STATE OF MICHIGAN

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Juvenile Justice Field Services Policy Manuals

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STATE OF MICHIGAN

DEPARTMENT OF HEALTH & HUMAN SERVICES

POLICY

Delinquent youth under the jurisdiction of the Department of Human Services (DHS) 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.
- Family preservation.
- Re-integration services.

Out-of-Home Placement

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

The juvenile justice specialist (JJS) is responsible for a ward's case from the time it is assigned until the ward's discharge regardless of the placement.

The JJS ensures that parents are involved in the development of case plans for their child.

PURPOSE

To ensure that all Department of Human Services and legal requirements are met and that effective communication and collaboration is maintained with all parties involved in the youth's treatment.

AUTHORITY

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

CASE MANAGEMENT FUNCTIONS

The JJS or Care Management Organization (CMO) worker must develop, write, implement, monitor, maintain and ensure completion of all case service plans including, but not limited to:

- Pre-Sentence investigations (see JJ2 210).
- Initial service plans (ISP), updated service plans (USP), supplemental updated service plans (SUSP) (see JJ2 230).
- Hearing reports, review reports, release reports and any other required reports (see JJ4 410).

PARENTAL INVOLVEMENT IN THE DEVELOPMENT OF CASE SERVICE PLANS

The JJS must engage the family in the development of initial and updated service plans. This means that 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.

The treatment plan section of the case service plans must be:

- Specific to the individual needs of the youth and family.
- Written in a manner that is easily understood by all parties.

Note: If the parent(s) is not involved in the development of an ISP or USP, the reasons why must be documented in the plan.

The JJS ensures that the parents are provided a copy of each ISP and USP.

Documentation of Parental Involvement

The JJS must document the nature and extent of parental involvement in the case service plans:

- There must be at least one documented telephone contact and/or face-to-face visit with a parent prior to completing each ISP, USP or SUSP.
- A home visit is necessary for the JJS to evaluate the possibility of the child's return to the parental home.
- The JJS must encourage parental involvement in the child's treatment plan by such methods as arranging meetings at times and places convenient to the parent(s).

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

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

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 JJ2 225, Waiver Procedures - Family Court). 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.

POLICY

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

PURPOSE

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.

AUTHORITY

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

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

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.

DHS ACCEPTANCE/DATE OF COURT ORDER

The date of acceptance is the date the court order is signed by the judge/referee.

The department assumes legal, financial and service responsibility at the point a child is accepted for placement and care. Each local office has been delegated the responsibility and authority to handle the official acceptance of such children. All court material must be date stamped upon receipt. The SWSS FAJ (Service Worker Support System Foster Care, Adoption and Juvenile Justice) acceptance date is the date the court signs the order.

The date of acceptance must be confirmed by the local office by sending a DHS-3204, Youth Acceptance Notice, RFF 3204, to the referring/committing court; and by sending a DHS-4526,

Parent/Guardian Notification of Acceptance, RFF 4526, to the parent/guardian.

COURT RESPONSIBILITIES WHEN REFERRING/COMMITTING A YOUTH

- 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.

PROPER WORDING OF THE COURT ORDER WHEN THE COURT COMMITS OR REFERS A YOUTH TO DHS

The court orders must include:

- The birthdate of the youth. (Youths committed under Act 150 by the Family Division of the Circuit Court must be at least 12 years of age at the time they are committed to the department.)
- A statement indicating that the youth is referred or committed to DHS and the legal basis for the court's disposition.
- A statement identifying the director of DHS as the special guardian to receive any governmental benefits due the youth.
- A statement providing for reimbursement by the child, parent, or guardian even if the amount is zero.
- For juvenile court wards who are referred to the department, the words "Referred to the Michigan Department of Human Services for placement and care under Public Act 280 of 1939", (MCL 400.55(h)) are preferred. However, the words "placement and care," or "care and supervision," or "placement and supervision" may be used without adversely affecting title IV-E eligibility.
- Orders for state wards must include the words "committed to the Michigan Department of Human Services." The public act under which the youth is committed (either the Youth Rehabilitation Services Act 1974 PA 150 or the MCI Act, 1939 PA 220) must be identified on the commitment order. Orders for court wards must contain the words: "placed with the Michigan Department of Human Services for placement and care." See MCL 400.55(h).
- Orders issued by tribal courts for Indian children have the same validity as do Family Court orders. These orders must make the department responsible for placement and care.
- The committing offense.

- Court transcript of the findings and conditions of the referral/commitment.

Note: Youth committed by the criminal division of the Circuit Court are not eligible for title IV-E funding, but these orders should contain similar language.

REFERRAL TO CHILD SUPPORT

All orders, except preliminary or emergency orders, and those for permanent wardship must include a statement providing for "reimbursement by the child, parent, or guardian for the cost of care or service." See FOM 722-1, Foster Care - Entry Into Foster Care, for further information on child support.

Friend of Court Notification

The 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.

SPECIFICATION IN TITLE IV-E COURT ORDERS

In order for a youth to be title IV-E eligible, the court order or transcript of the hearing must contain documentation of the evidence used by the court to make judicial findings. The determinations must be explicit and made on a case by case basis and cannot be amended by a subsequent order, e.g., a nunc pro tunc order, which amends the original order. See FOM 902-2, Legal Jurisdiction.

TITLE IV-E FUNDING DETERMINATIONS

Title IV-E is only a funding source. To be eligible for payment under title IV-E, children must, by family court or tribal court order, be

under DHS supervision for placement and care or committed to DHS. See FOM 902-1, Title IV-E Funding Determinations.

Note: Children who are determined eligible for title IV-E funded foster care/juvenile justice assistance are categorically eligible for Medicaid.

CONTRARY TO THE CHILD'S WELFARE DETERMINATION

Regulations require the court to make a contrary to the welfare or best interest determination **in the first court order removing the child from his/her home** for title IV-E eligibility. The first court order is defined as the emergency removal order (for example, JC 05) or the preliminary hearing order (for example, JC10 or JC 11a) if there was no emergency removal order. The contrary to the welfare determination must also be made within the first court order or transcript of the hearing for each new placement episode, regardless of whether a new petition is filed or not. See FOM 902-2, Continuation in the Home is Contrary to the Child's Welfare Determination.

REASONABLE EFFORT DETERMINATIONS

The supervising department must make reasonable efforts to prevent removal and finalize the child's permanency plan except under defined circumstances. The child's health and safety must be of paramount concern. See FOM 902-2, Reasonable Efforts Determination.

TO PREVENT REMOVAL

The first determination, "the department has made reasonable efforts to prevent removal from the home," must be made at a court hearing held within 60 days of the child's removal from his/her home. Title IV-E cannot begin until the reasonable efforts judicial determination has been obtained; see FOM 902-2, To Prevent Removal.

FINALIZE A PERMANENCY PLAN

The second determination, “the department has made reasonable efforts to finalize the permanency plan,” must be made within 12 months from the date of removal. See FOM 902-2, Finalize the Permanency Plan.

ELIGIBLE LIVING ARRANGEMENT

The youth must currently be in foster care in a licensed foster home, licensed private child caring institution, or a DHS child care treatment facility of 25 beds or less. See FOM 902-2, Eligible Living Arrangement.

U.S. CITIZENSHIP/QUALIFIED ALIEN STATUS

Receipt of title IV-E funds must be limited to U.S. citizens and qualified aliens. If the worker determines that a child is not a U.S. citizen or a qualified alien, the child is not title IV-E eligible. See FOM 902-2, U.S. Citizenship/Qualified Alien Status.

FORMER AFDC PROGRAM ELIGIBILITY

The youth must meet all eligibility requirements for the former AFDC program, except that of living with an acceptable relative, in the month in which the court action that led to the youth’s removal occurred. A court action is defined as an order that removes the child from his/her home. See FOM 902-2, Former AFDC Program Eligibility Requirements.

DEPRIVATION

In cases of temporary wardship (including delinquent youth) the situation of the child in relationship to the parent or relative home from which he/she was removed must determine eligibility. Deprivation must exist initially and continue thereafter for title IV-E eligibility. If deprivation exists at the point permanent wardship is taken, the deprivation factor must be frozen at that point and will continue to exist as long as the child remains a permanent ward.

Deprivation does not exist solely because parental rights have been terminated; see FOM 902-2, Deprivation.

INCOME

The family's income (including the income of the parent(s), stepparent(s), and siblings under age 18) must be considered only in the initial eligibility determination. Income of a non-parent adult or living together partner must not be considered.

Note: Adoption subsidy must be considered unearned income and must be budgeted within SWSS-FAJ if the adoption has been finalized. Only the first $76.00 of the subsidy, per child, is considered as income. Prior to finalization, adoption subsidy is not considered as income.

For redeterminations, the income of the parents must not be considered except for the amount of court ordered support.

CONTINUED FORMER AFDC ELIGIBILITY

The youth must continuously meet the former AFDC program eligibility other than living with an acceptable relative; see FOM 902-2, Continued Former AFDC Eligibility.

COURT ORDER WITH ORDERED PAYMENTS

Court order of payments for reimbursements/restitution or collection of government benefits must be sent to the Reconciliation and Recoupment Section, P.O. Box 30025, Lansing, MI 48909.

ACTIONS FOR PROBLEMATIC FUNDING-RELATED COURT ORDERS

Copies of problematic court orders involving funding issues must be faxed to the Bureau of Juvenile Justice (BJJ) director at 517-373-2799 for review the next working day.

Follow the requirements in FOM 902-2, Title IV-E Eligibility Requirements, FOM 902-5, Title IV-E Funding Denial or

Cancellation, and FOM 902-6, Court Orders Requiring Inappropriate Payments, for actions on these court orders.

ACTIONS FOR OTHER PROBLEMATIC COURT ORDERS

Copies of other problematic court orders must be faxed to the BJJ director at 517-373-2799 for review the next working day.

The local office must obey the court order but must also immediately discuss the problematic aspects of it with the court and request the needed changes. Then the local office must make a second contact with the BJJ director within five working days of receipt of the order to notify central office of the efforts made to resolve the issues and of the results of those efforts. This contact may be by telephone or by memorandum.

Final decisions on whether to request an appeal or amendment through the Attorney General's Office must be made by representatives from Legal Affairs, Children's Services, and a juvenile justice specialist. Since the appeal can only be effected within 20 days of the order, immediate transmittal of the problem order must be directed to central office. Central office may proceed through Legal Affairs to request Attorney General intervention before the second contact from the local office if such action appears necessary.

YOUNG ADULT VOLUNTARY FOSTER CARE

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (PL 110-351) 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 225-230.

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, PR Young Adult Voluntary Foster Care (YAVFC) Funding and Payment, and FOM 722-16, Young Adult Voluntary Foster Care, for all eligibility and program requirements.

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.

POLICY

The juvenile justice specialist (JJS) must complete the Juvenile Justice Initial Service Plan (ISP) and either the Juvenile Justice Updated Service Plan (USP) or Juvenile Justice Supplemental Updated Service Plan (SUSP) within the time frames indicated below. A USP is required when the youth is living in the community and a SUSP is required when the youth is placed in a residential treatment facility.

PURPOSE

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

AUTHORITY

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

SERVICE PLAN TIME FRAMES

The JJS must complete the following plans in the Juvenile Justice OnLine Technology (JJOLT) system:

- DHS-4789, Juvenile Justice Initial Service Plan.
- DHS-4790, Juvenile Justice Updated Service Plan.
- DHS-4781, Supplemental Updated Services Plan.
- DHS-4539, Delinquent Youth Security Level Matrix for Re-offenders.

Private and public agencies/facilities providing treatment for a youth referred or committed to DHS must complete the following plans in the JJOLT system:

- DHS-232, Initial Treatment Plan.
- DHS-233, Updated Treatment Plan.
- DHS-234, Release Plan.
- Treatment Program Termination Form.

ISP Completion Date Compliance

The prepared initial service plan is considered complete when the JJS submits the ISP to the supervisor through the JJOLT system. The completion date is reflected as the “Report Date” on the first page of the ISP.

The ISP is considered overdue if the Report Date is on or after the 31st calendar day following the child’s delinquency acceptance date.

USP/SUSP Completion Date Compliance

Completion of the first USP/SUSP is required within 120 calendar days of the delinquency referral/commitment acceptance date (such as within 90 calendar days of the completion of the initial service plan) and at least every 90 calendar days thereafter or more frequently, if necessary, to ensure coordination with court hearings.

At a minimum, the USP/SUSP must be updated and revised at 90-day intervals. The due date of the USP/SUSP is within 90 calendar days of the previous service plan’s report period end date. The updated or supplemental service plan is considered complete when the JJS submits the USP/SUSP to the supervisor through the JJOLT system. The completion date is reflected as the “Report Date” on the first page of the service plan.

The USP/SUSP is considered overdue if the Report Date is on or after the 91st calendar day from the previous service plan’s report end date.

Supervisory Approval

Prior to finalizing, the service plan along with the 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 Report Date.

- Select the “Approved” button in the JJOLT system to generate the approval transaction date.
- Enter their JJOLT password to electronically sign the case service plan.

The agency is considered out of compliance with licensing R400.12403(2)(o) if the supervisor signature date is past the 14-day review and approval time frame.

Supervisory approval indicates agreement with:

- The JJS court recommendations within the service plan.
- The identified strengths and needs of the youth and family.
- The rate of progress identified.
- Appropriateness of current placement.
- Current treatment plan for the youth.
- Permanency planning goal.

STRUCTURED DECISION MAKING

The ISP and USP use structured decision making (SDM) models. SDM balances the youth’s/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 by organizing decision making criteria at each stage to promote greater consistency and equity.

The SDM model objectively evaluates three key decision making elements: the severity of the adjudicated offense, the risk of continued delinquent activity and the youth’s service needs. The service and treatment plans uniformly guide and direct decisions regarding each youth’s initial security level placement, escalation, and release from placement.

DEVELOPING THE INITIAL SERVICE PLAN

While developing the initial service plan, the JJS must ensure that the following items are completed:

- Complete DHS-3307-A, Youth Face Sheet, within five calendar days.
- Inquire if the youth has any North American Indian ancestry; 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 with North American Indian ancestry.
- Verify that the court order is worded appropriately; see JJ2 220, Court Orders for Referrals/Commitments and Title IV-E Eligibility.
- Obtain a DNA profile, if applicable; see JR2 230, DNA.
- Ensure sex offender registration, if applicable; see JJ2 231, Sex Offender Registration.
- Determine if victim notification or restitution is required; see JR5 502, Victim Notification.
- Visit/contact the youth within 72 hours or document an explanation why not completed; see JJ2 270, Visit Requirements.
- Schedule the initial visit with the parent(s).
- Arrange and document temporary placement of the youth pending initial treatment program placement, if needed.
- Provide referral information to the Juvenile Justice Assignment Unit (JJAU) if residential placement is needed; see JJ7 700, Juvenile Justice Assignment Unit Placement Process. The Initial Service Plan must be completed for the assignment process to proceed.
- Open the case on the Services Worker Support System Foster Care, Adoption, Juvenile Justice (SWSS FAJ) and update as needed.

- Complete the DHS-352, Initial Determination of Appropriate Foster Care Funding Source, in SWSS FAJ to determine the funding source for the youth. See FOM 902, Financial Determinations, for further information.

- Complete the DHS-3205, Foster Care/Delinquent Ward Benefit Eligibility Record, to document governmental benefits that the youth is receiving or may be eligible to receive; see FOM 900 series for further information.

  Note: A copy of the referring/commitment court order must be attached to the form when submitting to central office, Reconciliation and Recoupment Section, Division of Revenue & Federal Reporting, Bureau of Accounting.

- Complete the DCH-1354, Third Party Liability Health Insurance Information, if appropriate, to obtain child support for eligible youth and record the identity of third party insurance resources.

- Send the DHS-4526, Parent/Guardian Notification of Acceptance, to the parent(s)/or legal guardian(s) along with the name, office address, and telephone number of the assigned case worker.

- Determine if the youth was receiving financial assistance or food assistance program (FAP) at the time of his/her removal from the home. If so, notify the financial assistance unit supervisor and/or case worker in writing immediately and provide the date of the youth's removal from home. A copy of the notification must be filed in the youth's case record.

- Send the DHS-3204, Youth Acceptance Notice, to the court. A copy must be filed in the youth's case record.

- Authorize placement payments, if appropriate.

- When the youth enters an out-of-home placement,(**except for public institutions** such as state/county detention facilities and the training schools), enter the necessary information into SWSS FAJ to permit the opening of medical assistance for the youth; see FOM 803, Medicaid - Foster Care, for more information.

Note: A youth remains eligible for Medicaid while placed in a DHS facility (SWSS FAJ Living Arrangement 14). Medicaid must remain open in SWSS FAJ. Medicaid coverage in these placements is

limited to off-site inpatient hospitalization only. The DHS facility is responsible for all other medical services provided to the youth.

- Remove the youth from detention/jail within five calendar days of the acceptance date or document the reason why this cannot be done, if applicable.
- Complete the health history and immunization information on the DHS-221, Medical Passport.
- Arrange for a medical examination of the youth within 30 calendar days of out-of-home placement. Document the examination based on the youth's age using the following forms:
  - DHS-1636, Well Child Exam, Early Adolescence: 11-14 Years.
  - DHS-1637, Well Child Exam, Early Adolescence: 15-18 Years.
- Arrange for a dental examination of the youth within 90 calendar days of out-of-home placement if there has been no such examination within the previous 12 months. Document using the DHS-1664, Youth Yearly Dental Record.
- Submit the SS-5 for a Social Security card if the youth has no number; see FOM 902-16, Social Security Numbers, for more information. If the youth has a number, but no Social Security card, the JJS must verify the number on Bridges or secure a copy of the card. The JJS must assist the youth in obtaining a Social Security card and retain a copy in the youth's case record. All information in the youth's case record containing more than the last four digits of the Social Security number, as well as the Social Security card, must be removed prior to any viewing by other than authorized persons; see the Social Security Number Privacy Act, MCL 445.81 et seq.
- Obtain a certified birth record using the DHS-261, DHS Request for a Michigan Birth Record, or see FOM 910, Where To Write for Vital Records, for out-of-state birth records.The certified birth record must be requested immediately. If receipt of the certified birth certificate is pending, a copy of the application for the certified birth record must be included in the referral packet.

- Upon receipt of the certified birth record, the JJS must forward a copy to the JJAU if residential placement is desired. The original birth record must remain in the youth's local county office file until case closure.

JUVENILE JUSTICE INITIAL SERVICE PLAN INSTRUCTIONS

The JJS must 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 the Department of Human Services.

Acceptance/Commitment Date

The acceptance/commitment date is the date the delinquency court order referring or committing the youth to DHS is signed by the court**.** See FOM 722-1, Foster Care - Entry into Foster Care, Court Ordered Placement, Case Acceptance Date**.**

Permanency Planning

Federal regulations require documentation for each youth regarding permanency planning. Listed below are the areas of permanency planning that must be completed in Section III of the ISP and the USP.

There must be a permanency planning goal for each youth documented in Section III A in each ISP and USP; see FOM 722-7, Foster Care - Permanency Planing, Federal Permanency Planning Goals.

Reasonable Efforts

A detailed description of **reasonable efforts** to maintain the youth at home must be included in the court's order or in a transcript of the hearing. Reasonable efforts must be documented in Section III B of the ISP and the USP as well as in the appropriate section of the SUSP.

Compelling Reasons

The Adoption and Safe Families Act (ASFA) requires that a petition to terminate the parents' rights be filed if a child has been in care for 15 of the last 22 months. If a petition is not filed, the compelling reasons for not filing must be documented; see FOM 722-7, Foster Care - Permanency Planning, Ongoing Permanency Planning and Service Provision for further information. The compelling reasons information must be entered in Section III C of the ISP and the USP as well as in the appropriate section of the SUSP.

Classification Report

Section II - Classification Report of DHS-4789 guides placement of the youths based on the committing offense and the youth's level of risk. DHS-4789 Section VI - Treatment Plan guides treatment decisions.

Security Level Override Process

Section II, Security Level Recommendation Matrix, in the ISP requires the JJS to provide a proper override code in the indicated box when applicable. The override refers to extenuating circumstance(s) resulting in an escalation (increase) or mitigation (decrease) to a youth's security level. There may be, in some instances, an accumulation of evidence that the computed security level is not appropriate. Prior to and during the youth/family assessment, the youth's case must be examined for aggravating or mitigating factors which would justify altering projected security level.

Discretionary override recommendations must be based on individual case situations/circumstances. This may include information, not scored on the classification report, that provides a compelling basis for altering the computed security level. The JJS completing the risk and security level report must screen the case for recommendation of a discretionary override to aggravate or mitigate a youth's security level.

Override of Security Level

The court can mandate either security level which cannot be overridden by DHS. The JJS must present any differences between the youth's recommended security level on the security level matrix and the court or DHS override to the court. The JJS must comply with the court order.

A DHS override of a youth's initial security level requires **supervisory approval**.

Mitigating Factors to Lower Security Level

The options available for a discretionary override include:

Note: The number next to each override refers to Juvenile Justice OnLine Technology (JJOLT) coding.

002 No previous service attempt.
003 Special issues/reduced culpability (Mentally or Developmentally Disabled (MDD), age etc.).
004 Offense related to meeting family sustenance.
005 Family support present/viable.
006 Played a minor role in crime.
007 Crime committed under duress, coercion, threat.
008 Extreme care was expressed for health, safety, property.
010 Defendant reasonably believed there was a right to property.
011 Small amount of money/property ($200.00), little or no harm to victim.
012 No prior criminal history.
013 Crime not likely to be repeated.
014 Other.
015 Judge/referee order to mitigate.
016 JJS successfully petitions to decrease security level.

Aggravating Factors to Increase Security Level

021 Leader of a criminal enterprise.
022 Crime involved several perpetrators/weapons.
023 Multiple victims.
024 Vicious/heinous crime.

025 Property/money stolen particularly high ($1,000.00 or more).
026 Defendant refused to make restitution.
027 Thrill seeking.
028 Witnesses threatened.
029 Escalating history of violence.
030 Reckless disregard for safety of others.
031 Excessive plea bargaining.
032 History of arson.
033 Multiple sex offenses.
034 Premeditated murder.
035 Unsuccessful community intervention.
036 Psychiatric disturbance.
037 Serious escape risk.
038 Risk of self-injury, harm.
039 Other.
040 Judge/referee order to aggravate.
041 JJS successfully petitions to increase security level.

Form Distribution

A copy of the completed DHS-4789, Juvenile Justice Initial Service Plan, must be filed in the youth's case record.

UPDATED SERVICE PLAN INSTRUCTIONS

The DHS-4790, Juvenile Justice Updated Service Plan (USP), must be completed for any youth in community placement as follows. The written information for the plan must be obtained from a variety of sources and reports including field visits, personal contacts, reports/treatment plans from residential placements, schools, employers, training programs, and counseling services. Information from collateral contacts must be summarized by the JJS.

SUPPLEMENTAL UPDATED SERVICE PLAN INSTRUCTIONS

The DHS-4781, Supplemental Updated Service Plan (SUSP), must be completed by the JJS when a youth receives treatment from a residential program.When the JJS receives an initial treatment plan (ITP), updated treatment plan (UTP) or release plan, they must attach the treatment plan to the case service plan, distribute copies, and file it in the youth's case record. Upon receipt of an updated

treatment plan from a contracted agency, the JJS submits it to the contracted agency with documented approval of the treatment plan or a request for a conference date to address treatment plan issues.

DELINQUENT YOUTH SECURITY LEVEL MATRIX FOR RE-OFFENDERS

The DHS-4539, Delinquent Youth Security Level Matrix for Re-Offenders, is used to determine the security level for a youth who has been **adjudicated for a new offense.** The form must be completed by the JJS as follows:

- Document the living arrangement at the time the new offense was committed.
- Check the security level at the time the offense was committed.
- Enter the new adjudicated offense type. Check the class type of the new offense: Class I/II, Class III and Class IV/V; see JJ3 300 for class types.)
- Determine the new security level using the box where the new adjudicated offense class was checked, then follow that straight across to the security level box for the living arrangement at the time of the new offense. This is the new security level.
- If an override is required, enter the proper override code in the indicated box; see Override of Security Level in this item.
- Check the final security level for replacement.
- If the judge's recommendation or order is different from the matrix, check the court recommended security level.
- Submit for supervisory approval.

POLICY

The juvenile justice specialist (JJS) is to work closely with residential staff and families in the preparation of reports for court progress reviews, and in the development of aftercare or reintegration plans to be presented to the court. **It is mandatory for the JJS to attend all court scheduled hearings/reviews.**

PURPOSE

Every ward receiving department services by court order is entitled to a hearing to determine if the ward 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 treatment plan.

AUTHORITY

As noted for each hearing.

PROCEDURE

The schedule and the JJS's responsibilities for these reviews/hearings are as follows:

Preliminary Hearing

(MCR 3.935) The preliminary hearing is held to determine whether there is reason to believe the juvenile committed the alleged offense. If the ward is under the care and supervision of the Department of Human Services (DHS), the court may order the JJS to submit a report.

Dispositional Phase Hearing

(MCR 3.943 & MCR 6.911) The dispositional hearing is held to determine what measures the court will take concerning the juvenile who is properly found within the jurisdiction of the court.

- Commit to DHS for care and supervision.
- Sentence to the Department of Corrections (DOC).

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 juvenile is detained.

JJS Responsibilities

Juvenile Court

- Upon request of the court, the JJS prepares a pre-sentence report providing recommendations to determine if the youth should be tried as an adult. Upon acceptance of the court order, the JJS prepares the initial services plan (ISP).

Adult Court

- Upon request of the court, the JJS completes a pre-sentence investigation (PSI) when a juvenile is sentenced as an adult. (See JJ2 210 and form DHS- 201, Pre-Sentence Investigation Report in RFF 201.)

Dispositional Review Hearing (Escalation)

(MCR 3.944(E) to Comply with PL 96-272 (federal requirements).

When the ward is in a foster care placement, dispositional review hearings are held no later than every 182 days (six months) from the date of the referral orders.

Dispositional review hearings are held to determine if the case plan is appropriate by assessing the following areas:

- Appropriateness of services.
- Appropriateness of placement.
- If circumstances causing the commitment are being mitigated or aggravated.

To review the performance of the ward, the ward's parents, or custodian, the worker and other persons providing services to the ward or his/her family.

To supplement or amend an order in delinquency cases (MCL 712A.18) as long as the juvenile remains under the jurisdiction of the court.

To meet federal guidelines for title IV-E funding: hold a review hearing at least every 18 months from the date of commitment. (PL96-272 Section 475(8).

In foster care, dispositional review hearings are held no later than every 182 days (six months) and dispositional hearings every 18 months (MCL 712.19(2).

JJS Responsibilities

- Submit to the court an updated services plan (USP).
- Review the current USP to ensure that it includes the following:
  - Court order, date of court order and the public act.
  - Long range plan.
  - Current goal.
  - Plan to achieve current goal. The plan is considered current if it covers no more than a three month period and the next report is not yet due.
  - Necessity of placement.
  - Efforts to reunite the family and ward.
  - Appropriateness of current placement.
  - Parties in compliance with case plan.
  - Extent of progress. Include current reports from the residential program (including the Bureau of Juvenile Justice facilities in which the youth is placed).
  - Projected date of release from program.
  - Visitations with ward/family.
  - Up-to-date information that is relevant to the hearing.
  - JJS recommendations.

All of these elements are included in the updated services plan (USP) format. A copy of the most current USP may be offered to the court for the review hearing. Otherwise, a separate commitment review report must be done.

To Extend Court Jurisdiction

MCR 3.944(D) MCL 712A.18d(1) To extend jurisdiction to age 21 for wards whose commitments were for a Class I or Class II offense, i.e., a life offense or a serious felony vs. person, a review 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 to be conducted, the juvenile and parent must be given notice of the hearing and informed that the court may extend jurisdiction. DHS is to prepare a commitment report for presentation at the hearing.

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 DHS under P.A. 150 for a specific time period. When a juvenile's probation is scheduled to end, the court must conduct a final review hearing of the juvenile's probation and commitment **not less than three months before the end of the period of probation and commitment.**

At the final review hearing, if the court determines that the best interest of the public would be served, the court may impose any other sentence provided by law for an adult offender. The Class I juvenile offender has the burden of proving by a preponderance of the evidence that he or she has been rehabilitated and does not present a serious risk to public safety. The commitment report, prepared by the JJS for presentation at the hearing, may also be used by the youth as evidence at the hearing.

Residential Facility Staff

The residential placement staff is to send to the court via the JJS the initial treatment plan and copies of the updated treatment plans.

JJS Responsibilities

Submit to the court, prepared in collaboration with the institution or agencies involved in providing services to the juvenile, a report containing:

- 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.

Discharge/Release/Escalation Hearings (MCR 3.944(E)

The discharge/release hearing is to evaluate the juvenile's preparedness for discharge/release from an institution and/or jurisdiction prior to age of automatic discharge.

The court must approve releases and may determine the approval process for release from the department/institution. MCL 712A.18c(4).

No escalation of placement or treatment can occur without a court hearing. MCR 5.944C(4); MCL 712A.18(d).

JJS Responsibilities

When victim notification has been requested at the time of the petition to the court for discharge or transfer of the youth from a secure residential placement to a non-secure setting, the JJS will ensure that written notice of the planned discharge or transfer has been sent to the victim. The residential facility director is responsible for sending written notice of any decision to discharge or transfer a youth to a non-secure setting. The JJS is responsible for notifying victims of a youth's dismissal from DHS jurisdiction in all other situations. A copy of each victim notice must be retained in the youth's file.

Complete and submit the required report form to the court (Request and Order Terminating Court Jurisdiction, JC 36). Ensure that the treatment agency receives a copy.

Prepare and submit to the court a report demonstrating:

- The juvenile has been rehabilitated and is not a risk to public safety (MCR 5.944(d)(4)).

Submit copies of the current risk reassessment and needs reassessment instruments to the court.

Discharge by the court at age 19 years is **automatic** unless the ward committed a Class I or II Offense and is not rehabilitated prior to the 19th birthday MCL 712A.2a(2), MCL 712A.18c and MCL 712A.18d. If jurisdiction is extended, automatic discharge is age 21 years.

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. At that hearing the JJS is to present to the court a commitment report 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 (MCR 5.944(d) (4).

Procedure for State Ward Discharge Requests

1. A request for discharge of wardship must be submitted on the JC-04 (Petition - Supplement).

2. A "Ready for Trial Form" must be completed with a request to send notice to:

   a. Juvenile.
   b. Juvenile's parent(s).
   c. Prosecutor's office.
   d. Department of Human Services.
   e. Treatment agency.
   f. Victim, when requested.

3. A written report detailing the juvenile's placement history, adjustment, current status, and supporting information for

request to terminate wardship must be provided for the court hearing. A minimum of three copies are required.

Note: Do not attach the report to the application for petition.

- When a ward is being released from placement (including the training school):
  - 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 ward has been rehabilitated and is considered to be no threat to the community.
- Non-automatic discharges or releases from wardship require a court hearing.

Discharges By Committing Court

State Wards

All P.A. 150 wards 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 ward is then automatically discharged from state wardship at 21 years.

The ward may be discharged by the court at anytime before automatic discharge age based upon a petition filed by the JJS or on its own motion.

The JJS must petition the committing court for discharge for:

- Age - four months before his/her 19th birthday or his/her 21st birthday (as indicated above).
- Satisfactory adjustment - Wards 17 years of age or older who have successfully completed six or more months of aftercare services in the community. (Satisfactory adjustment is also the ward who has achieved the treatment goal and is productive and living a law abiding program.)
- If a ward is involved in a department-funded program, an intensive counseling program, educational program, or employment training program which would be interrupted if the

ward was discharged, 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 ward must be petitioned for discharge if he/she has been **accepted** into the armed services or a service agency such as Peace Corps or VISTA. Discharge may be delayed for three months subsequent to the youth's entry into one of the above to allow for satisfactory adjustment of the youth.

- If a ward under family court jurisdiction has been prosecuted in an adult court and has been sentenced to jail or probation, the JJS is to petition the court for discharge.

- Move to another state - The JJS may recommend discharge of a ward who has moved to another state after receiving satisfactory report from the other state through the interstate services procedures.

- Negative response to treatment (county director's approval needed) - A ward who has been in the community at least six months, has not responded to department services, and would gain no benefit in being retained as a state ward, may be discharged on that basis. **The JJS may make such recommendation to the committing court for wards who are at least 17 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 case record will show date and cause of death, sources of information and department involvement in funeral arrangements and other matters. (See FOM 903-10, Funeral Payments regarding funeral expenses for wards.) The JJS is to send a notice of discharge to the committing court.

Each local office must establish the appropriate administrative controls to ensure identification and tracking of all escaped state wards. The JJS/Private agency aftercare staff must verify and document the age, duration of escape status, and that there is no knowledge of re-arrest or criminal activity of each state ward petitioned to the committing court for discharge under these conditions.

The JJS in the county of commitment or county with case management responsibility who recommends discharge must submit the required document to the committing court, documenting the reasons for the discharge request. If the ward 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 ward has escaped from the training school.)

Discharge recommendations may be approved or denied by the committing court on the basis of 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, ward, ward'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 on SWSS FAJ (Service Worker Support System Foster Care, Adoption and Juvenile Justice) as a closed case with the reason for closure.

Note: Dual wardships will revert back to P.A. 220 (MCI) status if the youth is under age 19 years at the time of discharge of Act 150 wardship.

Discharge by Referring Court

Court Wards

The JJS must comply with the Michigan court rules when processing a discharge from court wardship. Although court wards are referred to the Agency for care and supervision, the court retains jurisdiction from the time of referral to the time of discharge. The court also conducts six month review hearings and conducts hearings on other matters pertaining to the delinquent ward.

Violation Hearings

(MCL 712A.19(1) (MCR 3.944(A)(B) Violation hearings are held to 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.

JJS Responsibilities

- Decide whether or not to file a violation petition, based upon the results of the DHS-4539, Delinquent Youth Security Level Matrix for Re-offenders (see RFF 4539) and related policy. (See JJ2 230) when the alleged offense is a misdemeanor, status offense or violation of conditions of placement.)
- Check with the local law enforcement agency, court or prosecutor's office to determine if any court action is planned or pending.
- Complete and submit to the court the appropriate form to obtain an order to take into custody.
- Notify the ward and the ward's parent according to the local court procedures. Clarify appropriate procedures with the court.
- *No petition is required for violation of the Michigan vehicle code (MCL 257.728).

POLICY

Information on state and court wards are released only according to law and policy (see SRM 131, Confidentiality - Children's Services).

PROCEDURE

For protocol regarding media interviews contact the Department of Human Services (DHS) Office of Communications at (517) 373-7394.

Requests to interview youth can only be granted by the director of the Department of Human Services. Such requests must be sent to the director through the Office of Communications (517) 373-7394.

When a request for information is received, the JJS is to assess whether provision of the information will contribute positively to the youth's rehabilitation effort.

Requests for Information from the Office of the Children's Ombudsman

The Department of Human Services may receive requests for information on delinquent youth. In order to ensure that such requests fall within the standards established by Michigan law, all requests for information from the Office Children's Ombudsman must be sent to the DHS, Office of Family Advocate, for review and approval.

The request must be accompanied by the local office's assessment of whether release of the information is in the best interest of the youth. The assessment is an evaluation of relevant case factors formulated by the JJS, supervisor and other individuals pertinent to the case.

See also SRM 131, Confidentiality - Children's Services and SRM 132, Response to the Office of Children's Ombudsman.

HIV/AIDS Confidentiality Protocol

See SRM 131, Confidentiality - HIV/AIDS/ARC or Serious Communicable Disease Records.

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) (l).

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.
- 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.

Third Inside Section (Educational & Employment)

- 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.
- DHS-4526, Parent/Guardian Notification of Acceptance; see RFF 4526.
- Written notification to family independence specialist (FIS) or eligibility specialist (ES).

Back Inside Cover (Financial)

- 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.

POLICY

Victims who have requested notification of certain events must receive prompt notice of those events.

PURPOSE

To clarify the juvenile justice specialist's (JJS) responsibility to fulfill the statutory obligations arising under the Crime Victim's Rights Act.

AUTHORITY

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

PROCEDURE

Local Department of Human Services (DHS) offices will receive a completed DHS-4737, Victim's Rights Request forms (see RFF 4737) from victims requesting to be notified when the responsible youth is dismissed from DHS jurisdiction, transferred from a secure facility to a non-secure facility, escaped, notification of an upcoming home visit, legal name change and/or when the youth is detained for having committed a criminal violation.

When a youth is committed to the department under P. A. 150, or placed with the department for care and supervision, the prosecutor will provide the victim with the form letter. When notice is desired, the victim will sign the letter and mail it to the local DHS 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 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 (in a manner such as highlighting the youth's name or the use of a specific colored folder).

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 and an after hours telephone number for the local contact point in the intake materials sent to any residential 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.

Court Ordered Victim Restitution Requirements

Delinquency cases in which victim restitution is ordered by the court, as a condition of probation, must be reviewed twice a year to determine if restitution is being made. The case record must be "flagged" in some manner so that it is easily identified as one having court ordered victim restitution.

The JJS is to review the case at the time of the progress review. If it is determined that restitution is not being made as ordered, the JJS must give notice to the court by way of a "Report of Non-Payment of Restitution," MC 258 or in a mutually agreed upon written format (check Microsoft Word templates for MC 0258 electronic format). 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.

Release from Secure Placement

At the time of the petition to the court for discharge or transfer of the youth from a secure residential placement to a non-secure setting, the JJS must ensure that written notice of the planned discharge or transfer has been sent to the victim. 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. The JJS is responsible for notifying victims of a youth's dismissal from DHS jurisdiction in all other situations. A copy of each victim notice must be retained in the youth's file.

Escape

In the event of escape from a residential facility, the facility staff should have primary responsibility for immediately notifying the victim, the court and the JJS. A victim notification letter must be com-

pleted 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 that 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 initiate delivery of a written notice to the last known address of the victim and must continue to attempt to contact the victim by telephone. Local office efforts should be coordinated with the facility staff who are required to notify the victim in these circumstances. A log contacting the dates and times contacts were attempted by telephone and a copy of the letter must be retained in the case file.

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.

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

JJ 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.

POLICY

The juvenile justice specialist (JJS) must ensure that a DNA sample is taken from all juveniles convicted in the criminal division of circuit court, family division or juvenile court of any of the listed felonies, attempted felonies or misdemeanors.

PURPOSE

To ensure that the department is in compliance with the DNA Profiling Act.

AUTHORITY

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

PROCEDURE

All youth required to submit a DNA profile must pay $60 to the state to offset the costs associated with the DNA profile. The JJS must inform the youth of his/her responsibility to pay the fee. Failure to pay may result in court action against the youth.

Payments are sent to the Michigan Department of Treasury for the justice fund and must be identified as a DNA profile payment.

The mailing address:

Michigan Department of Treasury
Receipts Processing Division
7285 Parsons Drive
Dimondale, MI 48821

Criminal Court

Youth who have been convicted as an adult in a criminal court of any felony, attempted felony or the following listed misdemeanors must have a DNA profile submitted:

- Enticing a child for immoral purposes, MCL 750.145a.
- 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 (j).
- Indecent exposure, MCL 750.335a.
- First and second prostitution, MCL 750.454.

- Female under the age of 17 in a house of prostitution, MCL 750.462.

Family Division or Juvenile Court Adjudication

Youth adjudicated or found as a juvenile in a family division court for the following listed felonies or misdemeanors must have a DNA profile submitted:

- Assault with intent to murder, MCL 750.83.
- Attempted murder, MCL 750.91.
- Murder II, MCL 750.317.
- Kidnapping, MCL 750.349 (including attempted).
- Criminal sexual conduct I, MCL 750.520b (including attempted).
- Criminal sexual conduct II, MCL 750.520c (including attempted).
- Criminal sexual conduct III, MCL 750.520d (including attempted).
- Criminal sexual conduct IV, MCL 750.520e (including attempted).
- Assault with intent to commit criminal sexual conduct, MCL 750.520g (including attempted violation).
- Disorderly person - window peeper, MCL 750.167 (1)(c) or (j).
- Indecent exposure, MCL 750.335a).

DNA Sample

Upon collection, the DNA sample must be submitted within 72 hours of collection to the Michigan Department of State Police. For youth in detention, a public residential or day treatment placement, the facility must obtain the sample. The DNA sample collection must be conducted as part of the intake process. Youth already in

placement must provide the sample prior to release. (in accordance with MCL 803.307a)

The JJS is responsible for identifying any youth, in a community setting or contracted residential facility who were adjudicated for one of the named offenses and for whom there is no DNA profile on record. Identified youth are required to provide the sample for collection prior to release from residential placement or discharge from wardship. If the youth is placed in a private residential facility and a DNA profile is needed, the JJS must coordinate the sample collection and delivery with the agency.

The Michigan Department of State Police, DNA laboratory, is responsible for profiling the DNA collection and maintaining profile records. To determine if a profile is on record, the JJS may submit a written request, including the youth's name and date of birth, to:

Michigan State Police
DNA Unit
714 South Harrison Road
East Lansing, MI 48823

If requesting a profile sample collection kit, call the DNA laboratory at 517-322-6600.

If it is determined that no DNA profile is on record, the sample must be collected prior to release from placement or the planned discharge from wardship. The JJS must advise youth who are in a community placement of the need to comply with the sample collection. The JJS or designee must accompany the youth at the time the profile is conducted. If a youth refuses or fails to comply with the sample collection, the JJS must notify the court of the youth's failure to comply.

The DNA sample must be collected by a physician, nurse or trained technician and handled according to the DNA profile sample collection kit instructions. Following the completion of the DNA profile, the DHS-62, Delinquent Youth DNA Profile Verification (see RFF 62) form must be completed and placed in the case file.

Payment Process For DNA Samples and Forensic Testing

The DHS-93, Examination Authorization/Invoice For Services (see RFF 93) can be used to process payment for the cost of DNA samples that are to be sent to the Michigan Department of State Police for DNA profiling. The DHS-93 processes payment only for the DNA profile. The State Police complete the DNA profiling.

In addition to processing payment for DNA samples, the DHS-93 can be used for drug screens and other specified forensic testing.

Refer to the following for DHS-93 instructions, procedures and codes:

- RFF 93, Instructions for Completing the DHS-93.
- Services Requirements Manual (SRM) Item 230, Medical Services Authorization/Invoice. This item provides instructions for using the DHS-93.
- The DHS-94, Medical Services Authorization Provider Enrollment/Other Change (see RFF 94) is used for enrolling 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.
- The SRM 234, Diagnostic Examination Fee Schedule provides codes and maximum payment limits for DHS-93 services.
- The CIMS File Maintenance Manual (CIF) FEMR transaction item explains how to enter the DHS-93 authorization on the Customer Information Management System (CIMS).

POLICY

The caseworker must maintain contacts with each youth, the youth's family, and placement staff. Facilities must provide the caseworker with access to each youth through mail, telephone and face-to-face visits. This policy is applicable only to youths referred or committed to DHS for care and placement.

PURPOSE

To ensure the caseworkers are engaging youths and families to participate and progress toward meeting the goals outlined in initial and updated service plans.

AUTHORITY

Social Security Act, 42 USC 622 and 624, as amended.
Social Welfare Act, 1939 PA 280, as amended, MCL 400.115a (1)(l).

YOUTH CONTACT REQUIREMENTS

When visiting a youth, the caseworker must be afforded the opportunity to speak with the youth in private. In child caring institutions equipped with camera(s), the youth may continue to be monitored by camera.

When a Foster Care and Juvenile Justice Case are Open

Follow visitation policy in FOM 722-6, Developing the Service Plan, for youths, foster parents, and parent(s)/guardian(s).

Juvenile Justice Placement in a Child Caring Institution

A face-to-face visit must occur each calendar month when the youth is placed for juvenile justice treatment in a child caring institution. At least every other month, the visit must be in the placement setting.

Permanent Placement

A face-to-face visit must occur each calendar month when the youth is in a permanent placement including the youth's home, the home of a relative or guardian, or independent living (supervised or unsupervised). At least every other month, the visit must be in the placement setting.

Detention or Reception/Assessment Center in the Local County

An initial face-to-face visit with the youth within five business days of placement with weekly face-to-face visits thereafter.

Detention in Another County

Weekly telephone calls and a face-to-face visit must occur each calendar month.

Youth is in Another State

During the first month following initial placement there must be two telephone contacts and two face-to-face visits. At least one of the two face-to-face visits must occur in the placement.

During subsequent months, there must be a face-to-face visit each calendar month with at least one visit in the placement setting every other month.

Youth from Another State is in Michigan

A face-to-face visit must occur each calendar month or as otherwise agreed to with the sending state. At least every other month, the visit must be in the placement setting.

FAMILY CONTACT REQUIREMENTS

A face-to-face family visit must occur each calendar month with more frequent visits as needed or described in the service plan. At least every third month, the visit must be in the parents' residence.

Note: If there is an open foster care case, see FOM 722-6, Developing the Service Plan, for visits with the foster parents and parent(s)/guardian(s).

TREATMENT TEAM CONTACT REQUIREMENTS

There must be quarterly contact with the youth's treatment team at the child caring institution. Contact may be through face-to-face meeting, video conference, or conference call as long as face-to-face meetings occur at least every other quarter.

VISIT SUPPORT FORMS

When visiting, the caseworker must have available and refer to the DHS-904, Foster Care/Adoption/Juvenile Justice Caseworker/Child Visit Quick Reference Guide, as needed. The caseworker 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. The following areas must be discussed with the youth during the visit:

- The youth's medical, dental, and mental health and the worker's observation of the youth's physical appearance.
- The youth's feelings/observations about the placement.
- The youth's ability to communicate with parents through mail, telephone and visitation.
- Education.
- Permanency plan.
- Any issues or concerns expressed by the youth.

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

DOCUMENTATION

The caseworker must document each visit in the Service Worker Support System-Foster Care, Adoption, and Juvenile Justice (SWSS-FAJ), including if the visit occurred in the youth's residence, within five business days of the visit. In cases where the visit does not occur as required, this must be documented in SWSS-FAJ and explained in the service plan. The caseworker must also use the service plan to describe the visit and how the visit's results confirm or modify the current assessment of the youth and the youth's treatment goals, objectives, and services.

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/insitutional 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

DHS staff may access the Law Enforcement Information Network (LEIN) only in the performance of official duties after being given access by appropriate authority. Any inappropriate access, use or disclosure of this information may result in disciplinary action and/or criminal prosecution. Staff and their supervisors are responsible for maintaining the security, confidentiality and access to LEIN information. Staff are prohibited from conducting LEIN checks for other government entities or non-profit agencies contracting with DHS; see FOM 722-6A, Criminal Record Check-Law Enforcement Information Network.

PURPOSE

To ensure the caseworker observes proper security controls while conducting LEIN checks on the parents, caretakers or other significant adults or minor household members. This information is used to assist in decision-making regarding the youth's placement and/or treatment, as well as to ensure worker safety.

LEIN CHECKS

LEIN checks must be conducted on all adult household members, including parents and non-parent adults living in the home, for all cases:

- When a child will be having parenting time; see FOM 722-6, Parenting Time.
- When the court orders placement of a child with a relative prior to the completion of a required home study. In this case, a criminal history check must be completed on all household members by the next business day.
- When a return home following an out-of-home placement is being considered.
- When a child is placed at home and new individuals move into the home or there is a new non-parent adult involved with the family.
- When a child is placed with a relative or a home study is being conducted on a relative's home; see FOM 722-3, Placement with Relatives.

- When there is a reason to believe that this information is necessary to make a decision regarding worker safety. In these instances, a LEIN check must be completed prior to contact with the family; see FOM 722-6, Visitations.

LEIN checks must include criminal convictions, arrest/warrants, sex offender registry, and other officer cautions. In addition, if a home is suspected of being a drug house, or domestic violence is suspected, a gun registration/permit check and a Personal Protection Order check must be done.

Verified information from LEIN criminal record checks can be very useful in assessing the potential risk for abuse of a child by his/her parent or by a significant adult such as a non-parent adult living in the parent's home or who may otherwise have access to the child. Criminal record checks must be conducted in those instances in which factors present in the case lead the worker and his/her supervisors to become concerned that information regarding criminal convictions would be helpful in case planning.

REQUESTING LEIN CLEARANCE

Caseworkers must use the DHS-269, Criminal History Information Request, when requesting LEIN clearances. The case number, subject of the LEIN clearance, and reason for requesting the LEIN clearance must be documented on this form. A copy of the form must be filed in the legal section of the juvenile justice case file; see JJ2 255, Case Record Requirements.

LEIN INFORMATION EVALUATION

Caseworkers must evaluate any information received from a parent, relative or others, a LEIN check, Internet Criminal History Access Tool clearance, or other collateral source of information that indicates an adult caretaker has a history of violent behavior or was convicted of a violent crime. Care and discretion must be used in evaluating information received. The existence or nonexistence of an arrest or criminal record is not necessarily an indication of low or no risk.

The existence of an arrest or criminal record must be assessed in light of when (how long ago) the offense occurred and whether any treatment was provided and whether it was effective. The information obtained must be included in assessing risk and making

a decision regarding the safety of the child(ren). Information which indicates the parent or household member was involved in violent behavior, or convicted of crimes against persons or self, including substance abuse, must be given particularly close attention.

Sexual abuse, serious physical abuse, and domestic violence convictions must also be closely examined by the caseworker to determine if there will be a risk to the child if returned home or placed with a relative. See Adverse Actions below for restrictions on placement due to criminal convictions. These types of convictions may be a clue as to the dynamics within the family that could place a child at risk from the parent or household member's behavior.

ADVERSE ACTIONS

Unless ordered by the court, children may not be placed within the home of a parent or relative if any adult household member or non-parent adult has a felony conviction for one of the following crimes:

- Child abuse/neglect.
- Spousal abuse.
- A crime against children.
- A crime involving violence, rape, sexual assault, or homicide but not including other physical assaults or battery.

Information must be assessed to determine if safety measures need to be addressed if the results of the criminal record reveal that a member of the household has a felony conviction within the last five years for any of the following:

- Physical assault.
- Battery.
- A drug-related felony.

REBUTTAL PROCESS

If a person challenges the accuracy of a criminal record check, the DHS staff must refer the person to his/her nearest local law enforcement agency and follow that law enforcement agency's process for challenging a criminal record. The individual must be directed that once the response to his/her challenge is received, they must then provide that information to DHS.

LEIN DOCUMENT DESTRUCTION

LEIN documents and terminals must be safeguarded at all times. LEIN documents must not be filed in the juvenile justice case record or in non-secure storage. Electronic versions of LEIN documents, including saved computer files, must be deleted as soon as they are no longer required or the case is closed. LEIN documents must be shredded using a crosscut shredder. As staff from commercial document shredding services lack LEIN access, the use of such services, including common work-area destruction bins, for LEIN documents is prohibited.

DISCLOSURE OF LEIN INFORMATION

Due to confidentiality issues, LEIN information and/or documents must never be shared by telephone, fax or electronic mail.

For court orders and subpoenas, do not process. Forward the court order to the Michigan State Police LEIN Field Services for processing.

The LEIN statute granting DHS enhanced LEIN access (MCL 28.211 et seq.) states that DHS "…shall not disclose information from the Law Enforcement Information Network to an unauthorized entity for any purpose…" The following categories of people, although not an exhaustive list, may not be given access to LEIN information either directly or indirectly by DHS:

- The subject of a LEIN check.
- Placement agency foster care providers.
- Contractors.
- Individuals, agencies and entities external to DHS.
- Unauthorized DHS staff or authorized staff for unauthorized purposes.

LEIN information is not subject to Freedom of Information Act requests.

The law also specifies criminal penalties for non-compliance with the confidentiality provisions of the law.

PENALTY FOR IMPROPER RELEASE OF LEIN INFORMATION

MCL 28.214(5) prohibits the disclosure of LEIN information to any unauthorized entity for any reason. The first offense is a misdemeanor punishable by 93 days imprisonment or $500 fine, or both. The second offense is a felony punishable by not more than four years imprisonment or $2,000 fine, or both.

Staff found to have misused LEIN information are subject to disciplinary action up to and including dismissal as well as criminal prosecution.

All suspected violations of LEIN policy pertaining to unauthorized access, use or disclosure of LEIN information must be immediately reported to the DHS Office of Inspector General and the local office LEIN Terminal Agency Coordinator.

DOCUMENTATION OF VERIFIED INFORMATION

Verified information consists of information verified by credible sources with no reference to LEIN. Only verified information may be incorporated into the narrative of service plans, home studies/evaluations, safety plans, court reports, and petitions when this information is required by the Juvenile Code or the information is the basis for case decision making. LEIN documents may not be attached to, submitted with, or referenced in any way in documentation that contains verified information or discussion of the information.

The following are credible sources for verified information that can be quoted:

- Police/law enforcement.
- Court records.
- Prosecuting attorney's office.
- Internet Criminal History Access Tool.
- Offender Tracking Information System.

- National Sex Offender Registry (http://www.nsopw.gov).
- Michigan Public Sex Offender Registry (http://www.mipsor.state.mi.us).
- Secretary of State.

Reports, service plans, petitions, and home studies/evaluations must not quote from the LEIN report or specify unverified LEIN information. The acronym LEIN and the term Law Enforcement Information Network must not be used in any report, plan, petition, or home study/evaluation. Additionally, workers must never disclose that LEIN has been accessed to obtain criminal history or disclose any unverified criminal history information to the subject of the LEIN check.

TRACKER METHODS (AUDIT)

As a requirement of the agreement with the Michigan State Police granting DHS LEIN terminals, county offices must document all LEIN clearances by completing the DHS-268, LEIN Clearance Log. These forms must be completed as part of the audit process and must be maintained on file at the local office. The DHS-268 LEIN Clearance Log must be maintained in a secure area for one year from the date of the last entry.

Juvenile justice staff must use the DHS case number as the permanent tracking number for all LEIN clearances conducted in reference to that juvenile justice case.

SECONDARY DISSEMINATION

Secondary dissemination of criminal history information obtained from LEIN/National Crime Information Center (NCIC) is a limited practice that occurs when the LEIN information is distributed beyond the original requesting agency.

Example: If necessary and appropriately authorized, the LEIN user in a county office may transfer LEIN information for a specific case to the county prosecuting attorney using secondary dissemination.

This practice is expected to be fairly rare, limited in scope, and must be documented. Prohibitions against the use of telephone, email and fax remain in place.

Secondary dissemination of LEIN information is allowed on a limited basis only if:

- The person who is to receive the information is an authorized LEIN recipient who has an Originating Agency Identifier number.
- Records of the dissemination must be documented in a written log that must be retained for one year and that contains:
  - The date of dissemination.
  - The name of the person providing the information and his/her organization.
  - The name of the person receiving the information and his/her organization.

At no time may an unauthorized party be given, allowed to view, hear, record, copy, or otherwise access information obtained from LEIN/NCIC.

TRAINING

Employees with LEIN access must receive security awareness training within six months of their appointment or assignment to LEIN-related duties.

Any employee with LEIN access must receive security awareness training at least every 24 months.

Documentation related to the access and training received must be maintained in a current status by the local office Terminal Agency Coordinator.

LEGAL BASE

CJIS Policy Council Act, 1974 PA 163, as amended, MCL 28.211 et seq.

Michigan Governor Executive Order No. 1990-10.

Social Welfare Act, 1939 PA 280, as amended, MCL 400.10c.

POLICY

A juvenile justice specialist (JJS) who has reasonable cause to suspect child abuse or neglect must report all instances to Children's Protective Services (CPS). See Administrative Handbook manual Personnel & Professional Development (AHP) AHP 602-4 - Conduct and Responsibilities - Mandated Reporters of Child Abuse and Neglect for additional information.

Note: Adult Abuse and Neglect must also be reported as outlined in AHP 602-3 - Conduct and Responsibilities - Mandated Reporters of Adult Abuse, Neglect and Exploitation.

PURPOSE

Reporting suspected abuse or neglect promotes the safety, health and welfare of children.

AUTHORITY

Child Protection Law, MCL 722.621 et seq.

REPORTING REQUIREMENTS FOR SUSPECTED ABUSE/NEGLECT

1. A JJS must immediately make an oral report to CPS in the county in which the child is located.

   Note: Although the Office of Children and Adult Licensing (OCAL) or law enforcement officials may conduct the investigation, CPS is the appropriate agency for workers to contact. (MCL722.623(3)).

2. Complete and submit a DHS-3200, Report of Actual or Suspected Child Abuse or Neglect (see RFF 3200) to the CPS within 72 hours.

3. Notify your supervisor and provide a copy of your written report to the county DHS office director.

ALLEGATIONS OF POLICE ABUSE

Since abuse by police officers does not fit the legal definition of "child abuse," workers and other agency personnel are not required to report allegations of such behavior to CPS, nor are they required

to investigate such charges. When allegations of police abuse occur, the JJS is to take the following steps:

1. If the allegations are in writing, turn them over to the appropriate local law enforcement officials. When written allegations involve child sexual abuse or criminal sexual conduct, a copy of the allegations must be sent to the prosecuting attorney. Inform the individual(s) making such allegations of the authorities to whom the reports have been given.

2. If allegations are verbal, inform the individual(s) of the appropriate law enforcement officials to whom they are to report the allegations.

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 who is 14 through 16 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.

Class I Offense Code Definitions		
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.
750.520(b)	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.
750.110(a)(2)	156	Home invasion I w/dangerous weapon.
	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 who is between the ages of 12 and 17 and adjudicated by the family division of the circuit court. The court may extend jurisdiction until the youth is 21 years of age.

Class II Offense Code Definitions		
MCL Code	**Offense Code**	**Crime**
750.88	202	Assault with intent to rob, unarmed.
750.520(c)	204	CSC II.
750.520(g)	205	Assault with intent to commit CSC.
750.530	206	Robbery, unarmed.
750.328	207	Death due to explosives.
No MCL	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.

Class III Offense Code Definitions		
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.

Class III Offense Code Definitions		
MCL Code	**Offense Code**	**Crime**
750.110	303	Break enter w/intent to commit felony/larceny.
	304	Attempt break/entry w/intent to commit felony/larceny.
750.356a	307	Breaking and entry of vehicle to steal property commit felony (including larceny from and with damage).
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	Criminal sexual conduct IV.
257.626c	312	Felonious driving.
750.213	313	Extortion.
750.321	315	Manslaughter.
750.324	316	Negligent homicide.
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, black-jack, explosives, incendiary devices).
750.227b	324	Felony firearm.
750.413	325	Unlawfully driving away automobile (UDAA).
	326	Other high misdemeanors & offenses designated felony.
750.136	327	Felony child abuse.
750.356c	328	Retail fraud I.

Class III Offense Code Definitions		
MCL Code	**Offense Code**	**Crime**
750.397	329	Mayhem.
752.861	330	Reckless, careless or negligent use of firearm.
750.814	331	Domestic violence (3rd offense 2 yr. misdemeanor).
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.
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.

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).

Class IV Offense Code Definitions

MCL Code	Offense Code	Crime
436.1701(1)	400	Alcohol - Selling/furnishing to minor.
750.74	401	Arson of personal property $50 or less, prep burn.
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	Viol. controlled substance act, misdemeanor.
750.167	407	Disorderly person, disturbing peace.
257.626	408	Driving - reckless.
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.
750.535	416	Receiving/concealing stolen property < $1000.
750.552	417	Trespassing.
750.227	418	Improper possession of firearm in motor vehicle (including possession of a switchblade).
	419	Unlawful person in a school (LOC.ORD)
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.

Class IV Offense Code Definitions		
MCL Code	**Offense Code**	**Crime**
436.1703(2)	428	Furnishing fraudulent identification to minor.
750.356d(4)	429	Retail fraud third degree.
257.904	430	Operating - License suspended, revoked, denied/allowing a suspended person to operate.
750.411h	431	Stalking.
257.625(3)	432	Operating - Impaired.
750.335	433	Lewd and lascivious conduct.

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 17 or older, and community resources have been utilized and failed or have been rejected.

Class V Offense Code Definitions		
MCL Code	**Offense Code**	**Crime**
712A.2	500	Incorrigible - Home, school, placement.
	501	Truancy - Home, school.
No MCL	502	Other status offenses.
436.1703(1)(a)	503	Alcohol - 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

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.	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
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
28.722s(vi)	Any other violation that by its nature constitutes a sexual offense against a minor.	Not specified
28.722s(vii)	An offense committed by a sexual delinquent person.	Not specified
28.722s(viii)	An attempt or conspiracy to commit a tier I offense.	Not specified
28.722s(ix)	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

Sex Offender Registration Tier II Offense Codes		
MCL Code	**Offense Code Description/Registration Requirement**	**Type of Offense**
28.722(t)(i)	A tier I offender subsequently convicted of another tier I offense.	Not specified

Sex Offender Registration Tier II Offense Codes		
MCL Code	**Offense Code Description/Registration Requirement**	**Type of Offense**
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 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.	Felony
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
750.520c	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(u)(xi)	An attempt or conspiracy to commit a tier II offense.	Not specified
28.722(u)(xii)	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

Sex Offender Registration Tier III Offense Codes

MCL Code	Offense Code Description/Registration Requirement	Type of Offense
28.722(v)(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
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
28.722w(vii)	An attempt or a conspiracy to commit a tier III offense.	Not specified
28.722w(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

EXHIBIT IX: CRIMINAL COURT DNA PROFILE OFFENSE CODES

Youths who have been convicted as an adult in a criminal court of any felony, attempted felony or the following listed misdemeanors must have a DNA profile submitted:

Criminal Court DNA Profile Offense Codes	
MCL Code	**Offense Code Description**
750.145a	Enticing a child for immoral purposes.
750.167(1)(c),(f), or (i)	Disorderly person by window peeping, engaging in indecent or obscene conduct in public, or loitering in a house of ill fame or prostitution.
750.335a	Indecent exposure.
750.448	First and second prostitution.
750.462	Female under the age of 17 in a house of prostitution.

EXHIBIT X: FAMILY DIVISION OR JUVENILE COURT DNA PROFILE OFFENSE CODES

Youths adjudicated or found as a juvenile in a Family Division court must have a DNA profile submitted for the following listed felonies or misdemeanors:

Family Division or Juvenile Court DNA Profile Offense Codes	
MCL Code	**Offense Code Description**
750.91	Attempted murder.
750.316	Murder I.
750.317	Murder II.
750.349	Kidnapping (including attempted).
750.520b	Criminal Sexual Conduct I (including attempted).
750.520c	Criminal Sexual Conduct II (including attempted).
750.520d	Criminal Sexual Conduct III (including attempted).
750.520e	Criminal Sexual Conduct IV (including attempted).
750.520g	Assault with Intent to commit criminal sexual conduct (including attempted violation).
750.167(1)(c) or (i)	Disorderly person - Window peeper.
750.335a	Indecent exposure.

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

MCL 712A.1(j) defines the "least restrictive environment" as a "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."

INITIAL PLACEMENT AFTER ACCEPTANCE

Placement Selection Criteria

All community-based placements must be 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.
- Needs and preferences of the youth.
- Religious preference.
- Continuity of relationships.
- The available resources for timely placement.
- If in the youth's best interest, the youth's racial, ethnic and cultural needs.

Community-based Placement

If placement in the youth's own home or a relative's home is ruled out, the least restrictive, safe, most family like setting as close to the family as possible, is to be given priority unless circumstances indicate otherwise.

Non-secure Residential Treatment Facility

Placement in a non-secure juvenile justice residential treatment facility may 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 all of the following criteria have been met:

- The child's needs cannot be met by any other type of placement.
- The child's needs can be met in a non-secure private, contracted juvenile justice residential treatment facility.
- All community resources have been exhausted, AND
- The facility is the least restrictive placement to meet the child'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 "secure" 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 JJ7 700, Juvenile Justice Assignment Unit Procedures for detailed information.

Secure Residential Treatment Facility

Placement in a secure juvenile justice residential treatment facility must 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.

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 JJ7 700, Juvenile Justice Assignment Unit Procedures for detailed information.

RELEASE OR REPLACEMENT FROM RESIDENTIAL PLACEMENT

Six months prior to the estimated release date, the DHS-738, Reentry Plan must be drafted in MiSACWIS with the assistance of the Treatment and Transition Team; see JJ2 230, Service Plans and JJ4 430, Community Placement and Reentry for additional 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 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 JJ2 260, Victim Notification for details on when notification is required.

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 (i.e., 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 placement to meet the youth's rehabilitation needs.

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.

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:

- Ensure that immediately following birth, the baby is immediately enrolled in Medicaid.
- Ensure parenting education is provided to youth by the facility or another agency.
- The juvenile justice specialist will make any appropriate referrals to Children’s Protective Services.
- If a family member agrees to take the baby, the juvenile justice specialist or designee will inform the family of any paternity and/or guardianship requirements and available services such as Medicaid, ADCF, WIC, etc.

The facility responsibilities include:

- Provide medical care to the resident before, during and after the birth.

- If the plan is for foster care in the county of the residential facility, regular contact with mother and child must be facilitated by the residential staff.
- Provide the resident with appropriate pre/postnatal care and make arrangements for the birth.
- Prior to the birth, the resident will be provided with counseling to assist her in planning for her child's care.
- After birth, the residential staff will work with the juvenile justice specialist, family or other care providers to facilitate contact between the mother and baby as security requirements allow.

LEGAL BASE

Federal

Fostering Connections to Success and Increasing Adoptions Act of 2008, 42 USC 620 et seq.
Emphasizes the preservation of the sibling bond by requiring the state to make reasonable efforts to place siblings in the same placement.

Preventing Sex Trafficking and Strengthening Families Act, Public Law 113-183
Youth in foster care who are ages 14 and older are allowed to help develop their own case plan – and any revision to the plan – and are able to select up to two individuals who are not a foster parent or caseworker to be a part of their case planning team.

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.

State

The Youth Rehabilitation Services Act, 1974 PA 150, as amended, MCL 803.304(3) and (4)
(3) A youth agency may supervise a public ward placed in private home care.
(4) A public ward 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 his or her parents. If the public ward resides with his or her 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 Juvenile Facilities Act, 1988 PA 73, as amended, MCL 803.225a
Defines youth that cannot be placed in a community placement of any kind or discharged from wardship until chemical testing for DNA identification profiling has been completed.

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 Probate Code, 1939 PA 288, as amended, MCL 712A.15
Detention of child pending hearing; release of child; petition; limitation on custody of child pending hearing; detention in secure facility, cell, or other secure area designed to incarcerate adults; exception.

Foster Care and Adoption Services Act, 1994 PA 203, as amended, MCL 722.952 and MCL 722.954a
Identification and notification of relatives and placement determination; notification; special consideration and preference to child's relative; documentation of decision; review hearing; reasonable efforts to place siblings together or provide monthly visitation unless contrary to well-being.

The Social Welfare Act, 1939 PA 280, as amended, MCL 400.115b(1)
The department 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. 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, subject to section 115o. 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.

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.

Licensing Rules for Child Placing Agencies, Mich Admin Code, R 400.12405
This rule requires reasonable efforts to maintain a youth's placement with priority consideration of the parent, sibling and relative when replacing a youth as well as the factors identified in R 400.12404 and information about the child shared with the new placement consistent with R 400.12417.

POLICY CONTACT

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

POLICY

From the time of case acceptance, the assigned caseworker must direct services towards maintaining the youth's safe placement in or reentry to the community.

PURPOSE

To maintain youth safely in a community placement or prepare youth for a successful reentry to the community from residential placement.

PERMANENCY PLANNING

At the time of development of the initial service plan and with every updated service plan or supplemental service plan, the permanency planning goal and target date for achievement must be identified. During the period of time the youth is in residential treatment, the assigned caseworker must discuss and agree upon the youth's permanency planning goal with the youth, parent(s) or legal guardian(s) and residential treatment staff. For more detailed information on permanency planning requirements, see FOM 722-7, Foster Care - Permanency Planning.

Reasonable Efforts

Reasonable efforts requirements must be met to finalize a permanent placement for a youth. See FOM 722-6, Reasonable Efforts, for detailed information.

Reasonable Efforts Are Not Required

The court may find that reasonable efforts to reunify the family are not required in certain circumstances outlined in MCL 712A.19a(2). See FOM 722-6, Reasonable Efforts Are Not Required, for detailed information.

SETTING ASIDE AN ADJUDICATION

Adjudication can have significant long-term consequences for a youth. Consequences include, but are not limited to, adjudication being a barrier to employment, secondary education, military service, public housing and student loans. Therefore, the assigned caseworker 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.

Eligibility to Apply to Set Aside Adjudication(s)

A youth is eligible to apply to set aside an adjudication if a year has passed since disposition or the term of detention for that adjudication, or the youth is 18 years of age (whichever occurs later). The youth must not have:

- Adjudication of more than one offense that would be a felony if committed by an adult.
- Adjudication of more than three offenses, of which only one may be an offense that would be a felony if committed by an adult.
- Any felony convictions.

Note: Multiple adjudications due to delinquent acts occurring within 12 continuous hours or less count as one offense as long as none of the adjudications are:

- An assaultive crime defined in 1927 PA 175, MCL 770.9a.
- An offense involving the use of a weapon.
- An offense with a maximum penalty of 10 or more years imprisonment.

Exception: 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.
- Adjudication for a traffic offense defined by 1949 PA 300, MCL 257.1-257.923, or corresponding local ordinance, that involves operation of a vehicle and is a felony or misdemeanor.
- Conviction as a juvenile tried as an adult under MCL 712A.2d.

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 days of the case acceptance date. The conference must obtain input into the initial service plan and conditions of placement. When in-home services are purchased, the service provider must be invited to attend the meeting.

If the initial placement is out-of-home, but in the community (such as with a relative or foster family home), within 30 days of the case acceptance date, visits must be completed with the youth, the parent(s) or legal guardian(s) and the caregiver(s) to obtain input into the initial service plan and conditions of placement. See JJ4 410, Placement Decision Making Guidelines, and FOM 722-3, Foster Care - Placement/Replacement, for details on the required placement selection and approval process.

DHS-767, Conditions of Placement Agreement

The DHS-767, Conditions of Placement Agreement, outlines the requirements that the youth and his or her parent(s) or legal guardian(s) or caregiver(s) must meet to remain in the community placement. The completed DHS-767 must be reviewed by the affected parties, and signed by the youth, parent(s) or legal guardian(s), the assigned caseworker and the caregiver(s). When in-home services are purchased, the services provider must sign the DHS-767. The DHS-767 must be reviewed and revised when circumstances change, as necessary, throughout the case.

The youth and his or her parent(s) or legal guardian(s) or caregiver(s) must be informed that noncompliance with the terms of the DHS-767 may result in informal or legal sanctions to the youth and/or his or her parent(s) or legal guardian(s). See JJ4 400, Placement Conditions for additional information on the DHS-767 and JJ4 470, Detention Alternatives, Detention and Jail for additional information on noncompliance and informal or legal sanctions.

Sex Offender Registration

The assigned caseworker must inform the youth of periodic and situational reporting requirements outlined in JJ2 263, Sex Offender Registration. Reporting requirements must be included as a condition of community placement on the DHS-767.

Restitution

Restitution requirements for the youth must be included as a condition of community placement on the DHS-767. See JJ4 400, Placement Conditions, for additional information on the DHS-767.

Service Referrals

The assigned caseworker must ensure that referrals to service providers are made to address housing, employment or education, family relations, medical, mental health, substance abuse, any disabilities, safety planning and finances. **See sections within this item for details on making referrals to the Michigan Youth Reentry Initiative (MYRI), Michigan Rehabilitation Services (MRS) and State Disability Assistance (SDA). See FOM 902-10, SSI Benefits Application and Determination, for details on eligibility and application for Supplemental Security Income (SSI).**

The assigned caseworker must facilitate the process of obtaining the necessary information releases (DHS-1555-CS and/or DHS-942) for the youth and his or her family and providing such information to potential service providers.

Housing

When a youth is in need of affordable housing, available units can be found on the DHS public web site at http://www.michigan.gov/fyit/0,4585,7-240-44293---,00.html.

For housing financial assistance, see FOM 950, The Youth In Transition (YIT) Program.

All youth age 18 and older without an identified housing situation at the time of case closure must be referred to a housing resource. See FOM 722-15, Housing Resource Referral, for detailed information on the Homeless Youth/Runaway Contractors - Transitional Living Program.

Visitation

See JJ2 270, Visit Requirements.

Collateral Contact Requirements

The assigned caseworker may be the primary service provider or in-home services may be purchased. When services are purchased, the assigned caseworker must make monthly contact with the service provider to monitor progress and assess the effectiveness of services.

State Identification Card or Driver's License

The assigned caseworker must ensure that the youth possesses 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, see JR2 231, Payment Method for State Identification Card.

Health & Medicaid

See FOM 801, Health Services for Foster Children, and FOM 803, Medicaid - Foster Care, for detailed requirements.

Education

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 722-6, Educational Services for Foster Care and Documentation of Educational Requirements, for assigned caseworker responsibilities.

For education financial assistance, see FOM 950, The Youth In Transition (YIT) Program, FOM 960, Education and Training Voucher (ETV) Program, and FOM 903-17, Support Services to Families, for information on the Tuition Incentive Program.

Work or Vocational Training

When work or vocational training has been determined to be the appropriate match for a youth, the assigned caseworker must ensure appropriate referrals and supports are 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.

Consumer Credit Reports

Each child age 16 and older in foster care must receive a copy of any consumer credit report annually until discharged from foster care, and must be assisted in interpreting the credit report and resolving any inaccuracies. See FOM 722-6E, Consumer Credit Reports, for additional information and requirements.

REENTRY TO COMMUNITY PLACEMENT

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.

Treatment & Transition Team

The assigned caseworker must begin reentry planning with the treatment and transition team at least six months prior to the youth's planned release date. See JR2 207, Youth Reentry Overview, for additional information on residential treatment programming.

The treatment and transition team must meet monthly and include, but is not limited to:

- The youth.
- The youth's family, mentor or other important people in his or her life.
- The assigned caseworker.
- Residential facility treatment staff.
- Education/vocational providers.

- Service providers.

Treatment and transition team meetings may be attended by conference call 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 seven calendar days prior to the youth's planned release or within seven calendar days of a youth's unplanned release. See Initial Community Placement - DHS-767, Conditions of Placement Agreement, for additional requirements and information.

Sex Offender Registration

The assigned caseworker must inform the youth of periodic and situational reporting requirements, such as a change in residence outlined in JJ2 263, Sex Offender Registration. Reporting requirements must be included as a condition of community placement on the DHS-767.

Victim Notification

See JJ2 260, Victim Notification, for details requiring the assigned caseworker to notify the victim when a youth is released from a secure placement and about home visits from residential placement.

Restitution

Restitution requirements for the youth must be included as a condition of community placement on the DHS-767. See JJ4 400, Placement Conditions, for additional information on the DHS-767.

Reentry Referrals

When the youth is returning to the community, the assigned caseworker must:

- Ensure the youth's basic physical, mental, education/vocational and social needs must be met.

- Ensure that the youth is placed in and remains in a productive status of work/school/training.
- Provide direct service to the youth and his or her family or refer them to an appropriate community resource.

Six months prior to the youth's planned release date, the assigned caseworker must ensure that detailed reentry planning and referrals to service providers are made to address housing, employment or education, family relations, medical, mental health, substance abuse, any disabilities, safety planning and finances. **See sections within this item for details on making referrals to MYRI, MRS and SDA. See policy FOM 902-10, SSI Benefits Application and Determination, for details on eligibility and application.**

The assigned caseworker 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 his or her family and provide such information to potential reentry service providers.

Housing

When a youth is in need of affordable housing, available units can be found on the DHS public website at http://www.michigan.gov/fyit/0,4585,7-240-44293---,00.html.

All youth age 18 and older without an identified housing situation at the time of case closure must be referred to a housing resource. See FOM 722-15, Housing Resource Referral, for detailed information on the Homeless Youth/Runaway Contractors - Transitional Living Program.

For housing financial assistance, see FOM 950, The Youth In Transition (YIT) Program.

State Identification Card or Driver's License

Six months prior to the youth's planned release date, the assigned caseworker 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 JR2 231, Payment Method for State Identification Card.

Psychotropic Medication

When a youth is prescribed psychotropic medication, the assigned caseworker must ensure that the youth has a follow-up appointment scheduled with a community provider and at least enough medication provided at reentry until the date of the appointment. For additional caseworker responsibilities, see FOM 802-1, Psychotropic Medication in Foster Care.

Health & Medicaid

See FOM 801, Health Services for Foster Children and FOM 803, Medicaid - Foster Care, for caseworker responsibilities.

Education

If the youth needs to continue his or her education upon reentry to the community, the assigned caseworker must ensure that every effort is made to provide the youth with 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. For additional caseworker responsibilities, see FOM 722-6, Educational Services for Foster Care and Documentation of Educational Requirements, for assigned caseworker responsibilities.

For education financial assistance, see FOM 950, The Youth In transition (YIT) Program, FOM 960, Education and Training Voucher (ETV) Program, and FOM 722-12, Foster Care Financial Support, for information on the Tuition Incentive Program.

Work or Vocational Training

When work or vocational training has been determined to be the appropriate match for a youth, the assigned caseworker 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.

Consumer Credit Reports

Each child age 16 and older in foster care must receive a copy of any consumer credit report annually until discharged from foster care, and must be assisted in interpreting the credit report and resolving any inaccuracies. See FOM 722-6E, Consumer Credit Reports, for additional information and requirements.

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 caseworker must request a referral to MYRI through the youth's assigned facility group leader/social worker six months prior to the youth's scheduled release date. If the youth is accepted for MYRI, the assigned caseworker 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 state facility reentry responsibilities, see JR2 207.

MICHIGAN REHABILITATION SERVICES (MRS)

Michigan Rehabilitation Services (MRS) works with youth and adults with disabilities to provide transition services. Transition services assist the youth moving from school to post-school activities, including post-secondary education, vocational training, integrated employment, continuing and adult education, adult services, independent living or community participation.

MRS Services

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:

- 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 services and/or instruction to facilitate or maintain employment.
- Post-employment services needed to maintain employment.

Community Placements

A disabled youth in community placement may be referred by the assigned caseworker to MRS at any time it is deemed appropriate

to meet the youth's needs. See MRS Application and MRS Referral Packet below for details.

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.

Residential Placements

A disabled youth in public or private residential placement must be assessed for the appropriateness of a referral to MRS by the assigned caseworker with the input of MRS and the youth's treatment and transition team. The assessment must be completed at least six months prior to the youth's scheduled release date or within seven calendar days of an unplanned release. The assigned caseworker may need to assess the appropriateness of a referral to MRS sooner for a youth with a significant disability or if the residential treatment program is less than six months long.

If the youth is assessed as appropriate for a referral to MRS, the assigned caseworker 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 Application

The assigned caseworker must assist the youth with applying for MRS services by ensuring that the youth:

- Attends an orientation with an MRS counselor or completes orientation online at http://www.michigan.gov/dhs/0,4562,7-124-5453_25392-261140--,00.html.
- Completes the MRS-2910, Application for Employment Services.

The assigned caseworker must submit the orientation certificate and MRS-2910 to the local MRS agency with a complete referral packet. To locate the appropriate office, call 1-800-605-6722.

MRS Referral Packet

The referral packet to MRS must contain all of the following documentation that is available and applicable to the youth:

- Social security card.
- Driver's license or state ID.
- A list of the name(s) and dosage(s) of medication(s) the youth is currently taking.
- Verification of SSI, SSDI, SDA or other benefits the youth receives.
- Most recent individualized education plan (IEP).
- 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 Case Opening

The assigned caseworker 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 the best timing for MRS to begin working with the youth to open the youth's MRS case.

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, such as automotive technology or cabinatermaking/millwork. 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 website at www.michigan.gov/mcti.

STATE DISABILITY ASSISTANCE

Community Placement

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

Residential Placement

The assigned caseworker 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 caseworker 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 caseworker 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 caseworker must begin to prepare the SDA referral packet.

- The assigned caseworker 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 DHS 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.

LEGAL BASE

The Child and Family Services Improvement and Innovation Act, P.L. 112-34.

Probate Code of 1939, 1939 PA 288, as amended, MCL sec 712A.1-712A.32.

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

The Second Chance Act of 2007, P.L. 110-199.

POLICY

For all wards 14 years of age, regardless of where they are living, the juvenile justice specialist (JJS) must enter in the case plan, initial service plan (ISP) or updated service plan (USP) and/or supplemental report a written transitional living plan

PURPOSE

To prepare the ward for functional independence at the time of discharge.

AUTHORITY

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

PROCEDURE

Independent living is an acceptable long range goal for wards age 14 years and older. However, it is an appropriate living arrangement only if the ward is 16 years or older. Every effort must be made to limit the use of these programs by exploring all other possible permanent placements, i.e., own home, relatives, legal guardian, etc.

Desired Achievements

Desired achievements by the youth which should be indicated in the transitional living plan include, but are not limited to:

- Information on how to obtain and maintain adequate housing in the community.
- Vocational training.
- Ability to manage resources.
- Sufficient living skills to live on independently.
- Realistic goals and expectations.
- Interpersonal relationships, formulating positive friendships, dating, etc.
- Economic self-sufficiency (youth must have sufficient income to support self independently.

The DHS-4527, Independent Living Agreement form (see RFF 4527), must be used for an independent living arrangement. A copy of the agreement must be given to the ward.

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

Payments

(See FOM 903-5, Independent Living for procedures authorizing Independent Living Payments.)

Child Agency Placing Rules

Child Placing Agency Rules 401, 407, 411 and 416 outline the documentation requirements, recording requirements, and contractual requirements for wards in independent living. These rules are as follows:

Note: "Agency" includes DHS local offices.

R400.12501, Agency authorization before placing children in independent living:

> Rule 501 Before placing wards in independent living, an agency shall be authorized by the agency to make such placements.

R400.12504, Basis for Placement.

> Rule 504. An Agency shall document all of the following for each ward placed in independent living:
>
> (a) The basis for concluding that a youth exhibits self-care potential.
>
> (b) That the youth's social service worker has personally observed and determined that the living situation is safe.
>
> (c) The availability of specific and relevant resources that may provide for suitable social, physical, vocational, and emotional needs of a youth.
>
> (d) An evaluation of a youth's need for supervision. The JJS maintains sufficient regular contact with the ward, in per-

son, by phone or through collaterals, to enable the provision of adequate oversight and support. **At least one face-to-face contact is to be made each month.**

(e) Proof that financial support to meet the youth's housing, clothing, food, and miscellaneous expenses is available.

R400.12509, Record.

Rule 509. An agency shall maintain a record for each ward placed in independent living. The record shall contain all of the following:

(a) Name, social security number, address and telephone number, date of birth, sex, race, height, weight, hair color, eye color, identifying marks, and a photograph updated on an annual basis.

(b) Documentation of the agency's legal right to place the ward.

(c) Names, addresses, dates of birth, and social security numbers of the youth's parents, if any.

(d) The names, dates of birth, and addresses of the youth's siblings, if any.

(e) The names and addresses of any offspring.

(f) The names and addresses of any other significant persons.

(g) Current documentation of financial support sufficient to meet the youth's housing, clothing, food, and miscellaneous expenses.

(h) The date, location, documented purpose, and a summary of the findings of each contact between the youth and the social service worker.

(i) Current adjustment.

(j) The youth's relationship with family members and agency efforts to resolve family conflicts.

(k) A mutually agreed upon contract between the youth and the agency which specifies the responsibilities of the agency and the youth and which is signed and dated by

the youth and the social service worker. The contract shall be reviewed and updated at least once every 90 calendar days and a copy provided to the youth.

(l) An Agency shall maintain the record for not less than three years after the agency's termination of services to the youth.

Shelter Care

Agency shelter homes are located throughout the state and are available to state wards under agency supervision and court jurisdiction for transition status until a placement is obtained.

Referrals to shelter care are to be made by the JJS to specific shelter home staff. The JJS has the responsibility for conveying wards, assuring adequate clothing for wards in care and developing long range planning for them.

Wards must not remain in shelter care beyond 30 calendar days except in unusual case situations.

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.

POLICY

Detention and jail are the most restrictive placements available and do not provide rehabilitative treatment for juvenile offenders. The assigned case worker must ensure that alternatives to placement in detention or jail are considered and that when it is necessary to place a youth in detention or jail, the restrictions on placement in detention or jail are followed.

PURPOSE

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 juveniles from adult jails and lockups.
- Sight and sound separation of juveniles from adult detainees.

JUVENILE DETENTION ALTERNATIVES

Planning for delinquent youth referred or committed to DHS must be based on the family and youth strengths and needs assessment, community safety, court recommendations, and assurance that reasonable efforts have been made to prevent removal from the family. When a youth is referred or committed to DHS or has violated a valid court order, an evaluation should be made to determine 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:

- Judicial warning to juvenile or parent(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.
- Order for parent(s) 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.

REGIONAL DETENTION SUPPORT SERVICES

Regional detention support services (RDSS) provides alternatives to juvenile detention or adult jail for juvenile offenders 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 services are accessed through Child Welfare Funding and Juvenile Programs by calling 517-335-6144.

Eligibility and Cost

Eligibility for RDSS is determined by the county of jurisdiction and includes the sixty-one rural counties in Michigan that do not have a secure detention facility and native american tribal jurisdictions.

In counties with a population 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 24 hours in rural counties for any youth who cannot be returned home. Holdover sites may be located at a sheriff's office, detoxification center,

community mental health center, local hospital, or similar facility. An attendant must provide one-on-one supervision.

Home Detention

Home detention may be provided to youth placed in their own homes pre-adjudication or post-adjudication. A contract must be signed by the arrested youth, the parents, 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.

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 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.

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, or other public or private residential treatment program and that state

probation 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 of time 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 case worker 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.

JUVENILE DETENTION

Detention and jail are the most restrictive placements available and are not designed to provide rehabilitative treatment for juvenile offenders. The assigned case worker must ensure that alternatives to placement in detention or jail are considered and that when it is necessary to place a youth in detention or jail, the restrictions on placement in detention or jail are followed.

Deinstitutionalization of Status Offenders

Juveniles who have been charged with or who have committed a status offense must not be placed in a secure juvenile detention facility, unless the youth:

- Committed a violation of a valid court order.
- Is being held in accordance with the Interstate Compact on Juveniles.

In addition to 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 juveniles.

Violations

If a case worker has information that a juvenile is placed in secure detention in violation of the above requirements, the case worker 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 juvenile.
- Date of birth.
- Name of secure detention 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 assigned case worker may recommend juvenile detention for temporary placement of a youth only when no other placement can be made within the placement continuum that will keep the youth and/or the public safe. See Juvenile Detention Alternatives in this item for more information on alternatives.

The court may order a youth placed in juvenile detention if the court finds probable cause to believe the juvenile committed the offense, and one or more of the following are true:

- The offense alleged is so serious that release would endanger the public safety, OR;

- The juvenile is charged with an offense that would be a felony if committed by an adult and will likely commit another offense pending trial, if released, AND

  - Another petition is pending against the juvenile,
  - The juvenile is on probation or has a prior adjudication, but was not under jurisdiction when apprehended.

- There is a substantial likelihood that if the juvenile is released to the parent, guardian or legal custodian, with or without conditions, the juvenile will fail to appear at the next hearing;

- The home conditions of the juvenile make detention necessary;
- The juvenile has failed to remain in a detention facility or nonsecure facility or placement in violation of a valid court order.

Detention Beyond 30 Days

If a youth is to remain in detention for more than 30 calendar days, approval must be obtained from the local office director or designee prior to the 30th calendar day using the DHS-2012, Detention/Jail Placement Exception Request. If the request is denied, the youth must be moved from detention within five calendar days.

Payment for Detention Care

For newly committed 1974 PA 150 state wards, the department must pay for detention care beginning on the date of acceptance. For other PA 150 state wards who require detention, the department must assume costs provided the youth is placed in detention at the department's authorization. Approved DHS-2012 requests must be submitted, along with the detention invoice, for payment to be made. Invoices for detention beyond 30 days without an approved DHS-2012 attached will be returned to the county.

For additional instruction regarding payment, see FOM 903-2, Payment for Detention Care.

JAIL, ADULT DETENTION OR LOCKUP

Delinquent Youth Under Age 17

Delinquent youth under age 17 years taken into custody or detained must not be confined in any:

- Police station.
- Lockup.
- Jail.
- Prison.

Delinquent youth under 17 years of age taken into custody must not be transported with or be permitted to associate with adult inmates.

Exception: A court may order that a delinquent youth age 15 years or older 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. See MCL 712A.15(5) and 712A.16(1).

Violations

If a case worker has information that a juvenile is placed in jail, adult detention or lockup in violation of the above requirements, the case worker 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 juvenile.
- Date of birth.
- Name of jail, adult detention or lockup facility.
- Length of stay.
- Offense type.
- Date of offense.

Beyond Five Working Days

Jail may not be used for any delinquent youth beyond five working days without the approval of the local office director or designee. The request for approval must be completed using the DHS-2012, Detention/Jail Placement Exception Request.

Beyond 30 Days

Detention of a youth in jail or other detention facilities for adults must be limited to 30 days unless longer detention is needed for the service of process.

A court may place a youth in a county jail if the case is to be tried in the same manner as an adult and the court has determined that there is probable cause to believe the delinquent youth committed the offense.

PAYMENT FOR DETENTION CARE

For newly committed 1974 PA 150 state wards, the department must pay for detention care beginning on the date of acceptance. For other PA 150 state wards who require detention, the

department must assume costs **provided the youth is placed in detention at the department's authorization. For detailed instruction regarding payment, see FOM 903-2, Detention Care.**

LEGAL BASE

The United States Code, Title 42-The Public Health and Welfare, 42 USC 5633 (11)-(14).

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

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) (l).

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

When seeking services for a delinquent youth, the juvenile justice specialist (JJS) must refer the youth to applicable Department of Human Services (DHS) support services required to address his/her needs.

PURPOSE

To prevent a youth from engaging in additional delinquent acts and to provide appropriate services for which the youth is eligible.

AUTHORITY

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

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

SUPPLEMENTAL SECURITY INCOME (SSI) BENEFITS DETERMINATION

A youth may be SSI-eligible if:

- The youth has a physical or mental condition(s) that can be medically proven and which results in marked and severe functional limitations.
- The medically proven physical or mental condition(s) is expected to last at least 12 months or expected to result in death.

The youth may not be considered eligible if he/she is working at a job considered to be substantial work.

See FOM 902-10, SSI Benefits Determination, for additional SSI screening and application procedures.

YOUTH IN TRANSITION PROGRAM (YIT)

Michigan's Youth in Transition Program is designed to help meet the specialized needs of youths. Some delinquent youths may be eligible for services from this fund if they meet the youth in

transition (YIT) program eligibility criteria and were in an appropriate DHS placement at or after age 14. Additionally, dual wards who are 18-21 years old when their delinquency case is closed can receive closed case services. For further information on the YIT program, see FOM 950, Youth in Transition (YIT) Program.

TUITION INCENTIVE PROGRAM (TIP)

TIP is recognized as a state funding resource for students who wish to further their education and attend college; see FOM 722-12, Foster Care - Financial Support.

TIP assists in the cost of tuition and mandatory fees for students of low-income families to attend college at participating institutions. This mayinclude students in foster care, state wards, court wards and Family Independence Program, Medical Assistance, State Disability Assistance and Food Assistance Programs only recipients.

Phase I & II Requirements

To qualify a youth must:

- Apply **before** graduation from high school or have received a general educational development (GED) certificate.
- Be receiving (or have received) Medicaid from the Department of Human Services for 24 months within a 36 consecutive month period.
- Graduate from high school or receive a GED certificate before becoming age 20.
- Be a U.S. citizen and meet the participating institution's residency requirements.
- Provide to the participating institution's financial aid office an official copy of the youth's high school diploma (or GED certificate) and proof of age.
- Enroll in associate's degree or certificate program courses equivalent to at least a halftime student according to institutional policy.

Benefits and Tuition

- **Community colleges:** TIP pays 100 percent of current in-district resident tuition rates and mandatory fees towards the completion of an associate's degree.
- **Public universities:** TIP pays up to 100 percent of current lower level undergraduate tuition rates and mandatory fees.
- **Independent, nonprofit colleges/universities:** TIP pays a maximum of $48 per credit hour and mandatory fees.

TIP does not pay for books, mileage, room and board, or extra tuition for out-of-district students.

- College/university courses must be taken within four years following high school graduation or GED completion.
- TIP will pay for a maximum of 80 semester or 120 term credits.

Phase II (Letter of Credit) Additional Benefits

- Phase II (letter of credit) forms must be used within 2 1/2 years of the expiration of Phase I.
- TIP will provide up to $2,000 ($500 per semester) in tuition benefits to qualified students continuing their education beyond the associate's degree or certificate program level. Students must attend a Michigan four-year college or university and must have an associate's degree or at least 56 accepted semester credits from a participating TIP college or university.

JUVENILE PROGRAMS IN-HOME SERVICES FUND

Services/items such as special clothing allowances, school expenses, medical and dental treatment, may be approved through non-scheduled payments. Unless otherwise specified, the non-scheduled payment categories are applicable to all children who are placed with or committed to the department by the court; see

FOM 903-9, Non-Scheduled Payments DHS-634, for details and instruction.

EDUCATION AND TRAINING VOUCHER (ETV) PROGRAM

The Chafee Education and Training Voucher (ETV) Program provides resources specifically to meet the education and training needs of youths aging out of foster care. This program provides vouchers of up to $5,000 per fiscal year to eligible youths attending post-secondary education and vocational programs. See FOM 960, Education and Training Voucher (ETV) Program, for information on eligibility, institution type, attendance, funding sources, and allowable expenses.

YOUNG ADULT VOLUNTARY FOSTER CARE

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (PL 110-351) includes an option for states to extend foster care maintenance payments for a youth ages 18 to 21 who meets specific eligibility requirements.

To implement this option, Michigan has implemented the Young Adult Voluntary Foster Care Act, 2011 PA 225-230.

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, PR Young Adult Voluntary Foster Care (YAVFC) Funding and Payment, and FOM 722-16, Young Adult Voluntary Foster Care, for all eligibility and program requirements.

POLICY

When seeking services for a delinquent youth, the juvenile justice specialist (JJS) must refer the ward to appropriate community resources.

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 reintegration plan started early in case management and must be consistent with achieving the permanency goal.

The JJS must document the referral in the juvenile justice service plan.

PURPOSE

To ensure homeless and runaway youths are aware and knowledgeable of available services in their area to address the problem of homelessness and lack of care. To provide temporary resources to deter criminal behavior, ensure wellness and dignity, and promote community safety.

AUTHORITY

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

PROCEDURE

The JJS must ensure that any youth 16-20 who is homeless and/or a runaway is able to access the appropriate agency.

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. The services must be provided through contracts with private, non-profit agencies.

Services provided include:

- 24-hour crisis intervention services.
- Supervised living.

- Advocacy and support services.
- Independent living skills.
- Employment and educational assistance.
- Information and referral services.
- Counseling.

For any youth being referred to the homeless youth/runaway program, the JJS must complete the DHS-956, Foster Youth Housing Referral, and send it to the local homeless youth/runaway contractor; see FOM 722-15, Housing Source Referral.

A youth that has an open case is not eligible for services under the homeless youth/runaway contract. To facilitate a successful transition, the contractor may meet with the youth, the JJS, and other identified service providers, as agreed to by the youth, for up to two months prior to case closure. The plan for housing and the youth's consent must be documented in the final Updated Service Plan.

A youth that is in escape status is not eligible for services under the homeless youth/runaway contract, as the juvenile justice case remains open. Once the juvenile justice case is closed, the youth may be eligible at that time.

Accessing Services

Services for homeless/runaway youth may be accessed at:

http://www.michigan.gov/documents/fyit/HomelessYouthAndRunawayContractors_343523_7.pdf

OVERVIEW

Competitive bid and contract templates are available as Microsoft Word templates on a Department of Human Services connected computer.

The following contract forms can be used when contracting for local community based services if funds are available through local CSPP (Child Safety and Permanency Planning) allocations or other funding sources:

- CM-F122, Delinquency Day Treatment Services Contract.
- CM-F124, Juvenile Justice and Reintegration Alternatives (JJDRA) Contract.

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 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.

JUVENILE JUSTICE ASSIGNMENT UNIT (JJAU)

Prior to a youth being admitted to residential treatment, the caseworker must have approval on any applicable, required residential placement exception request(s).

The JJAU placement process is **not** required for community-based placements such as relative homes, licensed foster homes, independent living, etc. or for shelter residential care, county detention facilities or jail. 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 treatment provider 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.
- 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 child's family.
- The child's and family's religious preferences.
- Least-restrictive setting (i.e., 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 need to be placed 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 a youth's age is outside of the admission criteria grid.
- 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 six months.

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 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:

- 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.
- 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, if one has been completed.

  Note: When deemed necessary, a psychological or psychiatric evaluation may be required by the JJAU to assign the youth to an appropriate placement. If not contained in the service plan or JJ Strengths and Needs Assessment, information related to a youth identifying as lesbian, gay, bisexual, transgender, or intersex must be provided to ensure appropriate placement selection.

  - 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.

Once a youth has been accepted for placement, the juvenile justice specialist must forward the following information directly 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.
- DHS-2840, Prescription Information, or a written explanation from the prescribing physician for the youth which includes the dosage and purpose.
- 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 directly to the residential treatment facility; see JJ7 723, Educational Services for Juvenile Justice, for additional details.

JJAU Placement Match

Assigned

An assignment is a placement where a youth's demographics (age and gender) and indicated 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 must work with the juvenile justice specialist and any referring/committing court orders or recommendations to make a new assignment.

Placement Provider Acceptance

A state run or private, contracted juvenile justice residential treatment facility or state run detention facility must not admit an 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 must be within ten calendar days of acceptance. If the provider cannot admit the youth within ten calendar days, the provider must notify 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 must 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 must arrange for transportation of the youth to the residential site; see JJ2 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. The provider must provide a detailed explanation 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 must 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 must be returned immediately to the juvenile justice specialist or JJAU. The JJAU must work with the juvenile justice specialist and any referring/committing court orders or recommendations to make a new assignment.

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. The assigned provider must continue residential treatment services for the youth and the youth's family until:

- Release is approved by the court, and
- MDHHS assigns a new placement.

Disruption of, or non-cooperation in the program is not sufficient reason for the provider to request 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 (i.e., 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 five 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 JJ7 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 five 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.

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 for additional details.

LEGAL BASE

Federal

Safe and Timely Interstate Placement of Foster Children Act of 2006, Public Law 109-239
Requires each state plan to provide that the state has procedures for orderly and timely interstate placement of children.

Fostering Connections to Success and Increasing Adoptions Act of 2008, Public Law 110-351
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 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.

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.

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 XIIA 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 XIIA 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.

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

Immediately

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 JJ2 260, Victim Notification. For all other notifications, see FOM 722-03A, Notification.

Exception: Placement Agency Foster Care provider policy 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.

Within 24-hours

See FOM 722-03A, Absent Without Legal Permission.

Within One Business Day

The local MDHHS office supervising the juvenile justice case must take the actions identified in FOM 722-03A, Absent Without Legal Permission, within one business day of the youth's absence.

Exception: Placement Agency Foster Care provider policy does not apply to the juvenile justice program.

DILIGENT SEARCH

Within Two Business Days

As soon as possible, but within two business days of the child's absence, the local MDHHS office supervising the juvenile justice case must commence a diligent search for the youth as indicated in FOM 722-03A, Diligent Search.

Exception: Placement Agency Foster Care provider policy does not apply to the juvenile justice program.

Ongoing AWOLP Diligent Search

At a minimum, the assigned juvenile justice specialist must repeat a diligent search every calendar month until the youth is located. The assigned juvenile justice specialist must document all efforts to locate the youth in social work contacts, including any youth-initiated contacts, in the service plan.

The juvenile justice specialist must continue to notify law enforcement of any new information to aid in their efforts to locate the youth.

CHILD LOCATOR CENTRALIZED UNIT

The Child Locator Centralized Unit will complete all activities outlined in FOM 722-03A, Child Locator Centralized Unit.

Criteria to Place a Youth on the Child Locator Website

In order to place a youth's information on the Child Locator Website, the juvenile justice specialist must complete the DHS-710, Clearance to Publish Children AWOLP on DHS Web, and obtain the required signatures. 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.

Once completed, the form must be forwarded to the Child Locator Centralized Unit; see FOM 722-03A, Criteria to Place a Child/Youth on the Child Locator Website.

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 JJ2 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, when an AWOLP Youth Is Located.

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.

COMPULSORY 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 identity 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 JJ7 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 JJ7 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 AACS, 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.

PROGRAM DESCRIPTIONS

The Bureau of Juvenile Justice (BJJ) residential programs differ considerably in size, structure, approach and degree of dependency on community services. A brief explanation, location and types of services offered by each center is as follows:

OUTSTATE RESIDENTIAL PROGRAMS

Adrian Training School

Adrian Training School (Adrian) is a medium secure, residential treatment center serving females ranging in age from 12-21.

This facility provides a group treatment and an individual counseling program that meets the special needs female population.

Treatment programs include:

- Specialized sex offender treatment.
- Gender responsive treatment programming.
- Mental health services.
- Family work.
- A balanced and restorative justice initiative.
- Music therapy.
- Art therapy.
- Special education instruction.
- Medical, dental and religious services.

Bay Pines Center

Bay Pines Center (Escanaba) serves a dual role in providing both a regional detention service and a regional training school service for the 15 counties in Michigan's Upper Peninsula. This 32 bed facility incorporates two programs:

- Bay Pines **detention center** is a high security, 16 bed facility for both males and females.

- Bay Pines **training school program** offers a medium security treatment program for 16 P.A. 150 state wards. The treatment program utilizes special education instruction, family work,

substance abuse, medical, dental psychological and religious services.

Nokomis Challenge Center

Nokomis Challenge Center (Prudenville) has programs for two security levels, 20 beds open medium secure and 20 beds closed medium secure. Nokomis serves 40 males ages 12-20 with a length of stay for open medium averaging six months and closed medium twelve months. Each of these security levels has ten beds that are specified for substance abuse treatment. The youth may be a direct court referral or a P.A,. 150 with a felony or misdemeanor adjudication. Admission criteria is based on the risk assessment for security level.

The open medium program includes a wilderness component that involves a camping trip for five days every month. These trips may be hiking, canoeing, rock climbing or cross country skiing. All groups are involved in experiential activities on-grounds such as a high ropes course and zip-line.

Programming includes daily academic classes that will transfer as credits back to the community high schools. If a youth is sixteen or older, and it is determined to be appropriate, he may earn a GED while at Nokomis. Social skills classes, job readiness and physical fitness are part of the curriculum. Substance abuse education supports the group work on family and personal addiction issues.

The level system requires each youth to meet program expectations, earn passing grades in school and complete treatment tasks. The treatment tasks involve working on the issues that resulted in their placement and how their behavior has impacted their families, the victims and themselves. The model of balanced and restorative justice, making amends, is emphasized in all areas of the program. Community service is a regularly scheduled activity in which the youth have an opportunity to give back and make positive connections.

Daily treatment groups provide a safe environment in which thinking errors can be confronted and alternative attitudes explored. Issues of abuse, self-defeating lifestyle choices, relationships and family dynamics are also addressed. The substance abuse groups deal with addiction issues and teach coping skills to handle stress without using drugs and alcohol. A community alcoholic anonymous

(AA) group meets on campus once a week and the young men are involved.

Family Work is an important part of the treatment. Developing improved communication and respect between family members is essential if the youth is returning home. When there is no family involvement the focus is on developing alternate release plans with appropriate support and supervision.

Shawono Center

Shawono Center (Grayling) serves a dual role in providing both a regional detention service and a regional training school program service for the northern portion of the lower peninsula. The Shawono Center detention service is a high security, 12 bed facility for both males and females who have been ordered into the facility through their county probate or adult court. The Shawono Center training school program is a medium secure facility for 20 adjudicated, delinquent and committed Act 150 male state wards. The treatment approach utilizes a group modality with a cognitive-behavior emphasis.

W. J. Maxey Training School

W. J. Maxey Training School (Whitmore Lake) a residential treatment facility for delinquent male youth, 12 to 21 years of age.

Woodland Center

Max-flex (high security level) with specialized treatment for youth. Specialized treatment includes sex offender, substance abuse, severe emotional and developmental disabilities, significant mental health issues and serious or chronic violent offenders. Treatment services include:

- Intensive group treatment.
- Individual and family counseling.
- Psychiatric and psychological evaluation and treatment.
- Complete medical and dental services.
- Recreation programming.

An on-grounds school provides accredited instruction for regular, specialized vocational education. The facility is new and highly technical with video surveillance, youth and staff location monitoring (TSI), electronic locking systems and security enhancing architectural design.

Community Justice Centers

Four Community Justice Centers (CJC) serve as low security structured reintegration programs to assist wards released from a training school program to readjust to community life in a gradual manner. Each CJC is a facility for 10 to 12 wards staffed with a director, house manager, and youth specialists to provide counseling and guidance.

Wards are expected to attend school and/or work. Specialized services such as mental health counseling, substance abuse counseling, medical/dental services are provided by community resources. Referrals and assignments are made through the Juvenile Justice Assignment Unit.

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 JR3 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 JR3 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 JR3 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 JR3 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 JJ4 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.

POLICY CONTACT

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

OVERVIEW

This form must be used by the juvenile justice specialist (JJS) to ensure that the appropriate tasks are completed when opening a case. This must be filed in the case record.

EXHIBIT

JUVENILE JUSTICE CASE OPENING CHECKLIST

- ☐ Date Stamped Court Order (JJ2 220 page 1)
- ☐ Assignment of case from Supervisor.
- ☐ DHS-3204 Acceptance Notice to the Court. (JJ2 220, page 1 & JJ2 230, page 5) **WORD**
- ☐ DHS-4526 Parent/Guardian Notification of Acceptance. (JJ2 220 page 1) **WORD**
- ☐ Initial Contact with youth within 72 hours or document why Not. (JJ2 230, page 4)
- ☐ Packet from Juvenile Court including petition, Court Orders, (adjudication/disposition) and any other Court Reports, etc. (JJ2 220, pages 1-2)
- ☐ DHS-4737 Victim's Rights Request (if requested) (JJ2 260 pages 1-2)
- ☐ DD-4/DD-4A Michigan Sex Offender Registration. JJS to assist ward in obtaining and completing form. (JJ2 230 page 4 & JJ2 263 pages 1-2)
- ☐ DHS-62 DNA Profile (if necessary (JJ2 230 page 4 & JJ2 265 pages 1-3) **WORD**
- ☐ DHS-3762 Medical Care Authorization (JJ2 290 page 1 & RFF 3762 – keep a copy in case)
- ☐ Written notice to Family Independence Specialist or Eligibility Specialist if youth on assistance. (JJ2 230 page 5) **SWSS**
- ☐ Social Security Card or DHS-329-A, SS-5 or DHS-223 (JJ2 230 page 5 & CFF 902.16 pages 1-2) **WORD**
- ☐ Court Ordered Restitution. Check for Nonpayment of Restitution. MC-258 (JJ2 230 page 4 & JJ2 260, pages 1-2) **WORD**
- ☐ DHS-714 Notification of the School within 10 days. **SWSS**
- ☐ DHS-4262 Special Education Consent to Evaluation (JJ2 290 page 2) **WORD**
- ☐ DHS-3205 Government Benefits (JJ2 230 page 4 & RFF 3205, pages 1-7). **SWSS**
- ☐ DHS-352 Determination of Funding Source (JJ2 230 page 4 & RFF 352 pages 1-15). **SWSS**
- ☐ DHS-3307-A Youth Face Sheet (Complete by the 5th calendar day of acceptance. (JJ2 230 page 4) **SWSS**
- ☐ DHS-261 Birth Certificate or Memo (JJ2 230 page 5-6 & CFF 905.6 pages 1-14) **WORD**
- ☐ DHS-3185 Placement and Education Record complete and Update as needed **SWSS**
- ☐ Remove ward from detention or detention extension approved by supervisor by 30th calendar day of date of acceptance. (JJ4 470 page 2 & CFF 903.2 pages 1&2). **SWSS**
- ☐ Remove Ward from jail within calendar days of date of acceptance (JJ2 230 page 5).
- ☐ DHS-1013 Substance Abuse Assessment Instrument completed by youth in presence of JJS (Available as a case management tool only) **WORD**
- ☐ Initial placement referrals for low, medium or high security risk youth sent to JJAU. Community placement made by JJS (JJ2 230 page 4).
- ☐ DHS-133-A/5-S Services Transaction – Case opened on CIMS within 30 calendar days of acceptance date and update as needed. (JJ2 230 page 4) **SWSS**
- ☐ Open MA (DHS-133-A register and opening on DHS-5-A) except for own home, training schools, jail, detention, and high or medium security placements. (JJ2 230 page 5 & CFF 902.11 pages 1-3). **SWSS**
- ☐ Other Medical Insurance: DCH-1354 Third Party Liability (JJ2 230, page 4 & CFF 902.11 page 3) **WORD**
- ☐ Open payments. DHS-626 Foster Care Payment Authorization (JJ2 230 page 5 & CFF 904.12 page 1-10, RFF 626 Pages 1-5). **SWSS**
- ☐ County Child Care Payments (Court Wards not eligible for Title IV-E) (CFF 902.7 page 1)
- ☐ Determination of Care completed within 30 calendar days. DHS-470, DHS-470-A or DHS-1945 (CFF 903.3 pages 3-6, RFF 470 pages 1-4, 470A pages 1-4 & 1945 pages 1-6) **WORD**
- ☐ DHS-3600 Individual Service Agreement for purchased care. (CFF 913.3 pages 2) **WORD**
- ☐ DHS-3377 Clothing Inventory Checklist (CFF 903.9 pages 1 & 2)
- ☐ DHS-719 Child Placing Agency Form. Completed within 10 calendar days and returned to DHS worker. (CFF 913.3 pages 2 & RFF 719) **SWSS**
- ☐ DHS-634 Initial Clothing Order for Title IV-E & SWBC Youth (CFF 903.9 page 1 & RFF 634 pages 1-3) DHS-1291 Non Title IV-E/ADC-F) **SWSS**
- ☐ DHS-767 Condition of Placement Agreement (Available as a case management tool) (JJ4 400 pages 1-2 & JJ4 430 page 2) **SWSS**
- ☐ Initiate referrals for treatment and support services to wards and their families within 30 working days when wards are placed at home. (JJ4 430 page 2)
- ☐ DHS-4789 Initial Services Plan Classification Report and Treatment Plan completed within 30 calendar days of acceptance (JJ2 230 page 4) **WORD**
- ☐ DHS 1662 Youth Health Record/ Medical complete within 30 calendars of placement. (JJ2 230 page 5) **WORD**
- ☐ DHS-1664 Dental exam due within 90 calendar days of placement. (JJ2 230 page 5) **WORD**
- ☐ DHS-201 Pre-sentence investigation report if requested. (JJ2 210 page 1-2) **WORD**
- ☐ DHS-221 Medical Passport completed for all wards in out-of-home placements. (JJ2 230 page 5 & RFF 221) **WORD**

DHS-349 (Rev. 5-07) Previous edition obsolete. MS Word