

Administrative Rule Analysis



FOSTER FAMILY HOMES AND FOSTER FAMILY GROUP HOMES

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Rule Set No.: 2020-003 HS
Submitted to JCAR on: 02/15/2023

Analysis available at
<http://www.legislature.mi.gov>

Department: Health and Human Services
Agency: Children's Services Agency
Enabling Statute: Child Care Organizations Act, 1973 PA 116, MCLs 722.112, 722.115, 722.120, and 722.124.

Analysis Complete to: 05/01/2023

BACKGROUND AND SUMMARY OF PROPOSED RULES

Rule Set 2020-003 HS would make amendments, rescissions, and additions to rules regarding foster family homes and foster family group homes which are regulated in the Michigan Department of Health and Human Services (DHHS). Specific changes accomplished by the rule set would include the following:

- Revision of definitions.
- Inclusion of rules and definitions regarding treatment of LGBTQ youth and gender expression.
- Revision of rules regarding qualified applicants for foster parents to include recognized Indian tribal members and individuals living on reservations.
- Revision of rules regarding records check procedures to include criminal history, child protective services checks, tribal social services checks. Prohibits individuals who are listed on state central registry from becoming foster parents or live in a household with a foster youth.
- Inclusion of rules requiring youth to be given living and sleeping arrangements that are consistent with their gender identity.
- Revision of rules regarding the required qualifications of foster parents including specific language on acceptance of a child's gender identity and religious expression.
- Inclusion of specific physical discipline language and corporal punishment prohibition language.
- Inclusion of reasonable methods of physical intervention and trauma responsive intervention as a means of behavior management.
- Revision of rules regarding required wheelchair accessibility in the home to include a walker or any other durable medical equipment.
- Revision of fire safety guidelines regarding firearms within the home as well as guidelines for allowing foster children in swimming pools, hot tubs, and other bodies of water.

FISCAL IMPACT OF PROPOSED RULES

2020-003 HS would increase expenditures for the Department of Health and Human Services (DHHS) and local units of government by an indeterminate amount. The fiscal impact of 2020-003 HS would be dependent on an increase of the number of foster parents due to the addition of recognized Indian tribe members as eligible applicants. DHHS provides daily maintenance payments ranging from \$20 to \$25 based on the age of the foster child, along with supplemental funding for children with special needs known as Determination of Care (DOC) payments to licensed foster families and unlicensed relative caregivers. An increase in placements would increase the total amount of maintenance payments and supplemental funding paid out to foster families.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.