

DEPARTMENT OF HEALTH AND HUMAN
SERVICES CHILDREN'S SERVICES AGENCY,
RULES FOR CHILD PLACING, PUBLIC
HEARING VOLUME I,

October 12, 2021

Prepared by



depos@networkreporting.com

Phone: 800.632.2720

Fax: 800.968.8653

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STATE OF MICHIGAN
DEPARTMENT OF HEALTH AND HUMAN SERVICES
CHILDREN'S SERVICES AGENCY
PUBLIC HEARING - VOL. I
RULES FOR FOSTER FAMILY AND GROUP HOMES RULES
235 South Grand Avenue, Lansing, Michigan
Tuesday, October 12, 2021, 1:00 p.m.

APPEARANCES:

For the Department of
Human and Human
Services:

MS. MARY E. BRENNAN
State Administrative Manager and
Regulatory Affairs Officer
Michigan Department of Health and Human
Services
333 South Grand Avenue
Lansing, Michigan 48909
(517) 335-0745

Also Present:

Angela Hull, Jessica VandenHeuvel

RECORDED BY:

Marcy A. Klingshirn, CER 6924
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1 Lansing, Michigan

2 Tuesday, October 12, 2021 - 1:08 p.m.

3 MS. BRENNAN: Good afternoon. It is now 1:08 p.m.
4 We are on the record for the first of two hearings for rule
5 set 2020-03, Foster Family and Group Homes. My name is Mary
6 Brennan. I'm from DHHS Bureau of Legal Affairs and the
7 Regulatory Officer for the Department. I would like at this
8 time to introduce our subject matter experts for this
9 hearing starting with Ms. Angie.

10 MS. HULL: Angela Hull, program manager with DCWL.

11 MS. BRENNAN: Thank you, Angie. And Ms. Jessica?

12 MS. VANDENHEUVEL: Jessica VandenHeuvel, DCWL area
13 manager.

14 MS. BRENNAN: Thank you very much. Housekeeping
15 notifications before we begin. The hearing will be recorded
16 for purposes of transcription and transparency. Please
17 approach the podium if you would like to make a statement,
18 provide your name, spell your last name for the
19 transcriptionist, and any organization you may be speaking
20 on behalf of, then provide your comment. One person shall
21 speak at a time. While your comments are invaluable to the
22 public hearing, we ask that you respect the public hearing
23 process and keep comments respectable and you do not disrupt
24 the hearing process for all. This is a state building. We
25 are required to masks at all time to protect the public.

1 Please follow this mandate during your time at this hearing.

2 There will be a 2:00 o'clock break. Restrooms are
3 down the hall and to your right. Snack shop at the end of
4 the hall to your right for small snacks, coffee, and
5 popcorn.

6 Comments for the public ends Friday, October 15th.
7 If you have further comments, send them to the
8 MDHHS-AdminRules@michigan.gov e-mail box. Please note that
9 any e-mails sent to a DHHS staff person regarding comments
10 to the public hearing and not sent to this administrative
11 rule e-mail box will not be considered for public comment.
12 The rule status is available at ars.apps.lara.state.mi.us,
13 and a copy of this hearing transcript will be available at
14 the admin hearing box within two weeks. Please send your
15 e-mail and a transcript, the transcript will be provided to
16 you.

17 Any questions with regarding housekeeping? Okay.
18 If anyone would like to make a public comment, please come
19 forward.

20 LARA BOUSE

21 MS. LARA BOUSE: Lara Bouse, B-o-u-s-e, Fostering
22 Forward Michigan. We are in complete agreement with the
23 rule set as proposed. We would like to see the rules
24 expedited and put into place as quickly as possible to
25 reduce barriers to foster home licensure as that is

1 necessary in order to be able to make placement for children
2 and match them to homes best to provide their -- services
3 for their needs. Thank you.

4 MS. BRENNAN: Thank you. Marcy, off the record,
5 please.

6 (Off the record)

7 MS. BRENNAN: We're back on the record for 2020-03
8 Foster Family and Group Homes. It is now 3:46 p.m. The
9 public hearing has ended. We will have the second public
10 hearing tomorrow, October 13th, 2021, beginning at 1:00 p.m.
11 Thank you.

12 (Proceedings adjourned at 3:46 p.m.)

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DEPARTMENT OF HEALTH AND HUMAN
SERVICES CHILDREN'S SERVICES AGENCY,
RULES FOR FOSTER FAMILY AND GROUP
HOMES, PUBLIC HEARING VOLUME II

October 13, 2021

Prepared by



depos@networkreporting.com

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Fax: 800.968.8653

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STATE OF MICHIGAN
DEPARTMENT OF HEALTH AND HUMAN SERVICES
CHILDREN'S SERVICES AGENCY

PUBLIC HEARING - VOL. II
RULES FOR FOSTER FAMILY AND GROUP HOMES RULES
235 South Grand Avenue, Lansing, Michigan
Wednesday, October 13, 2021, 1:00 p.m.

APPEARANCES:

For the Department of
Human and Human
Services:

MS. MARY E. BRENNAN
State Administrative Manager and
Regulatory Affairs Officer
Michigan Department of Health and Human
Services
333 South Grand Avenue
Lansing, Michigan 48909
(517) 335-0745

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Angela Hull, Jessica VandenHeuvel

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1 Lansing, Michigan

2 Wednesday, October 13, 2021 - 1:00 p.m.

3 MS. BRENNAN: Good afternoon. It is 1:00 o'clock
4 p.m. We are on the record for the second of two hearings
5 for the rule set 2020-03 HS, Foster Family and Group Homes.
6 My name is Mary Brennan. I'm from the DHHS Bureau of Legal
7 Affairs and the regulatory affairs officer for the
8 Department. I'd like to introduce our subject matter
9 experts for this afternoon's hearing starting with Ms.
10 Angela on my left.

11 MS. HULL: Angela Hull, program manager of DCWL.

12 MS. BRENNAN: Thank you. And our other expert
13 today is Ms. Jessica.

14 MS. VANDENHEUVEL: Jessica VandenHeuvel, DCWL area
15 manager.

16 MS. BRENNAN: Thank you. Housekeeping
17 notifications. The hearing will be recorded for purposes of
18 transcription and transparency. Please approach the podium
19 if you would like to make a statement, provide your name,
20 spell last name for the transcriptionist -- who I again
21 forgot to introduce, that's Ms. Marcy -- and any
22 organization you may be speaking on behalf of, then provide
23 your comment. One person shall speak at a time. While your
24 comments are invaluable to the public hearing, we ask that
25 you respect the public hearing process and keep comments

1 Center for Children in Pontiac.

2 Okay. So the first rule that we had discussed at
3 my agency that we had a concern with is Rule 400.9201,
4 Qualifications. And it specifically, like, our question is
5 about what would count as income. And things like hair
6 care, babysitting, selling items on Etsy or eBay, would
7 those all possibly count as income? And also is the
8 technical assistance manual going to be updated?

9 MS. HULL: So I would respond now, yes?

10 MS. BRENNAN: Yes.

11 MS. HULL: Okay. It's my first time, too. So
12 thank you for your comments. And to answer your question,
13 it will be flushed out in the technical assistance manual as
14 well.

15 MS. SHANNON CHATMAN: And are there going to be
16 any restrictions on the types of income such as hair care
17 or, I think babysitting and daycare is the bigger concern
18 just because those are licensed as well?

19 MS. HULL: There are no intentions on restricting
20 financial resources that the family would receive.

21 MS. SHANNON CHATMAN: Thank you. The second rule
22 we had discussed at my agency was -- is Rule 400.9206, and
23 that's the Evaluation of the Family. We just had a concern
24 that if we -- can we still ask the question -- can a private
25 agency still ask the question about why the family wants to

1 become a foster family?

2 MS. HULL: Can you point out which subrule under
3 206 you're referencing?

4 MS. SHANNON CHATMAN: Oh, I did not write the
5 subrule. It's the -- it's the one that was taken out. It's
6 one of the ones that was taken out. It's no longer in there
7 that says why do you want to become a foster parent. It's
8 now crossed off.

9 MS. HULL: One moment, please. Would you like to
10 look through here and find it?

11 MS. SHANNON CHATMAN: Yes.

12 MS. HULL: It'S okay. The previous page is the
13 206.

14 MS. VANDENHEUVEL: Oh, I see where you're saying,
15 the bottom.

16 MS. HULL: Oh.

17 MS. SHANNON CHATMAN: Thank you.

18 MS. HULL: Am I allowed to ask you questions?

19 MS. BRENNAN: Yes.

20 MS. HULL: If I need more time to get back to
21 this?

22 MS. BRENNAN: I'd have to identify myself as legal
23 counsel to the Department.

24 MS. HULL: Okay.

25 MS. VANDENHEUVEL: You can just state that we'll

1 make a note of it and --

2 MS. HULL: Yeah. I -- thank you for your comment.
3 We'll make a note of that. I would like to research if this
4 is spilling over to other parts of the rules.

5 MS. SHANNON CHATMAN: Okay.

6 MS. BRENNAN: Well, I would like to ask a
7 question. Shannon, is the agen- -- what is the purpose for
8 the agency asking the question? Maybe that's the -- if you
9 could --

10 MS. SHANNON CHATMAN: Just as someone who has been
11 in licensing for some time, that's one of the questions that
12 I feel like I get a good response from families and it
13 clarifies whether or not they would make an acceptable
14 foster parent. I mean, if they're choosing to become a
15 foster parent because they want to make money, then we can
16 share with them that that's not the purpose of foster care
17 and things like that.

18 MS. VANDENHEUVEL: So the rule you're talking
19 about is the Foster Home Evaluation, and so this is talking
20 about what needs to be included in a foster home evaluation?

21 MS. SHANNON CHATMAN: Right.

22 MS. VANDENHEUVEL: And you're asking does that
23 prevent you not to include in the evaluation, but just to
24 ask the question of the home throughout the process?

25 MS. SHANNON CHATMAN: I mean, we'd like to include

1 it in the evaluation as well, but I am wondering if we can
2 ask that question if it's crossed off on the rules.

3 MS. BRENNAN: I'm wondering if this could
4 borderline be considered stricter than what the application
5 required, but you're saying that it was in the rules
6 previously and we struck that language?

7 MS. SHANNON CHATMAN: Yes. And I think it's the
8 same part of that history of employment.

9 MS. BRENNAN: Uh-huh (affirmative).

10 MS. SHANNON CHATMAN: We used that to base how
11 financial -- well, not how financially stable, but just how
12 stable in general. If they haven't worked for 20 years and
13 recently obtained a job, that does give us some concern that
14 they may not continue to be employed.

15 MS. BRENNAN: Okay. We have to -- as Angie had
16 said, we'll take it offline and we will discuss. And I
17 personally like responding to questions from the public
18 hearing and we shall do so, but we're going to have to meet
19 and discuss.

20 MS. SHANNON CHATMAN: Okay. Thank you. All
21 right. The next rule we discussed as an agency was Rule
22 400.9306, and that's specifically about the bedroom square
23 footage, which I thought 40 square feet was a good, minimum
24 standard. So now that's removed and I'm concerned that
25 families may end up really stretching the limits and putting

1 too many children in a room. And without that rule minimum
2 square footage, I think we're going to have a hard time
3 telling families, no, you can't put four children in this
4 tiny room. So that's a concern.

5 MS. HULL: Thank you for your comment. Did you
6 have specific questions about that?

7 MS. SHANNON CHATMAN: No, not a question.

8 MS. HULL: Okay.

9 MS. SHANNON CHATMAN: Just that's the comment.

10 And then the other comment we had about bedrooms and
11 sleeping arrangements is removing the restriction regarding
12 Pack 'N Plays and bassinets. I guess this one is a
13 question. What happens when the agency says no to a family
14 that has a bassinet because the bassinet is concerning,
15 wobbly? I mean, I've seen some really, you know, marginal
16 bassinets when they were allowed back in the day. So what
17 happens if the agency says no and the family says, "But it's
18 not a rule"?

19 MS. HULL: Right.

20 MS. SHANNON CHATMAN: Like, or, "It's a rule that
21 we can use bassinets"?

22 MS. HULL: Yeah. There are other rules that talk
23 about safety in the home and maintenance of the home and the
24 premises and the furnishings. So you could still assess
25 equipment that's insufficient, it's unsafe, right, --

1 MS. SHANNON CHATMAN: Okay.

2 MS. HULL: -- that your agency is assessing as
3 unsafe because Pack 'N Plays and bassinets are not out of
4 alignment with safe sleep, which is why they were removed.

5 MS. SHANNON CHATMAN: Okay. Thank you.

6 MS. HULL: Uh-huh (affirmative).

7 MS. SHANNON CHATMAN: All right. The next one is
8 Rule 400.9308. And this is another rule that back in the
9 day they did not require the telephone in the home, and then
10 it was put in and agencies had to adjust and families had to
11 adjust. And I thought having a home phone in the home was
12 important because what if we have a 4-year-old -- and the
13 rule is -- the new rule is written to say "close proximity."
14 But if it's a 4-year-old, I would say "close proximity," we
15 don't want a 4-year-old running outside down to the
16 neighbor's house because, you know, there's an emergency
17 with the foster parent. Even to call 911, it would be
18 better to have the phone in the home.

19 MS. HULL: Thank you.

20 MS. SHANNON CHATMAN: And then Rule 400.9401. I
21 was very happy when this rule changed and they added that
22 children had to have a bed of their own and now it seems
23 like we're going back to the way it was before and allowing
24 two children to share a bed. And as an agency, our
25 preference has always been that each child has their own

1 bed. Even if two kids choose to share a bed, I think it's
2 really important for trauma, kids with trauma, to have their
3 own space, their own bed. And I think taking that out of
4 the rule just opens up too much leeway for families to use
5 just one bed for two kids. And our agency is even providing
6 beds, so it's never a barrier to it. So I guess we can
7 still offer the beds. I just would prefer that it be in the
8 rules that children have their own bed.

9 And then just one last rule I think is Rule
10 400.9502. It seems that there's no longer the requirement
11 for the family to report a change in employment. That was
12 crossed off from the rules. And I just think that is
13 something that should be reported and should be required to
14 report. So if the agency -- this is another one of those if
15 the agency has that as a rule for families is that violating
16 the CPA rules that says we can't have stricter requirements?
17 So that would be a concern. We want foster families to have
18 to report a change in employment.

19 MS. HULL: So just to clarify, you would be
20 supportive of a lifetime reporting requirement for foster
21 parents in lieu of waiting for the next reevaluation where
22 it would be assessed?

23 MS. SHANNON CHATMAN: Yes.

24 MS. HULL: Thank you for your comment.

25 MS. SHANNON CHATMAN: And that was all the

1 comments that I have. Thank you.

2 MS. BRENNAN: Thank you. Would anyone else like
3 to approach and make a comment? Okay. We'll go off the
4 record until the next comment, if any. Marcy, can you go
5 off the record, please?

6 (Off the record)

7 MS. BRENNAN: Back on the record, 2020-03 Family
8 Foster Group Homes --

9 MS. LARA BOUSE: Foster Family and Group Homes.

10 MS. BRENNAN: -- thank you, Foster Family and
11 Group Homes. Thank you very much. There is a person who
12 would like to make a comment. Please proceed to the podium
13 and make your comment.

14 LARA BOUSE

15 MS. LARA BOUSE: Lara Bouse, B-o-u-s-e, Fostering
16 Forward Michigan. In regards to Rule 400.9306, Bedrooms, we
17 are concerned about an inconsistency between subrule © and
18 (d). Subrule © made changes to the requirements regarding
19 walls, ceilings, and floors. Subrule (d) did not indicate a
20 change to the latchable door requirement. We are under the
21 impression that this is because of fire and possible carbon
22 monoxide safety issues, that these two things seem
23 inconsistent and might pose a barrier to foster homes
24 knowing how to be in compliance with this entire rule set
25 for bedrooms. And we would like the Department to do

1 further research and determine whether latchable doors are
2 still necessary. We like the removal of the added
3 requirements in subrule (c). Thank you.

4 MS. HULL: Thank you for your comment.

5 MS. BRENNAN: Thank you.

6 MS. HULL: We will do some research.

7 MS. BRENNAN: Would anyone else like to make a
8 comment? Having no one waiting to make a comment, Marcy,
9 could we go off the record, please?

10 (Off the record)

11 MS. BRENNAN: We're back on the record for
12 2020-03, Foster Family and Group Homes. It is now 3:46 p.m.
13 We have not had public comment for several hours. There is
14 no one in the public hearing room. DHHS is at this point
15 going to close out the public hearing for the Foster Family
16 and Group Homes. We are off the record. Thank you very
17 much.

18 (Proceedings concluded at 3:47 p.m.)

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PUBLIC HEARING COMMENT FOR 2020-03 HS-Foster Family and Group Homes

NAME AND ORGANIZATION	RULE NUMBER	COMMENT	DEPARTMENT'S RESPONSE
Lara Bose, Director Forward Michigan	Fostering Entire Rule Set	We are in complete agreement with the rule set as proposed. We would like to see the rules expedited and put into place as quickly as possible to reduce barriers to foster care licensure as that is necessary to be able to make placement for children and match them to homes best to provide their services for their needs.	No comment needed
Shannon Chatman, Licensing Supervisor Ennis Center	R 400.9206	Rule 400.9206, and that's the Evaluation of the Family. WeB&C10 just had a concern that if we -- can we still ask the question -- can a private agency still ask the question about why the family wants to become a foster family? ... Just as someone who has been in licensing for some time, that's one of the questions that I feel like I get a good response from families and it clarifies whether or not they would make an acceptable foster parent. I mean, if they're choosing to become a foster parent because they want to make money, then we can share with them that that's not the purpose of foster care and things like that.	The licensing worker already accesses finances in R 400.9201. If the applicant doesn't have sufficient resources, R 400.9201 will cover that concern. Regarding asking the question "why", R 400.12307 already addresses that concern during foster parent orientation that is mandated by rule. Based upon these factors, it will allow a licensing worker to make an informed decision of the motives of the proposed foster family.
Shannon Chatman, Licensing Supervisor Ennis Center	R 400.9306	The next rule we discussed as an agency was Rule 400.9306, and that's specifically about the bedroom square footage, which I thought 40 square feet was a good, minimum standard. So now that's removed and I'm concerned that families may end up really stretching the limits and putting too many children in a room. And without that rule minimum square footage, I think we're going to have a hard time telling families, no, you can't put four children in this tiny room.	The Family First Prevention Services Act (FFPSA) federal national standards require the room have enough space for occupants, beds, and storage. DHS has added these standards to the rule.
Shannon Chatman, Licensing Supervisor Ennis Center	R 400.9306	And then the other comment we had about bedrooms and sleeping arrangements is removing the restriction regarding Pack 'N Plays and bassinets. I guess this one is a question. What happens when the agency says no to a family that has a bassinet because the bassinet is concerning, wobbly? I mean, I've seen some really, you know, marginal bassinets when they were allowed back in the day. So what happens if the agency says no and the family says, "But it's not a rule?"	See R 400.9306. Cribs and non-cribs are subject to federal safety standards which include they be safe and in good working condition. Further, see R 400.9206 requires the licensee or applicant to maintain a safe home and property.
Shannon Chatman, Licensing Supervisor Ennis Center	R 400.9308	Back in the day they did not require the telephone in the home, and then it was put in and agencies had to adjust and families had to adjust. And I thought having a home phone in the home was important because what if we have a 4-year-old -- and the rule is -- the new rule is written to say "close proximity." But if it's a 4-year-old, I would say "close proximity," we don't want a 4-year-old running outside down to the neighbor's house because, you know, there's an emergency with the foster parent. Even to call 911, it would be better to have the phone in the home.	The change was a result of the FFPSA national licensing standards.
Shannon Chatman, Licensing Supervisor Ennis Center	R 400.9401	And then Rule 400.9401. I was very happy when this rule changed and they added that children had to have a bed of their own and now it seems like we're going back to the way it was before and allowing two children to share a bed. And as an agency, our preference has always been that each child has their own bed. Even if two kids choose to share a bed, I think it's really important for trauma, kids with trauma, to have their own space, their own bed. And I think taking that out of the rule just opens up too much leeway for families to use just one bed for two kids.	This change was a result of the FFPSA federal national standards. In addition, the rules require the foster parent to make sleeping arrangements based on the child's needs/trauma.
Shannon Chatman, Licensing Supervisor Ennis Center	R 400.9502	Rule 400.9502. It seems that there's no longer the requirement for the family to report a change in employment. That was crossed off from the rules. And I just think that is something that should be reported and should be required to report. So if the agency -- this is another one of those if the agency has that as a rule for families is that violating the CPA rules that says we can't have stricter requirements? So that would be a concern. We want foster families to have to report a change in employment.	The licensing worker must do an annual assessment of income for the foster family. This assessment should be sufficient. There are rules to allow for a special evaluation in the event the foster family is having financial difficulties.
Lara Bose, Director Forward Michigan	Fostering R 400.9306	In regards to Rule 400.9306, Bedrooms, we are concerned about an inconsistency between subrule (c) and (d). Subrule (c) made changes to the requirements regarding walls, ceilings, and floors. Subrule (d) did not indicate a change to the latchable door requirement. We are under the impression that this is because of fire and possible carbon monoxide safety issues, that these two things seem inconsistent and might pose a barrier to foster homes knowing how to be in compliance with this entire rule set for bedrooms. And we would like the Department to do further research and determine whether latchable doors are still necessary. We like the removal of the added requirements in subrule (c).	DHHS agrees there is a conflict between the two subrules. The original language requiring floor to ceiling walls was reinstated. The issue of latchable doors was brought up during a meeting with LARA Fire Regulations Division who indicated this is the proper language to ensure ingress and egress are safe for the foster child and family.