

Michigan Office of Administrative Hearings and Rules

611 W. Ottawa Street

Lansing, MI 48909

Phone: 517-335-8658 Fax: 517-335-9512

**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

1. Agency Information

Agency name:

Health and Human Services

Division/Bureau/Office:

Children's Services Agency

Name of person completing this form:

Mary Brennan

Phone number of person completing this form:

517-284-4850

E-mail of person completing this form:

BrennanM@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Mary Brennan

2. Rule Set Information

MOAHR assigned rule set number:

2020-2 HS

Title of proposed rule set:

Child Placing Agencies

3. Purpose for the proposed rules and background:

These rules address the licensing requirements for child placing agencies in the state. They provide the minimal standards of foster care, adoption, and independent living standards including staff qualifications, licensing of foster family and group homes, recruitment of foster parents, training of foster parents, and placement of children for adoption. The rules were last updated in 2019. Federal law requirements have changed which include a model standards for foster family homes, and new issues have evolved that require a review of the entire rule set to address such current issues involving LGBT youth, vaccinations, and variance requirements. Further, there are conflicts within the child caring institution, child placing agencies, and foster family and group home rules that need to be amended for consistency for the contracted agencies providing services.

4. Summary of proposed rules:

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These rules address the licensing requirements for child placing agencies and foster family and group homes in the state. They provide the minimal standards for staff qualifications, licensing requirements of prospective foster parents and the foster homes, and requirements for LGBTQ youth placement. Further, there are conflicts within the child caring institution, child placing agencies, and foster family and group home rules that need to be amended for consistency for the contracted agencies providing services.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

Oakland Press, September 23, 2021; Marquette Mining Journal, September 21, 2021; Battle Creek Enquirer, September 22, 2021

6. Date of publication of rules and notice of public hearing in Michigan Register:

10/1/2021

7. Date, time, and location of public hearing:

10/12/2021 09:00 AM at Grand Tower-Dempsey Room , 235 S. Grand Avenue, First Floor, Lansing, MI 48933

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=130>

9. List of the name and title of agency representative(s) attending public hearing:

Angela Hull, Manager, Division of Child Welfare Licensing; Jessica VandenHeuvel, Manager, Division of Child Welfare Licensing

10. Persons submitting comments of support:

None

11. Persons submitting comments of opposition:

None

12. Persons submitting other comments:

Laura Bose, Director, Fostering Forward Michigan; Katie Page Sander, Executive Director, Hands Across The Water, Erin Matuz-DHHS

13. Identify any changes made to the proposed rules based on comments received during the public comment period:

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	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for Rule Change and Description of Change(s) Made	Rule number & citation changed
1	Laura Bose, Director, Fostering Forward Michigan	We would like to strike the word "electronic" as it provides a barrier to non-contracted agencies to doing this important work. We would like to have language that suggests keeping the record in a manner as prescribed by the Department instead.		DHHS agrees with the proposed change. R 400.12328(1) has been amended to the following: An agency shall maintain a foster home record in the manner in which is prescribed by the department for each foster care home	R 400.12328
2	Laura Bose, Director, Fostering Forward Michigan	Adoption Placement, we would like language added to maintain records for all adoptions, not just those for children of the Child Welfare System under DHHS.		DHHS agrees with the proposed change. DHHS is the central adoption registry for all adoptions pursuant to MCL 710.27b. Records must be sent under the Probate Code.	R 400.12713

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3	<p>Laura Bose, Director, Fostering Forward Michigan</p>	<p>Rule 400.12403(3) (DHHS NOTE: It is (2) in the final rules), we are adamant that this language needs to remain and shall not be changed. Not having this language has proven to reduce -- is proven to increase barriers. This language reduces barriers for cooperation in cross agency placements now known as borrowed beds, and allows foster homes more confidence in being able to do the same job consistently no matter what agency they're working with.</p>		<p>DHHS agrees. The Family First Preservation Services Act requires states drawing Title IV E to incorporate licensing standards for foster homes. These standards are addressed in both the Child Placing Agency and Foster Family and Group Home rules. DHHS did not provide any further rules that would be more restrictive of the federal standards under the Administrative Procedures Act.</p>	<p>R 400.12403 (3)</p>

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4	Katie Page Sander, Executive Director, Hands Across the Waters		Michigan provides full recognition of foreign adoption decrees, and as such does not require readoption. Our agency will soon be the only provider of intercountry adoption in the state of Michigan. While we assist families in our programs who live outside of Michigan and may require readoption, we would not be able to “assist in providing a home study and postplacement reports” for any family who resides outside of Michigan. Instead, we would advise the family about the procedures necessary and coordinate with the out of state agency who will provide those services.	DHHS agrees the current language presents a strain on the Michigan agency. Rule language changed as follows: Where a child requires readoption in the state of residence where they will be living, the agency shall coordinate with the family’s home study agency to ensure all legal requirements of the families’ home state are followed.	R 400.12802
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14.Date report completed:

2/16/2022