

# **Administrative Rule Analysis**

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## **FOSTER FAMILY HOMES AND FOSTER FAMILY GROUP HOMES**

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**Department: Human Services**  
**Agency: Division of Child Welfare Licensing**  
**Rule Set No.: 400.9101 – 400.9506**

**Complete to: 9-30-14**

## **BACKGROUND & SUMMARY OF PROPOSED RULES SUBMITTED TO JCAR**

Foster homes provide 24 hour out of home care for youth ordered out of home based on a court order and under the supervision of the Department of Human Services (DHS). Foster homes are supervised by a licensed child placing agency and have to comply with these rules, which are intended to ensure youth placed within the homes are placed in safe settings. These rules include number of children allowed in the home, safety and space requirements, foster family qualifications, and reporting/notification requirements.

DHS relies on both public and private child placing agency licensing workers to help prospective foster parents fill out the forms and perform the home study and evaluation. The Division of Child Welfare Licensing within the Bureau of Child and Adult Licensing within DHS makes the ultimate approval or rejection decision. During FY 2012-13, there were 7,042 licensed foster homes with a capacity of 15,802 youth.

The proposed revisions intend to either align rules with current standards and policies or create new rules.

### Definitions:

The definition of a foster child replaces “foster home” with “out-of-home placement based on a court order or is temporarily placed by a parent or guardian for a limited time in a foster home as defined by the act or has been released by a parent to the department or a child placing agency pursuant to section 22 of 1939 PA 299, MCL 710.22.” and “placed with or committed to the department for care and supervisions by a court order under section 712A.2 of 1939 PA 288, MCL 712A.2”

### Application and Licensing:

The proposed rules codify existing practices that a foster home applicant/licensee resides in the United States legally; attends orientation when transferring a license to another certifying agency; and submits to a Central Registry check concerning child abuse or neglect.

The proposed rules add requirements that a foster home applicant/licensee assist the agency to determine the circumstances surrounding any criminal convictions or arrests for each member of the household, including minor children; treatment received for substance abuse; current substance use; spirituality or religious beliefs; medical history including all treatments and prescriptions; and any past or current mental health treatment.

#### Foster Home:

The proposed rules either codify or clarify the requirement that pools, spas, hot tubs, or ponds are safe and that rescue equipment is available at all times and the requirement to comply safe sleeping requirements.

The proposed rules add the requirement that foster parents notify the agency within 3 business days when a new pet is acquired and that the pet meets existing local ordinances.

#### Foster Care:

The proposed rules remove the requirement that the foster parent is required to provide sufficient and adequately sized clothing, as that is the responsibility of the placing agency rather than the foster parent.

The proposed rules codify the requirement to have and practice emergency evacuation procedures every 4 months and the requirement on storage requirements for firearms.

The proposed rules add the requirement that at least 1 adult member of the household maintains certification in first aid through the American Heart Association or American Red Cross and that the foster parent encourages recreational activities.

#### Reporting and Recordkeeping:

The proposed rules add the requirements that foster parents notify the supervising agency of any revocation or modification of a driver's license; of any renovations to the foster home; and that foster parents return the documents of the foster child to the supervising agency when the foster child moves from the foster home.

### **FISCAL IMPACT OF PROPOSED RULES**

These proposed rule changes should not have a fiscal impact on the state or local units of government. Any training costs related to these rule changes could be incorporated into the public and private agency licensing staff's annual training requirements. It's likely that current appropriations for DHS information technology services and projects can support any needed IT changes. DHS has stated that the costs of new forms and notifications should be the same as the ongoing costs of replenishing the current forms and notifications.

The state does appropriate some funding for home improvements to address barriers to licensure such as bedding or pool safety, but if those funds are exhausted or not available, then those costs would be the responsibility of the foster home applicant/licensee.

The proposed child placing agency rules notes that the agency's foster parent training include American Heart Association or American Red Cross certification, so those costs will be the responsibility of the child placing agency and not the foster parent.

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