

**From:** [Matuz, Erin \(DHHS\)](#)  
**To:** [MDHHS-AdminRules](#)  
**Cc:** [Mansfield, Wendy \(DHHS\)](#); [Hull, Angela \(DHHS\)](#)  
**Subject:** Comments re: CPA and FH rules 2020-2 and 2020-3 HS  
**Date:** Thursday, October 7, 2021 11:55:50 AM  
**Attachments:** [image001.png](#)

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Good morning. My name is Erin and I am a foster home licensor with the State of Michigan. I have had the opportunity to review the proposed changes to the CWL-Pub 11 (pink book) titled "Licensing Rules for Child Placing Agencies" (2020-2 HS) and CWL-Pub 10 (green book) titled "Licensing Rules for Foster Family Homes and Foster Family Group Homes for Children" (2020-3 HS).

I understand that public hearings are to be completed and comments may be submitted to this email address. Thank you for your consideration of the notes below.

**RE: Proposed Changes to CWL-Pub 11 (pink book) titled "Licensing Rules for Child Placing Agencies" (2020-2 HS) →**

- R12303(1) and (2) – (Agencies having written policy & procedures) Why are agencies required to have their own written policies and procedures [see 12303] when R12403(3) indicates agencies may not be more restrictive than Department policies or Administrative rules? With the exception of local contact persons or procedures, what would the agency policies include that the pink/green books do not?
- R12312 – (b) The 6 hours of training annually after licensure – How does the initial "Original" (6-month) license play into this? All reporting periods are 1 year *except for* that initial 6-month license. The revised rule should acknowledge 6 hours is due annually *after* the first 6-month renewal.
- R12313 – With the elimination of the "reasonable restraint" exception to behavior support, does that mean children who need "bear hugs" when out of control cannot get it, or is that considered allowed physical intervention (per green book R404(2))?
- R12313(b) – Seclusion in a room forbidden – Does this mean children can't be sent to their rooms for a time out? Please make rule more clear about meaning/intentions.
- R12313(f) – Re: Denial of communication with family forbidden – It is not reasonable to expect that foster children should have 24/7 ability to communicate with their family. Please add a caveat that reasonable restrictions about the timing and manner of communication are appropriate.
- R12316 – (Personal Possessions) Saying a child has a right to his or her possessions; we sometimes have youth not allowed to have their cell phones or other electronic devices, depending on their use, the foster family expectations, behavior support plans, etc. Please add a caveat for these sorts of situations.
- R12317 – (Allowance) Is this saying a specified cash allowance will be required to be given to youth? Is there a prescribed way for agencies to monitor allowance? Please make rule more

clear about meaning/intention.

- R12320 - (Supervision) There are some applicants, relatives especially, who have difficulty identifying sub care providers. To require them to have someone willing to take children for extended overnight periods may be prohibitive. Please also provide clarification on what “extended overnight periods” means and if it matters if that care is provided in the licensed home or in the substitute care provider’s home? Also, isn’t there a time limit to how long a foster parent can legally leave a foster child with an unlicensed person?
- R12322 – Involvement with law enforcement pursuant to criminal investigation – Locally, our agency requires notification of contact with law enforcement for things like domestic disturbances (which is not necessarily a criminal investigation). But R12403(3) seems to take away our local ability to require more than the pink & green books prescribe. Is that accurate?
- R12323(1)(d) – Emergency policy required for epidemics – This is not similarly reflected in the foster home rules (green book) R411. Does that mean individual agencies must have a plan for how to do business in an epidemic, but not necessarily related to licensing of foster homes? Clarification is needed.
- R12326(2) – (After-hours borrowed beds) What documentation, if any, will need to be maintained by the agency to prove compliance with the verbal after-hours summary?

**RE: Proposed Changes to CWL-Pub 10 (green book) titled “Licensing Rules for Foster Family Homes and Foster Family Group Homes for Children” 2020-3 HS →**

- R301(4)(d) – Barriers around swimming pools with safety device – will funding be allocated to help current foster parents comply? Will there be a grace period/deadline for compliance to be achieved?
- R304(2) – Portable heating devices will not be allowed in bedrooms, but will they be allowed overnight in other areas of the home? This needs clarification.
- R401(6) – (Bedrooms) This is eliminated; does that mean there is no age limit on a child sharing a room with a (foster) parent? This needs clarification.
- R401(7) – (Bedrooms) This is eliminated; does that mean there is no prohibition on opposite genders sharing a bedroom? (Or even a bed, given the revised 401(6). This needs clarification.
- R404(b) is inconsistent with the proposed wording in 2020-2 HS (pink book) R400.12313(b). 404(b) forbids confinement in a closet or locked room; 12313(b) says confinement *or seclusion* in a ~~locked~~ room is not allowed. Not only is the wording inconsistent, agencies have had differing interpretations of seclusion, with some forbidding children from being put in a time-out in their own rooms by themselves, saying it equates to seclusion. Please add clarification.
- R408(a) – (Personal Possessions) Saying a child has a right to his or her possessions; we

sometimes have youth not allowed to have their cell phones or other electronic devices, depending on their use, the foster family expectations, behavior support plans, etc. Please add a caveat for these sorts of situations.

- R409(a) and (b) – (Allowance) Is this saying a specified cash allowance will be required to be given to youth? This needs clarification.
- R412(3) – Medications being accessible as appropriate for the age & functioning level of the children in the home is vague. This needs clarification. (Currently, DCWL enforces a lock & key expectation for all prescription and OTC medication. How will DCWL be interpreting/enforcing this with agencies?)
- R413 – (Supervision) There are some applicants, relatives especially, who have difficulty identifying sub care providers. To require them to have someone willing to take children for extended overnight periods may be prohibitive. Please also provide clarification on what “extended overnight periods” means and if it matters if that care is provided in the licensed home or in the substitute care provider’s home? Also, isn’t there a time limit to how long a foster parent can legally leave a foster child with an unlicensed person?

**Comments relevant to both books’ proposed rule changes:**

- Currently, the DCWL licensing TA manual indicates if a family does not immunize their own children, they shall not be licensed to foster children under 7 years of age. I did not notice that in the proposed CPA or FH rules. Will that still be enforced?

Thank you for the opportunity to submit my comments for consideration.

~ Erin

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Erin Matuz, Foster Home Licensing  
DEPARTMENT OF HEALTH AND HUMAN SERVICES - MUSKEGON COUNTY  
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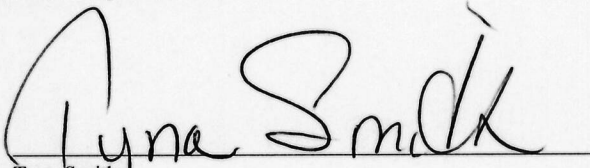
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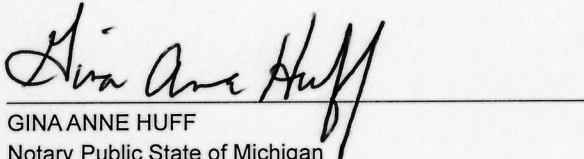
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Battle Creek Enquirer, 09/22/21

  
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Acting in the County of Macomb

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NOTICE OF PUBLIC HEARING  
MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Children's Services Agency  
Division of Child Welfare Licensing  
Rules for Child Placing Agencies and Foster Family and Group Homes  
Rule Sets 2020-2 and 2020-03 HS

The Michigan Department of Health and Human Services will hold two public  
hearings to receive public comments on the proposed rules entitled "Child  
Placing Agencies" and "Foster Family and Group Homes".

Department of Health and Human Services  
Grand Tower Building  
235 South Grand Avenue-First Floor-Dempsey Room  
Lansing, MI 48933

Child Placing Agency Rules  
Tuesday, October 12, 2021-9:00 a.m. to 12:00 p.m.  
Wednesday, October 13, 2021-9:00 a.m. to 12:00 p.m.

Foster Family and Group Homes Rules  
Tuesday, October 12, 2021-1:00 p.m. to 4:00 p.m.  
Wednesday, October 13, 2021-1:00 p.m. to 4:00 p.m.

Email: MDHHS-AdminRules@michigan.gov

These rules address the licensing requirements for child placing agencies and  
foster family and group homes in the state. They provide the minimal stand-  
ards for staff qualifications, licensing requirements of prospective foster pa-  
rents 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.

By authority conferred on the Director of Health and Human Services by sec-  
tion 2, 1973 PA 116, MCL 722.112 and E.O. No. 2015-4, MCL 400.227. The rules  
(Rule Set 2020-2 and 2020-3 HS) are published on the Michigan Government  
web site at <https://ars.apps.lara.state.mi.us/> and in the Michigan Register in  
the October 1, 2021 issue. Copies of the draft rules may also be obtained by  
mail or electronic transmission at the following address:

Department of Health and Human Services  
Attn: MDHHS-AdminRules@michigan.gov  
MDHHS South Grand Building  
333 South Grand Avenue, 5th Floor  
Lansing, MI 48909  
Telephone: 517-242-9634

Comments on the rules may be made in person at the hearing or by mail or  
electronic mail until Friday, October 15, 2021. The public hearing will be con-  
ducted in compliance with the 1990 Americans with Disabilities Act. Anyone  
needing assistance to take part in the hearing due to disability may call 269-  
337-3744 to make arrangements.

BCE-4922593

09/22/2021



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**333 S GRAND AVE-5th FLOOR**

**LANSING, MI 48909**  
**Attention: Mary E. Brennan**

**STATE OF MICHIGAN,**  
**COUNTY OF OAKLAND**

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**Published in the following edition(s):**

Oakland Press	09/23/21
theoaklandpress.com	09/23/21
theoaklandpress.com2	09/23/21

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MICHIGAN DEPARTMENT OF HEALTH AND  
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Michigan Department of Health and Human Services

Size 3 x 6

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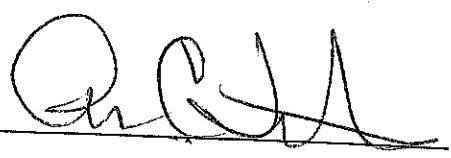
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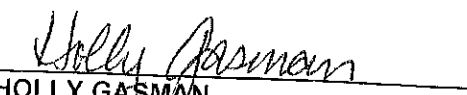
a newspaper published and circulated in said county and otherwise qualified according to Supreme Court Rule; that annexed hereto is a printed copy of a notice which was published in said newspaper on the following date, or dates, to-wit

September 21, 2021



**ANN C. TROUTMAN**

Subscribed and sworn to before me this 21st day of September, 2021.



**HOLLY GASMAN**  
Notary Public for **MARQUETTE** County, Michigan  
Acting in the County of Marquette  
My commission expires: May 25, 2025