
OVERVIEW

Children in out-of-home placement can be their own best advocate if they have a full understanding of the system. When government and private agencies are entrusted with their care, it is critical that every effort be made to assure their safety and well-being, which includes taking steps to fully inform children and youth about their care and provide them with opportunities to express their wishes.

REVIEW AND DISTRIBUTION

The [DHS-5307, Rights and Responsibilities for Children and Youth in Foster Care](#), must be used to inform youth in out-of-home placements, including abuse/neglect, juvenile justice, and dual wards, of their rights and responsibilities.

Initial Discussion and Review

Within 30 calendar days of removal, the caseworker must review and explain the [DHS-5307, Rights and Responsibilities for Children and Youth in Foster Care](#), and the agency's grievance policy with the child, foster parents, caregivers, and parents. The caseworker must be prepared to answer any questions the child, parents, and caregivers may have.

After the document is reviewed the signatures of the child and caseworker must be obtained. The parent or caregiver must sign on behalf of the child, if the child is younger than 11 years old or is unable to sign the document. The caseworker must complete the information on the last page of the document with the applicable contact information and provide all participants with a signed copy and upload a copy to MiSACWIS.

Ongoing Discussion and Review

The DHS-5307 may be used as a tool during the monthly home visit to facilitate ongoing discussions with the child about their rights while in foster care. The caseworker must be available to discuss with the child when they express curiosity or concern about their rights. The rights are to be discussed in an age-appropriate manner.

Placement Change

When a child under age 11 or who is otherwise unable to sign the DHS-5307 changes placement, the caseworker must review the DHS-5307 and the agency's grievance policy with the new caregiver and obtain their signature on the DHS-5307 within 30 days of the placement change.

Note: Placement changes do not require a new DHS-5307 if the youth is over age 11 and was able to sign the most recent DHS-5307.

Documentation

The DHS-5307 must be reviewed and re-signed annually. The caseworker must document the review in the social work contacts, and the caseworker must upload the DHS-5307 to the *Documents* hyperlink in MiSACWIS.

**Concerns/
Grievance Process**

The caseworker must provide a copy of the supervising agency's grievance policy to the child, parent, or caregiver, with the DHS-5307, at the initial discussion and annually thereafter.

If a child, parent, or caregiver expresses concern about a child's rights, the caseworker and/or supervisor must assist in resolving those concerns. If a consensus is not reached, the caseworker must assist the child, parent, or caregiver in following the agency's grievance procedure.

If the agency is unable to resolve the concerns, the child, parent, or caregiver can contact the MDHHS Office of Family Advocate at 517-241-9894.

**LEGAL BASE
Federal*****Preventing Sex Trafficking and Strengthening Families Act,
P.L. 113-183***

Section 113 of this act requires case plans for all children 14 years of age and older to include a document that describes the rights of the child with respect to education, visitation, health, court participation, staying safe, and avoiding exploitation and a signed acknowledgement by the child that the child has been provided with

a copy of the document and that the rights have been explained to the child in an age-appropriate way.

Section 111 of this act establishes standards for normalcy for a child who is in the custody of the state and includes a reasonable and prudent parent standard and normalizing activities for children which are expressed through the foster child bill of rights. Licensed foster homes and Child Caring Institutions are to parent under the [Reasonable and Prudent Parent Standard](#).

State

Foster Care and Adoption Services Act, 1994 PA 203, MCL 722.953 et seq.

Establishes certain standards for foster care and adoption services for children and their families. Prescribe powers and duties of certain state agencies and departments and adoption facilitators.

POLICY CONTACT

Questions about this policy item may be directed to the [Child Welfare Policy Mailbox](#).