

OVERVIEW

Whenever conditions in the child's home would endanger his/her health and safety and services cannot be provided to ensure the child's safety, CPS must take prompt action to remove the child from the home. Such removal should be completed, where possible, with the cooperation and consent of the parents; see PSM 715-1, Removal of the Alleged Perpetrator from the Home and PSM 713-1, CPS Investigation - General Instructions and Checklist, Safety Assessment Overview section for more information on options to prevent removal of a child from the home.



The decision to request the court to authorize emergency removal of a child from his/her home must be based on conditions which immediately threaten the child's health or welfare.

The need for emergency removal must be evaluated prior to contacting the court. Emergency removal is allowable only if the situation is an emergency **and:**

- A child is at imminent risk of harm without removal and services other than removal will not protect the child, or
- Services provided did not eliminate the need for removal.

See NAA 235, Emergency Placement and NAA 240, Non-Emergency Placement for removal of American Indian children.

Reasonable Efforts

Provisions were enacted into federal law in the Adoption Assistance and Child Welfare Act of 1980 (42 USC 670 et seq.) and the Adoption and Safe Families Act (ASFA) of 1997 (42 USC 1305 et seq.), as well as Michigan's Probate Code (MCL 701.1 et seq.), that require judicial oversight when a child is removed from his/her home. These provisions require a judicial determination that reasonable efforts have been made by the supervising department/agency. The types of reasonable efforts which must be made by the department differ depending on the status of the child. The four types of reasonable efforts determinations are to:

1. Prevent removal.
2. Make it possible for the child to return home.
3. Find reasonable efforts are not reasonable.
4. Finalize the permanency plan.

All dispositional and review hearing court orders must include a finding by the court that there have been reasonable efforts to prevent or eliminate the need for removal of the child from his/her home, to make it possible for the child to return to his/her home or to arrange an alternative permanent placement for the child (for example, adoption). The court may also determine that making such efforts is not reasonable. The types of orders listed above that are applicable to CPS are #1 and #3.

To Prevent
Removal

These requirements were enacted into federal law and state law to ensure that no child would be placed in foster care who could be protected in his/her own home. Consequently, there must be a judicial determination that “reasonable efforts” were made, prior to removal, to maintain the child in his/her own home. This means that services must be provided to families by CPS to prevent the removal and foster care placement of the child who could be protected in his/her home. When the child is removed in an emergency because of imminent risk of harm to the child’s health or welfare and there is no reasonable opportunity to provide services, the court may determine that “reasonable efforts” were not possible to prevent removal and a lack of efforts was reasonable.

The CPS worker must document:

1. The reasonable efforts provided to the family to prevent removal of the child from his/her home

OR

why it was not possible to provide reasonable efforts to the family prior to removal.

2. The likely harm to the child if separated from the parent(s), guardian or custodian.
3. The likely harm to the child if returned to the parent(s), guardian or custodian.

Note: Active efforts must be made to prevent removal for American Indian children; see NAA 235, Emergency Placement and NAA 240, Non-Emergency Placements for removal of American Indian children.

When Reasonable Efforts are Not Reasonable

The court may find that making efforts to reunify the family or keep the family together is not reasonable. Each case must be evaluated to determine if efforts to reunify the family are reasonable. A mandated petition for termination of parental rights is not itself a reason for not providing services to reunify the family. A worker in consultation with his/her supervisor, should discuss those cases in which it does not seem reasonable to provide services for reunification.

The DHS-154, Investigation Report, and the DHS- 152, Updated Services Plan, must contain clear documentation of the reasons why the department believes that providing services towards reunification is not reasonable.

PERMANENCY PLANNING CONFERENCES (PPC)



Permanency planning conference (PPC) represents a family-centered, strength-based and team-guided decision-making process designed to produce the optimal decisions concerning a child's safety, placement and permanency. PPC meetings include child welfare staff, parents, caretaker(s), the child's foster parents and may also include extended family, friends, neighbors, community-based service providers, community representatives, or other professionals involved with the family. Parents and the child(ren) are encouraged to invite family, friends and/or other people whom they view as supportive or influential in their lives.

During the PPC, participants work together to create a plan for safety, placement and permanency tailored to the individual needs of each child. This process establishes a forum to share ideas and opinions, embraces the importance of the family's perspective and involvement, stresses full participation of all attendees, encourages honest communication, and promotes dignity and respect for all participants.

Events Requiring a PPC

PPC meetings are conducted to make or recommend critical case decisions. Various circumstances or events and stages of a case progression mandate PPC meetings occur within the required time frames as outlined below:



- **Emergency removal.** The CPS worker must make a PPC referral immediately when a child is removed from his/her home. The PPC staff must schedule the PPC meeting no later than the next business day. The emergency removal PPC meetings must occur prior to completion of the preliminary hearing when possible.
- **Considered removal.** The assigned worker must consult with the supervisor whenever the removal of a child from a parent's or guardian's home is in question. If the worker and supervisor decide to request removal of the child from the home, the PPC referral must be made immediately. PPC staff must schedule the PPC meeting within two business days of the referral. The PPC meeting must be held prior to removal and placement of the child, unless an emergency occurs.

PPC meetings may be conducted for reasons beyond the scope of CPS involvement such as changes in foster care placement, reunification from foster care, and a permanency goal change. CPS workers must make an effort to participate in these meetings if invited.

COURT ORDERED REMOVAL OF CHILD FROM HOME

When it is necessary to remove a child from his/her home, the Family Division of Circuit Court must be contacted immediately for written

authorization of removal and to arrange placement, or authorize the department to arrange for placement. The Legal module of SWSS CPS must be completed. Under Removal Reasons, document why it is contrary to the welfare of the child to remain in the home and what reasonable efforts were made to prevent removal.

Note: Consider requesting the court to order the alleged perpetrator out of the home; see PSM 715-1, Removal of the Alleged Perpetrator from the Home.

See PSM 713-8, Special Investigative Situations, Coordination with Friend of the Court, for requirements on determining if the family has an open Friend of the Court (FOC) case when a petition is filed and notifying FOC when there is a change in a child's placement.

The Family Division of Circuit Court in each county should designate an official of the court to be available after hours (nights, weekends, and/or holidays) to provide written authorization for removal and placement of a child in out-of-home care in emergency situations. If the designated official is not available, contact local law enforcement and request assistance in taking the child into custody. Law enforcement may remove a child temporarily without court authorization; see Michigan Court Rule 3.963(A) and the Probate Code of 1939, MCL 712A.14(1).



Note: Do not take any child into custody or arrange emergency placement without a **written** court order authorizing the specific action (even when law enforcement takes the child into custody without court authorization).

The local office must have formal written agreements with the Family Division of Circuit Court, local law enforcement, and with shelter care resources, so that written emergency authorization of removal and placement can be completed without delay.

Assistance from Law Enforcement

Law enforcement can and should play a role in removal when the situation requires their assistance. Assistance from law enforcement must be requested when:



- A written court order has been obtained and the parents refuse to allow the child to be removed.
- A child's life or safety is in immediate danger because of the parent's condition or because a young child is alone and no parent or other responsible person can be located.
- The child is behind closed doors and it is necessary to secure forcible entry to determine the child's safety.
- A crime is being committed (for example, methamphetamine lab, domestic violence.)

- A child or worker may need protection against bodily harm.

LIMITATIONS ON NUMBER OF CHILDREN IN FOSTER HOME

A child must not be placed in a foster or relative home if that placement would result in one of the following:

- More than three foster children in that home. (A foster child who turns 18 while residing in the home and continues to reside in the home to receive care, maintenance, training, and supervision must be counted as a child for this rule.)
- A total of six children, including the foster/relative family's children.
- More than three children under the age of three residing in the home.

Exceptions to these limitations may be made when it is determined to be in the best interest of the child(ren) being placed. Exceptions cannot be given for increases to licensing capacity or other licensing rules for licensed foster homes except as outlined in foster home licensing rules.

When an exception to the limitation on the number of children in a home is needed, see FOM 722-3, Foster Care - Placement/Replacement, for more information on the exception request and approval process.

Note: Placement cannot be made until the exception approval process is complete.

PLACEMENT WITH SIBLINGS

If it is in the best interest of siblings to be placed together, an exception to the limitation on the number of children in a foster/relative home can be requested, as outlined above. All siblings who enter foster care at or near the same time must be placed together, unless:

- One of the siblings has exceptional needs that can be met only in a specialized program or facility.
- Such placement is harmful to one or more of the siblings.
- The size of the sibling group makes a joint placement impractical, notwithstanding diligent efforts to make a joint placement.

Reasonable Efforts to Place Siblings Together

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) requires that reasonable efforts are made to ensure siblings are placed into the same out-of-home placement. If the sibling group is not placed into the same out-of-home placement, the efforts made must be documented in Question 4 of the

Transfer Needs/Services tab of the Transfer to Foster Care module in SWSS CPS.

Exception: Reasonable efforts to place siblings together are required unless the placement would be contrary to the safety or well-being of any of the siblings. The reasons why must also be documented in Question 4 of the Transfer Needs/Services tab of the Transfer to Foster Care module in SWSS CPS.

PLACEMENT WITH NON-CUSTODIAL PARENTS AND RELATIVES

A removal must be facilitated with an evaluation of placement with the non-custodial parent and the parents' and child's input on the potential for placement with a relative.

Non-Custodial Parents

When CPS evaluates placement with the non-custodial parent, CPS must complete the following **as soon as possible but within 24 hours or the next business day:**

- Central registry clearance on all members of the household that are age 18 or older.
- Criminal history check on all household members.
- A home visit.
- Risk assessment and family assessment of needs and strengths on the non-custodial parent's household; see PSM 713-11, Risk Assessment, and PSM 713-12, Family and Child Assessments of Needs and Strengths, sections for more information on completing these assessments.

Unless ordered by the court, children must not be placed in the home of the non-custodial parent if:

- Any adult household member has a **felony** conviction for any of the following:
 - Child abuse/neglect.
 - Spousal abuse.
 - A crime against a child or children (including pornography).
 - A crime involving violence, including rape, sexual assault or homicide.
- Physical assault or battery for which there is a felony conviction in the last five years.
- A drug related offense for which there is a felony conviction in the last five years.

- An adjudicated sex offender (adult or juvenile) resides in the home.

If a member of the household has a felony conviction for physical assault, battery or a drug-related offense from more than five years ago, evaluate this information to determine whether or not there are safety issues that must be addressed. Document the rationale and obtain signature approval from a county director or district manager **before** allowing a child to be placed in the non-custodial parent's home. This documentation must describe and support the basis for the approval, and why the child is safe in the non-custodial parent's home.

If a member of the household is listed on central registry, evaluate this information to determine whether or not there are safety issues that must be addressed. Document the rationale and obtain signature approval from a supervisor **before** allowing a child to be placed in the non-custodial parent's home. This documentation must describe and support the basis for the approval, and why the child is safe in the non-custodial parent's home.

The results of the clearances and assessments outlined above must be documented in the DHS-154, or the current DHS-152, Updated Services Plan. The documentation should include whether placement with the non-custodial parent is appropriate and why and any services that will be provided to the non-custodial parent to ensure the child's safety.

Relatives

Identification of and Notice to Relatives

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) requires that within 30 days of removal, diligent efforts must be made to identify and provide notice that a child is in foster care to all adult relatives, including:

- Maternal and paternal grandparents.
- Maternal and paternal aunts.
- Maternal and paternal uncles.
- Adult siblings of the child.
- Other relatives the parent requests be provided notification.

CPS must begin the relative search prior to transferring the case to foster care. The CPS worker must, at a minimum, ask the parents and age-appropriate children to identify the paternal and maternal relatives listed above. The CPS worker must send the following to all identified relatives:

- DHS-990, Relative Notification.
- DHS-989, Relative Response.
- DHS-988, Relative Search Information.

When CPS receives responses from the relatives via the DHS-989, DHS-988 or other form of contact, CPS must forward copies the forms and any additional information to the assigned foster care worker within three business days of receipt. CPS must document the results of the relative search on the DHS-987, Relative Documentation form. The DHS-991, Diligent Search Checklist, is a guide that may be used to assist the worker in the search for relatives.

Copies of DHS-990, DHS-989, DHS-988, DHS-987, and DHS-991 must be filed in the case record; see PSM 712-8, CPS Intake Completion, Case Record Organization. A copy of the DHS-987 must also be provided to foster care upon transfer of the case; see PSM715-4, CPS Coordination with Foster Care, Transfer to Foster Care Module in SWSS CPS.

Assessment of Relative's Home Prior to Placement

When children must be removed from their home and placed in court ordered out-of-home care, preference must be given to placement with a relative if the relative family:

- Meets the requirements outlined in the Initial Relative Safety Screen, DHS-588.
- Meets the needs of the child.
- Keeps siblings together.
- Lives in close geographic proximity (within 75 miles) to where the child was living at the time of removal, unless it is in the best interest of the child to be placed with a relative in another location.

Note: No child can be placed with an **unrelated caregiver** unless the unrelated caregiver is licensed. Placement cannot occur until the licensing process is complete.

Prior to the initiation of a placement with a relative, the worker must discuss the following with the potential relative placement:

- The service plan for the child and parent(s).
- The long-term goal and the needs of the child that must be met if placed in their home. (This discussion will determine if the relative is willing and able to meet the needs of the child.)

Basic Safety Assessment

Prior to placement of a child with an unlicensed relative, a basic safety assessment must be completed utilizing the DHS-588. Child welfare funding specialists can assist in completing the basic safety assessment; see FOM 722-3, Foster Care - Placement/Replacement, for more information on the steps the child welfare funding specialists can complete. The basic assessment consists of:

- A home visit.

- A statewide criminal history clearance on all members of the household including adolescents and children.
- Central registry clearance on all members in the household 18 years of age and older.
- Discussion regarding licensure.

Upon placement, the relative must be provided with a copy of Relative Caregiver Resources & Responsibilities, DHS-Pub-457.

Within 10 days of placement, the assigned foster care worker must discuss licensure with the relative caregiver. See FOM 722-3, Foster Care - Placement/Replacement for more information on the responsibilities of the foster care worker.

Note: The requirement of relative licensing is optional for children who are American Indian as defined by the Indian Child Welfare Act. See NAA 200, Identification of an Indian Child and NAA 215, Placement Priorities for Indian Children.

Placement is Prohibited

Placement is **PROHIBITED** if:

- Any member of the household (adult or juvenile) has a felony conviction for any of the following:
 - Child abuse/neglect.
 - Spousal abuse.
 - A crime against a child or children (including pornography).
 - A crime involving violence, including rape, sexual assault or homicide.
- Physical assault or battery for which there is a felony conviction in the last five years.
- A drug related offense for which there is a felony conviction in the last five years.
- An adjudicated sex offender (adult or juvenile) resides in the home.
- An adult member of the household is listed as a perpetrator of abuse or neglect on central registry.

If a member of the household has a felony conviction for physical assault, battery or a drug-related offense from more than five years ago or any other conviction that requires further assessment, evaluate this information to determine whether or not there are safety issues that must be addressed. Document the rationale and obtain signature approval from a county director or district manager **before** allowing a

child to be placed in the relative's home. This documentation must describe and support the basis for the approval, and why the child is safe in the relative's home.

MEDICAL NEEDS OF CHILDREN IN FOSTER CARE

A child's present health status and medical needs must be documented and addressed from the onset of a child's placement into foster care. CPS must make every effort to obtain the medical information outlined in the SWSS CPS Transfer to Foster Care module, Medical tab and Question in the Transfer Needs/Services tab as preparation for placement.

CHILDREN ARE IN OUT-OF-HOME CARE, BUT SIBLINGS REMAIN AT HOME OR ARE "NEW" TO THE HOME

Before making a final decision on which children will be included in a petition, or whether a petition should be filed when siblings are in foster care, the CPS and foster care supervisor(s) and the worker(s) must make a joint recommendation on which children are to be included in the petition. The recommendation must be reviewed by a second line supervisor. If either the CPS and FC supervisors, and/or the second line supervisor, disagree(s) on the recommendation, the final decision must be made by initiating a case review.

Case Review When Children Placed and Siblings Home

In order to reach a joint CPS/FC recommendation, a formal case review may be helpful. This case review should be chaired by someone with no direct responsibility for the case, whenever possible. **The assigned CPS worker and supervisor, the assigned foster care worker and supervisor, and, if applicable, the private agency foster care worker and supervisor, as well as any other appropriate parties, must be present at the case review.**

After a review of the information and discussion, a decision must be made to either:

- Allow the child to remain in the home with appropriate services (for example, Family Preservation Services, Families First) and a safety plan.
- Determine that a petition for removal must be filed immediately by CPS.

A DHS-3, Sibling Placement Evaluation, form must be completed on all cases in which a child remains in the home when sibling(s) has/have been removed or sibling(s) are/were permanent wards as a result of a

child abuse/neglect (CA/N) court action. See PSM 713-8, Special Investigative Situations, Child(ren) Currently in Out-Of-Home Placement/ Prior Termination of Parental Rights section for more information on completing the DHS-3.

**CASE RECORD
DOCUMENTATION
WHEN CHILD
REMOVED**

Appropriate documentation must be completed whenever removal of a child is requested.

- In an emergency removal with no services provided, the DHS-154 or USP and the Transfer to Foster Care section of SWSS CPS must indicate why no services were provided to the family prior to removal of the child which would make it possible for the child to remain home.

Specifically identify the facts which indicate imminent risk of harm to the child.

- If services were provided prior to the removal, the DHS-154 or USP and the Transfer to Foster Care section of SWSS CPS must identify the services provided by the department to the family in an effort to prevent the need for removal of the child from the home. Documentation must indicate why services did not eliminate the need for removal.

**PAYMENT
ARRANGEMENTS**

Payment resources, eligibility and procedures for foster care placements are described in the FOM 900 section.