

Michigan Office of Administrative Hearings and Rules

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**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

1. Agency Information

Agency name:

Health and Human Services

Division/Bureau/Office:

Children's Services Agency

Name of person completing this form:

Mary Brennan

Phone number of person completing this form:

517-284-4850

E-mail of person completing this form:

BrennanM@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Mary Brennan

2. Rule Set Information

MOAHR assigned rule set number:

2020-3 HS

Title of proposed rule set:

Licensing Rules for Foster Family Homes and Foster Family Group Homes

3. Purpose for the proposed rules and background:

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.

4. Summary of proposed rules:

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These rules address the licensing requirements for child placing agencies and foster family and group homes in the state. They provide the minimal standards for staff qualifications, licensing requirements of prospective foster parents and the foster homes, and requirements for LGBTQ youth placement. 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.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

Oakland Press, September 23, 2021; Marquette Mining Journal, September 21, 2021; Battle Creek Enquirer, September 22, 2021

6. Date of publication of rules and notice of public hearing in Michigan Register:

10/1/2021

7. Date, time, and location of public hearing:

10/12/2021 12:00 PM at Grand Tower-Dempsey Room , 235 S. Grand Avenue, First Floor, Lansing, MI 48933

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=131>

9. List of the name and title of agency representative(s) attending public hearing:

Angela Hull, Manager, Division of Child Welfare Licensing; Jessica VandenHeuvel, Manager, Division of Child Welfare Licensing

10. Persons submitting comments of support:

Lara Bouse, Director, Fostering Forward Michigan; Shannon Chatman, Licensing Supervisor, Ennis Center; Erin Matuz, DHHS

11. Persons submitting comments of opposition:

No opposition, but questions for clarification

12. Persons submitting other comments:

None

13. Identify any changes made to the proposed rules based on comments received during the public comment period:

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	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for Rule Change and Description of Change(s) Made	Rule number & citation changed
1	Lara Bouse, Director, Fostering Forward Michigan	In regards to Rule 400.9306, Bedrooms, we are concerned about an inconsistency between subrule (c) and (d). Subrule © made changes to the requirements regarding walls, ceilings, and floors. Subrule (d) did not indicate a change to the latchable door requirement. We are under the impression that this is because of fire and possible carbon monoxide safety issues, that these two things seem inconsistent and might pose a barrier to foster homes knowing how to be in compliance with this entire rule set for bedrooms. And we would like the Department to do further research and determine whether latchable doors are still necessary. We like the removal of the added requirements in subrule (c).		DHHS agrees there is a conflict between the two subrules. The original language requiring floor to ceiling walls is reinstated. The issue of latchable doors was brought up during a meeting with LARA Fire Regulations Division who indicated this is the proper language to ensure ingress and egress are safe for the foster child and family.	R 400.9306

14.Date report completed:

2/9/2022