a surrogate parent.

Appointing a Surrogate

Youth that have been referred to the Michigan Department of Health and Human Services (MDHHS) under MCL 400.55(h) or committed to MDHHS under 1974 PA 150 for delinquency that are placed in out-of-home care and require a surrogate parent must have a surrogate appointed by the local MDHHS office supervising the youth's case, by the court of jurisdiction or school district. Reasonable efforts must be made to assign a surrogate not more than 30 days after there is a determination by the juvenile justice specialist that the youth needs a surrogate parent.

Reasonable efforts must be made to assign a surrogate not more than 30 days after there is a determination by the local MDHHS office that the youth needs a surrogate parent.

DOCUMENTATION OF EDUCATIONAL REQUIREMENTS

All educational information and related tasks, activities, and contacts must be documented within the social work contacts, case service plans, placement and the education sections of MiSACWIS.

Educational Information for Placement and Replacements

See [FOM 723, Educational Services](#) for required narrative within the youth's service plan.

Exception: Documentation of assessment of a youth's educational needs must be completed in the Juvenile Justice Strengths and Needs Assessment.

The transfer of educational information must be documented on the DHS-69, Foster Care/Juvenile Justice Action Summary and within the Placement Details in MiSACWIS. The juvenile justice specialist

must enter the date on which the education information was provided to the new placement in the box titled "Education Information Provided" and the "Education Information Provided" date. For juvenile justice assignment unit placement referrals, this date should reflect the date the educational records were uploaded as part of the juvenile justice assignment unit referral packet; see [JJM 700, Juvenile Justice Assignment Unit](#).

Updated Educational Information

Updated school information is required in all case service plans; see [FOM 723, Educational Services](#).

Exception: Documentation of reassessment of a youth's educational needs must be completed in the Juvenile Justice Strengths and Needs Assessment.

Caregiver Involvement

See [FOM 723, Educational Services](#) and [FOM 722-08C, Foster Parent/Relative Caregiver Activities](#).

Note: The specifics for school collaboration and the actual tasks involved in the daily educational interventions required must be documented in the MiSACWIS Strengths and Needs section of the service plan, identifying the specific Action Steps with the caregiver(s) as the Responsible Person(s).

LEGAL BASE

Federal Laws

Fostering Connections to Success and Increasing Adoptions Act, PL 110-351, 42 USC 620 et seq.

The Fostering Connections to Success and Increasing Adoptions Act requires states to promote educational stability and appropriate school attendance for children in foster care.

McKinney-Vento Homeless Assistance Act, 42 USC 11431 et seq.

The McKinney-Vento Act, reauthorized in January 2002, ensures educational rights and protections for children experiencing homelessness. The act helps to reduce barriers that eligible children face in enrolling, attending, and succeeding in school. The act's educational provisions entitle eligible students to numerous specific rights and benefits from local school districts.

Uninterrupted Scholars Act, PL 112-278, 20 USC 1232g(b)(1)(L)

The Uninterrupted Scholars Act became effective in January 2013. This Act makes key amendments to the Family Educational Rights and Privacy Act (FERPA) 20 USC 1232g, that improves information sharing between education and child welfare agencies. The Act allows schools to release a child's education records to child welfare agencies without the prior written consent of the parents or court order.

Individuals with Disabilities Education Act, 20 USC 1400 et seq.

The Individuals with Disabilities Education Act (IDEA) is a federal law enacted to meet the needs of persons with disabilities. IDEA ensures that students with disabilities receive appropriate education through the development and implementation of an Individualized Education Program (IEP). The IEP is designed to meet the assessed educational needs of each student with disabilities and assures students will be educated within the least restrictive environment appropriate to meet their needs.

Public Law 91-230, [20 USC 1400 et. seq.] the federal Individuals with Disabilities Education Act (IDEA) was enacted to meet the needs of persons with disabilities.

Part B [20 USC 1411-1419] covers children age three to age 21 with disabilities and ensures that they will have available special education and related services to meet their unique educational needs.

A number of procedural safeguards are provided under Part B that involve parental notice and consent. One of these procedural safeguards is the appointment of a surrogate parent if the child's legal parent cannot be located.

Every Student Succeeds Act, Title I, Part A of the Elementary and Secondary Education Act of 1965, PL 114-95, 20 USC 6301 et seq.

Every Student Succeeds Act (ESSA), passed in December 2015, amends the Elementary and Secondary Education Act (ESEA) and includes protections to support students who are in foster care. It requires state and local level education systems collaborate with child welfare agencies to ensure the educational stability of children and youth in foster care.

State Law**The Revised School Code, 1976 PA 451, as amended, MCL 380.1 et seq.**

MCL 380.1135(4) - within 14 days after enrolling a transfer student, the school shall request in writing directly from the student's previous school a copy of his or her school record. Any school that compiles records for each student in the school and that is requested to forward a copy of a transferring student's record to the new school shall comply within 30 days after receipt of the request.

Exception: MCL 380.1148(2) does not apply to juvenile justice youth unless the youth is a dual ward - if a child who is under court jurisdiction under section 2(b) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, is placed in foster care, a school district shall allow the child to enroll in and attend the appropriate grade in the school selected by the department of human services or a child placing agency without regard to whether or not the child is residing in that school district. If the selection results in a child transferring to another school, the child's school records shall be transferred as provided under section 1135.

MCL 380.1310(2) - If an individual is expelled pursuant to this section, it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable educational program and to enroll the individual in such a program during the expulsion. The office for safe schools in the department shall compile information on and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled under this section and pursuant to section 1311(2) or 1311a, and shall periodically distribute this information to school districts for distribution to expelled individuals.

MCL 380.1311 - A school board, school district superintendent, school building principal, or another school district official if designated by the school board, may authorize or order the suspension or expulsion from school of a pupil guilty of gross misdemeanor or persistent disobedience if, in the judgment of the school board or its designee, as applicable, the interest of the school is served by the authorization or order. If there is reasonable cause to believe that the pupil is a student with a disability, and the school district has not evaluated the pupil in accordance with rules of the superintendent of public instruction to determine if the pupil is a student with a disability, the pupil shall be evaluated immediately by the intermediate school district of which the school district is constituent.

MCL 380.1561- compulsory attendance at public school; enrollment dates; exceptions.

**Michigan
Administrative
Rules**

Department of Education Special Education Programs and Services, 2013 AACCS, R 340.1701-340.1873.

POLICY CONTACT

Policy clarification questions may be submitted by juvenile justice supervisors and management to Juvenile-Justice-Policy@michigan.gov.

PURPOSE

Youth that have been referred to the Michigan Department of Health and Human Services (MDHHS) under MCL 400.55(h) or committed to MDHHS under 1974 PA 150 for delinquency that are placed in out-of-home care are subject to the same policy requirements as abuse/neglect foster care youth outlined in [FOM 802-1, Psychotropic Medication in Foster Care](#) with the exceptions and additions in this policy item.

Exception: Informed consent does not have to be sent to the foster care psychotropic medication oversight unit (FC-PMOU) that reviews informed consent and is not subject to the criteria triggering further review identified in Psychotropic Medication Oversight in [FOM 802-1, Psychotropic Medication](#). The FC-PMOU serves abuse/neglect and dual wards, which includes witnessing verbal consent.

When a youth is placed in a state-run or private, contracted residential treatment facility; see [JRM 340, Psychotropic Medications](#) for facility responsibilities.

SCOPE

This policy applies to juvenile justice specialists (JJS), supervisors and managers of the juvenile justice program. For juvenile justice residential policy, see [JRM 340, Psychotropic Medication](#).

DEFINITIONS

See [FOM 802-1, Psychotropic Medication in Foster Care](#).

PROHIBITED USE

See [FOM 802-1, Psychotropic Medication in Foster Care](#).

PRESCRIBING CLINICIAN

See [FOM 802-1, Psychotropic Medication in Foster Care](#).

PRIOR TO PRESCRIBING

See [FOM 802-1, Psychotropic Medication in Foster Care](#).

Exception: See Documentation section in this policy item.

Urgent Medical Need

See [FOM 802-1, Psychotropic Medication in Foster Care](#).

INFORMED CONSENT

See [FOM 802-1, Psychotropic Medication in Foster Care](#).

Exception: The DHS-1643 must be used to authorize consent for all psychotropic medications. The triggering points for review on the DHS-1643 apply only to abuse/neglect and dual wards.

Do not send the informed consent to the psychotropic medication oversight unit (PMOU). The PMOU serves abuse/neglect and dual wards only and does not provide witness to verbal consent or review a prescribing clinician's alternative consent form for straight juvenile justice program youth.

Verbal Consent

Verbal consent is acceptable when an in-person discussion between the prescribing clinician and the consenting party is not possible. Verbal consent between the prescribing clinician and consenting party must be witnessed and documented on the DHS-1643 by an individual who is **not** the individual providing treatment. The juvenile justice specialist may witness and document verbal consent on the DHS-1643. If in-person and verbal consent cannot be achieved, the juvenile justice specialist must ensure that informed consent is obtained and documented; see Consenting Party is Unavailable or Unwilling to Provide Consent, in this item.

When to Complete

See [FOM 802-1, Psychotropic Medication in Foster Care](#).

Exception: See Documentation section in this policy item.

Authority to Consent

A foster parent or relative caregiver may **not** provide informed consent.

A youth who is 18 years of age or older may provide informed consent for prescribed psychotropic medication.

For delinquent wards referred to MDHHS under MCL 400.55(h) or committed to MDHHS under 1974 PA 150 under 18 years of age, a parent/legal guardian must consent.

For abuse/neglect wards and dual wards who are Michigan Children's Institute (MCI) wards or permanent court wards under 18 years of age; see [FOM 802-1, Psychotropic Medication](#) in Foster Care.

**Consenting Party
is Unavailable or
Unwilling to
Provide Consent**

Diligent efforts must be made to obtain adult youth or parent/legal guardian consent. Pursuant to MCL 712A.12, 712A13a(8)(c) and 712A.18(1)(f), when an adult youth or parent/legal guardian is unavailable or unwilling to provide consent within 7 business days and a youth's prescribing clinician has determined there is a medical necessity for the medication, the juvenile justice specialist must file a motion with the court on the eighth business day requesting consent for the use of necessary psychotropic medication.

The juvenile justice specialist must continue to facilitate communication between the adult youth or parent/legal guardian and the prescribing clinician regarding treatment options when medication is not deemed a medical necessity, but the prescribing clinician indicates that medication would improve a child's well-being or ability to function.

Note: When a youth is placed in a state-run or private, contracted residential treatment facility; see [JRM 340, Psychotropic Medications](#) for facility responsibilities.

**Informed Consent
Exception**

See [FOM 802-1, Psychotropic Medication in Foster Care](#).

**PSYCHOTROPIC
PRESCRIBING IN A
HOSPITAL SETTING**

See [FOM 802-1, Psychotropic Medication in Foster Care](#).

Exception: The juvenile justice specialist is not required to contact the FC-PMOU. FC-PMOU will witness verbal informed consent for dual wards.

PSYCHOTROPIC MEDICATION OVERSIGHT

Juvenile justice youth are not subject to the criteria triggering further review identified in [FOM 802-1, Psychotropic Medication Oversight](#).

MONITORING

See [FOM 802-1, Psychotropic Medication](#) in Foster Care for juvenile justice specialist responsibilities during visits when a youth is in a community-based placement, residential shelter home, county detention or court/county-operated treatment facility.

See [JRM 340, Psychotropic Medication](#) for juvenile justice specialist responsibilities during visits when a youth is in a state-run detention or training school or private, contracted juvenile justice residential treatment facility.

Reentry

When a youth is placed in a state run or private, contracted juvenile justice residential treatment facility, at least 30 days of medication must be provided by the facility to the responsible party to whom the youth is released, including the most current informed consent documentation and written information from the prescribing clinician explaining each medication and the reason the youth is prescribed each medication. When a youth in a detention or residential treatment facility is prescribed psychotropic medication, the JJS must ensure that the youth has a follow-up appointment scheduled with a community provider within 30 days of release to ensure ongoing medication needs are met. See [JJM 430, Community Placement & Reentry, Psychotropic Medication](#).

DOCUMENTATION

The following required documentation must be completed and recorded by the JJS:

- In the youth's MiSACWIS health profile:

- Health Needs and Diagnosis, specifically the mental health diagnosis or diagnoses.
- Appointments, including mental health, medication review and medication lab work.
- Psychotropic medications that are administered to the youth.
- Informed Consent, including the DHS-1643, Psychotropic Medication Informed Consent signed and uploaded to MiSACWIS and filed in the medical section of the youth's case record within five business days of receiving a completed informed consent.

Note: In the case of a dual ward youth, the JJS may use the prescribing clinician's alternative consent form that contains all of the required elements of the DHS-1643 as determined by the Foster Care Psychotropic Medication Oversight Unit (FC-PMOU).

- The DHS-221, Medical Passport. The DHS-221, Medical Passport, must include the following information:
 - Diagnosis.
 - Name of prescribed psychotropic medication, dosage, and prescribing clinician's name and medical specialty.
 - Routine medication monitoring appointments with the prescribing clinician.
 - Ongoing testing/lab work specific for the prescribed medication (if applicable).
 - Any noted side effects.
- In the JJ Strengths and Needs Assessment item D2 Emotional Stability: a brief summary of any changes listed above that were recorded in the health profile during the reporting period.
- In the Strengths and Needs section of the initial/updated service plan, the Need Domain of Emotional Stability must document the use of psychotropic medication(s) and how the use relates to the goal addressing Emotional Stability.

- In Social Work Contacts, all contacts necessary to comply with this policy item.
- In Court, all motions/petitions filed to comply with this policy item.

LEGAL BASE

See [FOM 802-1, Psychotropic Medication](#) in Foster Care.

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