

**Michigan Office of Administrative Hearings and Rules**  
**Administrative Rules Division (ARD)**

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Lansing, MI 48909  
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**REQUEST FOR RULEMAKING (RFR)**

**1. Department:**

Health and Human Services

**2. Bureau:**

Children's Services Agency

**3. Promulgation type:**

Full Process

**4. Title of proposed rule set:**

Licensing Rules for Foster Family Homes and Foster Family Group Homes

**5. Rule numbers or rule set range of numbers:**

R 400.9101 - 400.9506

**6. Estimated time frame:**

12 months

**Name of person filling out RFR:**

Mary Brennan

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**7. Describe the general purpose of these rules, including any problems the changes are intended to address.**

These rules address the licensing requirements for foster family and group homes in the state. They provide the minimal standards for qualifications and investigation of prospective and current foster care parents. The rules also address the family or group home standards, including fire safety. The rules were last updated in 2019. Federal law requirements have changed to require model foster home standards 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.

**8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).**

Department Director

**A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).**

Section 2, 1973 PA 116, MCL 722.112, and E.O. No. 2015-4, MCL 400.227.

**B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.**

MCL 722.112(1) requires the Department to promulgate and maintain rules under the Child Care Organizations Act.

**9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.**

The rules do not conflict with similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

**10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?**

A Technical Advisor handbook was created as an explanation for the rules. This handbook will need amendment.

**11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?**

The rules are listed on the department's annual regulatory plan for the current year.

**12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?**

Full Process

**13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.**

The rules do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

**14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.**

The proposed rules incorporate public and private agency recommendations as a result of public forums and the statutorily-mandated workgroup under MCL 722.112.

**15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.**

The rules were last amended in 2019. Neither technology or economic conditions changed the regulatory activity for these rules.

**16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?**

There is a continued need for the rules. Those rules that are obsolete will be rescinded.

**17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.**

No