

PUBLIC HEARING COMMENT FOR 2020-02 HS-Child Placing Age

NAME AND ORGANIZATION	RULE NUMBER	COMMENT	DEPARTMENT'S RESPONSE
Laura Bose, Director Fostering Forward Michigan	R 400.12328	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
Lara Bose, Director Forward Michigan	Fostering R 400.12713	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.
Lara Bose, Director Forward Michigan	Fostering R 400.12403(3)	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.	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.
Katie Page Sander, Executive Director, Hands Across the Waters	R 400.12802	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.
Erin Matuz, Licesning Worker, DHHS	Several Rules	See Comments	Ms. Matuz's comments were not considered. After given the ability to respond to the rule changes internally, and after consultation with ARD, her written comments constitute a conflict of interest, i.e. DHHS is the agency changing the rules and DHHS staff are not the "public". MCL 24.203 defines "agency" as the department or bureau promulgating the rule. MCL 24.205 defines "person" as essentially anyone other than the agency. Communication to Ms. Matuz will be made by the Division of Child Welfare Licensing.

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](#)

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

Erin Matuz, Foster Home Licensing
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From: [Katie Page Sander](#)
To: [MDHHS-AdminRules](#)
Subject: public comment on Child Placing Agency Rules
Date: Thursday, October 14, 2021 10:46:09 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

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To whom it may concern,

I have a question/comment on the CPA Rules under the Inter-country Adoption section.

R 400.12802 Program statement.

(5) Where a child requires readoption in the state of residence where they will be living, the agency will assist in providing a home study and postplacement reports, if appropriate, and will provide orientation to the adoptive family on the basic procedures and steps necessary for the family to go through the process.

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.

Katie Page Sander | *she/her*

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