

Licensing Rules For Foster Family Homes and Foster Family Group Homes For Children

Effective Date: 1/10/2020



Division of Child Welfare Licensing

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MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES
Division of Child Welfare Licensing

CHILDREN'S FOSTER HOME LICENSING RULES

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MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD WELFARE LICENSING

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

Filed with the Secretary of State on January 3, 2020

These rules take effect 30 days after filing with the Secretary of State.

(By authority conferred on the director of the Michigan Department of Human Services by sections 2, 5, 10, and 14 of 1973 PA 116, and the Executive Reorganization Orders No. 1996-1, No. 1996-2, 2003-1 and 2004-4, MCL 722.112, 722.115, 722.120, 722.124, 330.3101, 445.2001, 445.2011 and 400.226 of the Michigan Compiled Laws)

R 400.9101, R 400.9201, R 400.9202, R 400.9203, R 400.9205, R 400.9206, R 400.9207, R 400.9301, R 400.9306, R 400.9308, R 400.9309, R 400.9401, R.400.9403, R 400.9404, R 400.9406, R 400.9408, R 400.9409, R 400.9410, R 400.9411, R 400.9412, R 400.9413, R 400.9414, R 400.9415, R 400.9416, R 400.9417, R 400.9418, R 400.9419, R 400.9501, R 400.9502, R 400.9503, R 400.9504 and R 400.9506 of the Michigan Administrative Code are amended. R 400.9310 and R 400.9420 are added to the Code. R 400.9199 is rescinded.

PART 1. GENERAL PROVISIONS

R 400.9101 Definitions.

Rule 101. As used in these rules:

- (a) "Act" means 1973 PA 116, MCL 722.111.
- (b) "Agency" means the child placing agency that certifies the foster home for licensure by the department.
- (c) "Corporal punishment" means hitting, paddling, shaking, slapping, spanking, or any other use of physical force as a means of behavior management, except as provided in R 400.9404(2).
- (d) "Department" means the Michigan Department of Human Services.
- (e) "Family member" means foster parents, foster children, and members of the household.
- (f) "Foster care" means the care, training, protection, and supervision of a foster child.
- (g) "Foster child" means a person who meets all of the following criteria:
 - (i) Resides in an out-of-home placement based on a court order or is temporarily placed by a parent or guardian for 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 288, MCL 710.22.
 - (ii) Is either of the following:
 - (A) Placed with or committed to the department for care and supervision by a court order under section 712A.2 of 1939 PA 288, MCL 712A.2.
 - (B) Is eighteen years of age or older, was in foster care prior to turning eighteen, and agrees to remain in care following termination of court jurisdiction.
- (h) "Foster home" means a foster family home or foster family group home as defined in section 1 of the act.
- (i) "Foster parent" means the person or persons to whom a foster home license is issued.
- (j) "Infant" means a child between birth and 12 months of age.
- (k) "Member of the household" means any person, other than foster children, who resides in a foster home or is in the home on an ongoing or recurrent basis.
- (l) "Substantial noncompliance" means repeated violation of the act or an administrative rule promulgated under the act, or noncompliance with the act, a rule promulgated under the act, or the

terms of a license that jeopardizes the health, safety, care, treatment, maintenance, or supervision of individuals receiving services or, in the case of an applicant, individuals who may receive services.

(m) "Substitute care" means care that is provided to a foster child when the foster parent is not present or not available.

(n) "Willful noncompliance" means, after receiving a copy of the act, the rules promulgated under the act, and a copy of the terms of the license if applicable, an applicant or licensee knows or had reason to know that his or her conduct is a violation of the act, the rules promulgated under the act, or the terms of the license.

History: Eff. January 1, 2001, Am. Eff. March 1, 2007, Am. Eff. June 21, 2011, Am. Eff. January 5, 2015.

R 400.9102 Rule variance.

Rule 102. (1) The department may grant a variance from an administrative rule if all of the following provisions are satisfied:

- (a) The agency and the foster parent have reviewed and agreed with the request.
- (b) The agency requests the variance, in writing, from the department.
- (c) The proposed variance from the rule assures that the health, care, safety, protection, and supervision of a foster child are maintained.

(2) The decision of the department, including the conditions for which the variance is granted, shall be entered upon the records of the department and a signed copy shall be sent to the agency and the foster parent. The variance may be time-limited or may remain in effect as long as the foster parent continues to assure that the health, care, safety, protection, and supervision of foster children are maintained.

History: Eff. January 1, 2001.

R 400.9199 Rescinded.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

PART 2. APPLICATION AND LICENSING

R 400.9201 Foster home applicant/licensee qualifications.

Rule 201. A foster home applicant or licensee shall meet all of the following qualifications:

- (a) Be 18 years of age or older.
- (b) Be of good moral character.
- (c) Express a willingness to provide care for children who are served by the agency.
- (d) Demonstrate an understanding of the care which must be provided to the children served by the agency.
- (e) Express a willingness to learn how to provide care to children served by the agency.
- (f) Have adequate time to provide care and supervision for the children.
- (g) Have a defined legal source of income, and be capable of managing that income, to meet the needs of the foster family.
- (h) Be of such physical, mental, and emotional health to assure appropriate care of children.
- (i) Express a willingness, and demonstrate the ability, to work with a foster child's family or future family.
- (j) Be of responsible character and be suitable and able to meet the needs of children and provide for their care, supervision, and protection.
- (k) Demonstrate a willingness and ability to comply with the licensing rules for foster homes.
- (l) Be residing in the United States legally.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9202 Member of household qualifications.

Rule 202. (1) To assure the safety and welfare of a foster child, a member of the household shall meet all of the following qualifications:

- (a) Be of good moral character and suitable to assure the welfare of children.

- (b) Be in a state of physical, mental, and emotional health that will not impair the care of a foster child.
- (c) Be willing to accept a foster child into the foster home as a member of the household.
- (d) Be residing in the United States legally.
- (2) Any adult member of the household who provides care for foster children shall also meet the qualifications specified in R 400.9201.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9203 Orientation.

Rule 203. Before completing and submitting an application for an original license or transferring a license to another certifying agency, each applicant/licensee for a foster home license shall attend orientation pursuant to R 400.12307.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9204 Application submission.

Rule 204. (1) A foster home applicant shall complete, sign, and submit an application within 30 days of receiving an application. If an application is not submitted within 30 days of receipt, the application shall be considered withdrawn.

- (2) In a 2 caregiver household, both caregivers shall sign the application.

History: Eff. January 1, 2001

R 400.9205 Records check.

Rule 205. (1) A foster home applicant/licensee shall provide the agency with the name of, and a signed release to obtain any of the following information about, each adult member of the household, including children who turn 18 years of age while living in the home:

- (a) Conviction of a crime other than a minor traffic violation.
- (b) Involvement in substantiated abuse or neglect of a child or adult.
- (c) Placement on court-supervised parole or probation.

(2) By the next working day after another adult moves into a currently licensed foster home, or upon the request of the agency, a foster parent shall provide the agency with the name of the adult and a signed release to obtain the information required in subrule (1) of this rule.

(3) If an applicant, licensee, or adult household member is identified on central registry as a perpetrator of child abuse or neglect in this state or any other state or Canadian province, he or she shall not be licensed or reside in a licensed foster home.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9206 Foster home evaluation.

Rule 206. A foster home applicant/licensee shall do all of the following:

(a) Allow the agency reasonable access to the foster home for licensing and foster child supervision purposes.

(b) Truthfully assist the agency in determining all of the following:

(i) Marital and family status and history, including current and past level of family functioning and relationships and any incidents of domestic violence or abuse, either as a perpetrator or victim.

(ii) The circumstances surrounding any criminal convictions or arrests for each member of the household, including minor children.

(iii) Educational history and any special skills and interests.

(iv) Employment history, current financial status, including property and income, money management skills and outstanding financial obligations.

(v) Physical, mental, and emotional health of each member of the household.

(vi) Any history of substance abuse, including alcohol, drugs, or controlled substances, by each member of the household and a description of any treatment received.

(vii) Current substance abuse, including alcohol, drugs, or controlled substances, by each member of the household and a description of any treatment currently being received.

(viii) Parenting skills and attitudes toward children.

(ix) Methods of discipline of children.

- (x) Adjustment and special needs of the applicant's own children, including children not living in the home.
- (xi) Strengths and weaknesses of each member of the household.
- (xii) Experiences with own parents and any history of out-of-home care.
- (xiii) Family's perception of the purpose of foster care.
- (xiv) Reason for applying to be a foster family.
- (xv) Previous licenses or experience in providing child foster care, child day care, or adult foster care.
- (xvi) Willingness of each member of the household to accept a foster child with the child's individual characteristics, needs, and background.
- (xvii) Willingness to parent cross-racially or cross-culturally and to create an atmosphere that fosters the racial identity and culture of a foster child.
- (xviii) Willingness and ability to give a foster child guidance, love, and affection and accept the child as a member of the household.
- (xix) Willingness and ability to work with a foster child's birth family and to understand the foster child's attachment to the birth family.
- (xx) Understanding of and willingness to participate in concurrent planning.
- (xxi) Existence of a social support system including alternate care providers.
- (xxii) Spirituality or religious beliefs.
- (xxiii) Safety and maintenance of the applicant's house and property, including but not limited to: sufficient beds and sleeping space, pets, guns and other weapons, and water hazards.
- (xxiv) Assessment of the neighborhood, schools, community, and available resources.
- (xxv) The age, number, gender, race, ethnic background, and special characteristics of children preferred by the applicants.
- (c) Provide the agency with all of the following:
 - (i) Three current references from persons not related to the applicants.
 - (ii) A medical history that includes all treatments and all prescriptions used by each member of the household.
 - (iii) A medical statement that includes all treatments and all prescriptions and medications being used by each member of the household that indicates that the member has no known condition which would affect the care of a foster child. The statement shall be signed by a physician, physician's assistant, or nurse practitioner within the 12-month period before licensure.
 - (iv) A statement regarding any past and/or current mental health treatment or counseling by any member of the household.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9207 Foster home reevaluations and special evaluations.

Rule 207. A foster parent shall do all of the following:

- (a) Allow the agency reasonable access to the foster home for licensing and foster child supervision purposes.
- (b) On an ongoing basis, provide all changes to the factual information contained in the initial evaluation and subsequent evaluations.
- (c) Share information on family functioning and interrelationships.
- (d) Provide a preference for receiving children in placement, including the characteristics, age, sex, race, ethnic background, and number of children the foster parents would not wish to accept in placement.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

PART 3. FOSTER HOME

R 400.9301 Maintenance.

Rule 301. (1) A foster parent shall ensure that the property, structure, premises, and furnishings of a foster home are constructed and maintained in a clean and safe condition and in good repair.

- (2) A foster parent shall ensure that the property, structures, premises, and furnishings are

adequately constructed and maintained to meet the needs of each foster child and each member of the household.

(3) A foster parent shall ensure that all animals are safe to be around members of the household and the children who may be placed in the home. The foster parent shall notify the agency within 3 business days when new pets are acquired. Animals shall be licensed and vaccinated in accordance with the laws of the municipality where the foster home is located.

(4) Before using a residential pool, spa, or hot tub, the foster parent shall ensure that the water is clean, safe, and sanitary.

(5) Children must be adequately supervised at all times around any water activity.

(6) If there is a residential pool, spa, hot tub, pond, or other body of water on the premises, rescue equipment shall be available at all times. There shall be an alarm on any exterior door that leads directly to the pool, spa, hot tub, pond, or other body of water.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9302 Heat, light, and ventilation.

Rule 302. (1) A foster parent shall ensure that the foster home heat, light, and ventilation is adequate.

(2) A foster parent shall ensure that the foster home windows and doors are screened if used for ventilation.

History: Eff. January 1, 2001.

R 400.9303 Flame and heat-producing equipment; maintenance; inspection.

Rule 303. (1) A foster parent shall ensure that all of the following items are maintained in safe condition:

- (a) Furnace.
 - (b) Water heater.
 - (c) Fireplace.
 - (d) Pipes.
 - (e) Radiators.
 - (f) Wood-burning stoves.
 - (g) Other flame-producing or heat-producing equipment.
- (2) Portable heating devices may be used for up and awake activity, except in bedrooms.

History: Eff. January 1, 2001.

R 400.9304 Smoke detectors; carbon monoxide detectors.

Rule 304. (1) A foster parent shall ensure that at least 1 single-station smoke detector that is approved by a nationally recognized testing laboratory is installed and maintained as follows:

(a) On each floor of the home, including the basement.

(b) Between the sleeping area and the rest of the home. In a home that has more than 1 sleeping area, a foster parent shall ensure that a smoke detector is installed and maintained to protect each separate sleeping area.

(c) In areas of the home that contain flame or heat-producing equipment other than domestic stoves and clothes dryers.

(2) A foster parent shall ensure that at least 1 carbon monoxide detector that is approved by a nationally recognized testing laboratory is installed and maintained in an area of the home as recommended by the manufacturer.

History: Eff. January 1, 2001.

R 400.9305 Bathrooms; water supply; sewage disposal.

Rule 305. (1) A foster parent shall ensure that the foster home has a minimum of 1 flush toilet, 1 washbasin that has warm and cold running water, and 1 bathtub or shower that has warm and cold running water, all of which shall be in working order.

(2) A foster parent shall ensure that the temperature of water available from outlets accessible to a foster child shall not exceed 120 degrees Fahrenheit.

(3) A foster parent shall ensure that the foster home that provides care to a foster child who regularly requires the use of a wheelchair has bathroom facilities that are readily accessible to the foster child.

(4) A foster parent shall ensure that the foster home water supply is from a source that is approved for a private home by the health authority.

(5) A foster parent shall ensure that all sewage is disposed of through a public system or, in the absence of a public system, in a manner that is approved for a private home by the health authority.

History: Eff. January 1, 2001.

R 400.9306 Bedrooms.

Rule 306. (1) A foster parent shall ensure that bedrooms comply with all of the following provisions:

(a) Provide an adequate opportunity for both rest and privacy and access to adult supervision as appropriate for the age and functioning level of each child.

(b) Have not less than 40 square feet of floor space per person, excluding closets.

(c) Have sufficient space for the storage of clothing and personal belongings.

(d) Have a finished ceiling, floor-to-ceiling permanently affixed walls, and finished flooring.

(e) Have a latchable door that leads directly to a means of egress. As used in this rule, latchable means that the door can be closed and will remain closed until someone opens it. Latchable does not mean lockable.

(f) Have at least 1 outside window that complies with all of the following provisions:

(i) Is accessible to children and caregivers.

(ii) Can be readily opened from the inside of the room.

(iii) Is of sufficient size and design to allow for the evacuation of children and caregivers.

(g) Be free of all of the following:

(i) Household heating equipment.

(ii) Water heater.

(iii) Clothes washer.

(iv) Clothes dryer.

(2) A foster parent shall not use as a bedroom a room that is primarily used for purposes other than sleeping. A foster parent shall not use any of the following as a bedroom:

(a) A hall.

(b) A closet.

(c) A stairway.

(d) A garage.

(e) A shed.

(f) A detached building.

(g) A room or space, including an attic, that is accessible only by a ladder, folding stairway, or through a trapdoor.

(3) A foster parent shall ensure that all bedding and sleeping equipment comply with the standards set forth in the U.S. Consumer Product Safety Commission, Safety Standards for Full Size Baby Cribs and Non-Full Size Baby Cribs; Final Rule 16 CFR Parts 1219, 1220 and 1500 (<http://www.cpsc.gov>) for the age of the child using the equipment and also comply with all of the following conditions:

(a) All blankets shall be appropriate for the weather..

(b) All bedding and equipment shall be in good repair and shall be cleaned and sanitized before being used by another person.

(c) All bedding used by children shall be washed when soiled or weekly at a minimum.

(d) A clean pillow is available for children 2 years of age and older.

(e) Infants, birth to 12 months of age, shall rest or sleep alone in a crib that meets the needs of the infant and the conditions of subdivision (f) of this subrule.

(f) All cribs shall be equipped with all of the following:

(i) A firm, tight-fitting mattress with a waterproof, washable covering.

(ii) No loose, missing, or broken hardware or slats.

(iii) Not more than 2 3/8 inches between the slats.

(iv) No corner posts over 1/16 inches high.

(v) No cutout designs in the headboard or footboard.

(vi) A tightly fitted bottom sheet shall cover the mattress with no additional padding placed between the sheet and mattress.

(g) An infant's head shall remain uncovered during sleep.

(h) Soft objects, bumper pads, stuffed toys, blankets, quilts or comforters, and other objects that could smother a child shall not be placed with or under a resting or sleeping infant.

- (i) Blankets shall not be draped over cribs.
- (j) Infant car seats, infant seats, infant swings, bassinets, highchairs, playpens, pack'n plays, collapsible cribs, collapsible playyards, waterbeds, adult beds, soft mattresses, sofas, beanbags or other soft surfaces are not approved sleeping equipment for children 24 months of age or younger.
- (k) Children 24 months or younger who fall asleep in a space that is not approved for sleeping shall be moved to approved sleeping equipment appropriate for their size and age.
- (l) The foster parent shall have the appropriate number and types of beds/cribs available in the home prior to licensure or a change in terms for all children who will be covered under the terms of the license.

History: Eff. January 1, 2001, Am. Eff. March 1, 2007, Am. Eff. January 5, 2015.

R 400.9307 Exits.

Rule 307. (1) A foster parent shall ensure that there are 2 exits from each floor level used by a family member. A foster parent shall ensure that the exits are remote from each other and that 1 of the exits provides a direct, safe means of unobstructed travel to the outside at street or ground level.

(2) A window may be used as a second exit if it is in compliance with all of the following provisions:

(a) Is accessible to children and caregivers.

(b) Can be readily opened from the inside of the room.

(c) Is of a size and design to allow for the evacuation of children and caregivers.

(3) If a family member occupies a level of a home that is above the second floor, then the building shall have 2 stairways to ground level, at least 1 of which shall provide a direct means of egress to the outside at ground level.

History: Eff. January 1, 2001.

R 400.9308 Telephone.

Rule 308. (1) A foster parent shall ensure that a working telephone is available in the foster home at all times.

(2) A foster parent shall ensure that emergency telephone numbers which follow appropriate agency protocol are within sight of the telephone.

(3) The foster parent shall provide the home telephone number to the certifying agency and shall inform the agency within 24 hours if the number changes.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9309 Wheelchair access.

Rule 309. A foster parent shall ensure that a foster home that provides care to a foster child who regularly requires the use of a wheelchair is wheelchair accessible.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9310 Smoking.

Rule 310. (1) An individual shall not smoke any substance inside the foster home while foster children are placed in the home.

(2) An individual shall not smoke any substance inside a vehicle while transporting foster children.

History: Eff. January 5, 2015.

PART 4. FOSTER CARE

R 400.9401 Child capacity; living arrangement.

Rule 401. (1) Both of the following apply to the capacity of a foster home:

(a) Not more than 8 children under 17 years of age, including children of the foster parents, may live in or receive foster care in a foster home at any given time.

(b) If a foster home is concurrently licensed for child care, the total number of children under 17 years of age, including children of the foster parents, who live in or receive care in the foster home, shall not exceed 12. The foster home shall comply with all applicable licensing rules for both foster homes and child care homes.

(2) All of the following apply to infants:

(a) Not more than 2 children under 1 year of age, including the children of the foster parents, may receive care in a foster home at any time.

(b) Children birth to 12 months of age shall sleep alone in a crib.

(c) An infant shall be placed on his or her back for resting and sleeping.

(d) An infant unable to roll from stomach to back, and from back to stomach, when found facedown, shall be placed on his or her back.

(e) An infant who can easily turn over from his or her back to his or her stomach shall be initially placed on his or her back, but allowed to adopt whatever position he or she prefers for sleep.

(f) For an infant who cannot rest or sleep on her/his back, the foster parent shall have written instructions, signed by a physician, detailing an alternative safe sleep position and/or other special sleeping arrangements for the infant.

(g) The foster parent shall maintain supervision and frequently monitor infants' breathing, sleep position, and bedding for possible signs of distress. Baby monitors shall not be used exclusively to comply with this subdivision.

(4) A child who is nonambulatory and cannot readily be carried by 1 member of the household shall sleep in a bedroom that has a means of exiting at ground level.

(5) A child shall not share a bedroom with a non-parent adult unless 1 of the following conditions exists:

(a) The child and adult are siblings of the same sex.

(b) The child and adult are foster siblings who were sharing the bedroom prior to 1 of them turning 18 years of age.

(c) The child has a special medical need that requires the attention of an adult during sleeping hours.

(6) A minor child, 3 years of age or older, shall not routinely share the same bedroom with a parent.

(7) Children of the opposite gender, any of whom are more than 5 years of age, shall not share the same bedroom.

(8) Each child shall sleep alone in a bed that is sufficient to meet the functioning level, size, length, and other special needs of the child.

(9) Resting or sleeping areas shall have adequate lighting to allow the foster parent to assess children.

History: Eff. January 1, 2001, Am. Eff. March 1, 2007, Am. Eff. January 5, 2015.

R 400.9402 Child placement.

Rule 402. (1) A foster parent shall receive a foster child for care only within the approved placement specifications.

(2) A foster parent shall receive a foster child for care only within the terms of the foster home license.

(3) A foster parent shall receive a foster child for care only from the agency that certified the home or from another agency with the prior approval of the agency that certified the home.

History: Eff. January 1, 2001.

R 400.9403 Foster parent duties.

Rule 403. A foster parent shall carry out each of the following functions:

(a) Cooperate with and assist the agency in the agency's implementation of the service plan for children and their families.

(b) Fully disclose to the agency information concerning a foster child's progress and problems.

(c) Provide written notification to the agency of the need for a foster child to be moved from the foster home not less than 14 calendar days before the move, except when a delay would jeopardize the foster child's care or safety or the safety of members of the foster family.

(d) Maintain a copy of and follow the agency's written policies and procedures for foster parents and foster care, including the policies and procedures for all of the following:

(i) Behavior management as required by R 400.12313.

- (ii) Religion as required by R 400.12314.
 - (iii) Communication as required by R 400.12315.
 - (iv) Education as required by R 400.12409.
 - (v) Personal possessions as required by R 400.12316.
 - (vi) Allowance and money as required by R 400.12317.
 - (vii) Clothing as required by R 400.12318.
 - (viii) Emergencies as required by R 400.12323.
 - (ix) Medical and dental care as required by R 400.12413.
 - (x) Substitute care as required by R 400.12319.
 - (xi) Supervision as required by R 400.12320.
 - (xii) Incident reporting as required by R 400.12322.
 - (xiii) Hazardous materials as required by R 400.12321.
- History:** Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9404 Behavior management.

Rule 404. (1) A foster parent shall follow the behavior management plan developed for each foster child by the child's social services worker.

(2) A foster parent may use reasonable restraint to prevent a foster child from harming himself or herself, other persons, or property or to allow the child to gain control of himself or herself.

(3) A foster parent shall not use corporal punishment for any reason with a foster child.

History: Eff. January 1, 2001, Am. Eff. June 21, 2011, Am. Eff. January 5, 2015.

R 400.9405 Religion.

Rule 405. A foster parent shall follow the agency's religion policy.

History: Eff. January 1, 2001.

R 400.9406 Communication.

Rule 406. A foster parent shall comply with the agency's communication policy.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9407 Education.

Rule 407. A foster parent shall cooperate with the agency to implement the education or training plan for a foster child to ensure that a school-age child attends school or a training program and shall participate with the school or the training program in educational planning.

History: Eff. January 1, 2001.

R 400.9408 Personal possessions.

Rule 408. A foster parent shall comply with both of the following:

(a) Assure that a child has a right to have his or her personal possessions during placement with the foster family or to have them stored in a safe and secure manner when leaving the foster family.

(b) All gifts and clothing that are purchased for the child during placement with the foster family remain the property of the foster child.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9409 Allowance and money.

Rule 409. (1) A foster parent shall follow the agency's policy on allowance.

(2) Any money earned or received directly by the child remains the property of the child.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9410 Clothing.

All clothing the child has when he or she arrives at the foster home and all clothing purchased for the child while in the foster home remains the property of the foster child.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9411 Emergencies.

Rule 411. (1) A foster parent shall follow agency approved written procedures for each of the following emergencies:

- (a) Fire.
- (b) Tornado.
- (c) Serious accident or injury.

(2) A foster parent who provides care for a person who requires assistance to evacuate the home shall follow agency approved written procedures for prompt evacuation.

(3) A foster parent shall familiarize each member of the household, including the foster child according to the child's ability to understand and persons who provide substitute care, with the emergency and evacuation procedures.

(4) A foster parent shall practice emergency evacuation procedures at least 1 time every 4 months.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

Rule 400.9412 Medical and dental care.

Rule 412. (1) A foster parent shall follow and carry out the health plan for a foster child as prescribed by a physician, health authority, or the agency.

(2) A foster parent shall follow agency approved protocols for medical care of a foster child who is injured or ill.

(3) A foster parent shall ensure that all medications, both prescription and nonprescription, are inaccessible to children and properly stored unless there is an alternative direction from the prescribing physician.

(4) A foster parent shall ensure that prescription medication is given or applied as directed by a licensed physician.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9413 Substitute care.

Rule 413. (1) A foster parent shall follow the agency's substitute care policy.

(2) A foster parent shall ensure that appropriate care and supervision are provided for foster children at all times consistent with the child's treatment plan.

(3) A foster parent shall identify a primary substitute caregiver who agrees to follow the policies of the certifying agency.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9414 Unusual incident notification.

Rule 414. (1) A foster parent shall immediately notify the agency of the death of a foster child.

(2) A foster parent shall immediately notify the agency of the removal or attempted removal of a foster child from a foster home by any person not authorized by the agency.

(3) A foster parent shall immediately notify the agency that a foster child is missing.

(4) A foster parent shall notify the agency within 24 hours after the foster parent knows of any of the following:

- (a) Any illness that results in inpatient hospitalization of a foster child.
- (b) Any accident or injury of a foster child that requires medical treatment by a licensed or registered health care person.

(c) A foster child's involvement with law enforcement authorities.

(d) Pregnancy of a foster child.

(e) Incidences of child-on-child abuse.

(f) Involvement with law enforcement by anyone in the home pursuant to a criminal investigation.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9415 Hazardous materials and firearm storage.

Rule 415. (1) Federal standards for a foster family or group home include specific safety requirements for weapons, pools, hot tubs, and spas, as these pose a particular preventable danger to children.

(2) Dangerous equipment and objects, weapons, chemicals, medications, poisonous materials, cleaning supplies, and other hazardous materials that may present a risk to children placed in the foster home must be stored securely and out of the reach of children, as appropriate for the age and functioning level of the children.

(3) Unless carried in the home as permitted by law, firearms and ammunition must be stored as follows:

(a) Firearms must be all of the following:

(i) Locked in compliance with 1 of the following:

(A) By a cable-lock.

(B) By a trigger-lock.

(C) In a gun safe.

(D) A solid metal gun case.

(E) A solid wood gun case.

(ii) Unloaded.

(iii) Separate from ammunition.

(iv) Inaccessible to children.

(b) Ammunition must be stored in a locked location and inaccessible to children.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015, Am. Eff. January 10, 2020.

R 400.9416 Foster parent training.

Rule 416. (1) Each licensed foster parent shall attend training as required by the agency foster parent training plan, totaling to at least 6 clock hours per year.

(2) At least 1 adult member of the household shall have training in and maintain a current certification in first aid from the American Heart Association or the American Red Cross, or other institution approved by the department.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9417 Food and nutrition.

Rule 417. (1) A foster parent shall provide for the nutritional needs of each foster child in the foster home.

(2) A foster parent shall provide a foster child with meals that are nutritious, well-balanced, and of sufficient quantity.

(3) A foster parent shall provide a special diet if a foster child has been prescribed a special diet. Only a licensed physician or other health professional under the supervision of a licensed physician may prescribe special diets.

(4) A foster parent shall allow a foster child to eat with other members of the household.

(5) A foster parent shall serve a foster child the same meals as other members of the household, unless a special diet has been prescribed or unless otherwise dictated by differing nutritional requirements related to the child's age, medical condition, or religious beliefs.

(6) A foster parent shall ensure that refrigeration is used for perishable foods.

(7) A foster parent shall only serve pasteurized milk products to foster children.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9418 Foster child tasks.

Rule 418. A foster child's tasks must be within the child's ability, be reasonable, and be similar to routine tasks expected of other members of the household of similar age and ability.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9419 Recreation.

Rule 419. A foster parent shall provide opportunities for, and encourage a foster child to participate in, a variety of indoor and outdoor recreational activities that are appropriate for the child's age and ability.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9420 Transportation.

Rule 420. (1) All transportation shall be done in a safe, responsible manner.

(2) A foster parent shall ensure that the transportation of the foster child, foster parents, and members of the household is conducted as required by state law regarding transportation in a motor vehicle.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

PART 5. REPORTING AND RECORDKEEPING

R 400.9501 Reporting suspected child abuse or neglect.

Rule 501. (1) A foster parent who has reasonable cause to suspect physical or sexual abuse or neglect of a child shall make a report immediately to the child protective services central intake unit of the department of human services.

(2) If the suspected physical or sexual abuse or neglect occurred in the foster home or to a foster child placed in the foster home, then a foster parent shall make a report immediately to both of the following entities:

- (a) The child protective services central intake unit of the department of human services.
- (b) The agency.

(3) The foster parent shall provide a written report as required by 1975 PA 238, MCL 722.621 to 722.638.

History: Eff. January 1, 2001, Am. Eff. March 1, 2007, Am. Eff. January 5, 2015.

R 400.9502 Reporting foster home changes.

Rule 502. A foster parent shall report to the agency any significant change in the foster home by the next working day from the time a foster parent knows of a change, including any of the following changes:

- (a) A change of employment status of a foster parent.
- (b) Serious illness, injury, or death of a foster parent or a member of the household.
- (c) Changes in household composition.
- (d) Arrests and criminal convictions of a foster parent or member of the household.
- (e) Court-supervised parole or probation of a foster parent or member of the household.
- (f) Admission to, or release from, a correctional facility, a facility, a hospital, or an institution for the treatment of an emotional, mental, or substance abuse problem of a foster parent or member of the household.
- (g) Counseling, treatment, or therapy on an outpatient basis for an emotional, mental, or substance abuse problem of a foster parent or member of the household.
- (h) Any revocation or modification of a driver's license.
- (i) Any major changes or renovations to the structure of the foster home.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9503 License application filing; agency notification.

Rule 503. (1) A foster parent shall notify the agency within 5 calendar days after filing an application for an adult foster care family home license, a family child care home certificate of registration, or a group child care home license.

(2) If the foster home is licensed concurrently as an adult foster care family home or a child care group home or registered as a family child care home, the foster parent shall notify the agency if there is a change in the terms of the adult foster care or child care license or registration.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9504 Change of residence; agency notification.

Rule 504. A foster parent shall inform the agency of any change of residence and submit an application for licensure at the new address not less than 4 weeks before a move.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

R 400.9505 Confidentiality.

Rule 505. (1) A foster parent shall keep information obtained, and records maintained, by the foster parent regarding a foster child and a foster child's parents and relatives confidential and shall release information only to a person authorized by the agency placing the child in the foster home.

(2) The requirements in subrule (1) of this rule shall not prohibit a foster parent from communicating with any person or organization that has a statutory privilege or any person representing the foster parent in a licensing or legal matter.

History: Eff. January 1, 2001.

R 400.9506 Record management.

Rule 506. (1) A foster parent shall maintain a record for each foster child in the home.

(2) The record shall contain all of the following current information:

(a) The child's name and date of birth.

(b) Any known history of abuse or neglect of the child.

(c) All known emotional and psychological problems of the child.

(d) All known behavioral problems of the child.

(e) Circumstances necessitating placement of the child.

(f) Any other known information to enable the foster parent to provide a stable, safe, and healthy environment for the foster child and the foster family.

(g) Date of placement, date of termination of placement, and reasons for termination of placement.

(h) Name, address, and telephone number, including emergency telephone number, of the agency and the agency's social service worker who is currently assigned to the child.

(i) Name, address, and telephone number of the child's physician and dentist.

(j) Written consent authorizing the foster parent to obtain routine, nonsurgical medical care and to authorize emergency medical and surgical treatment.

(k) A report of the child's medical history.

(l) Dates of, and reasons for, medical treatment of the foster child.

(m) Child's behavior management and discipline plan.

(3) A foster parent shall store and maintain each record in a manner to prevent unauthorized access or return the documents to the agency.

(4) When a foster child moves from the foster home, all records regarding that child shall be returned to the agency.

(5) Upon closure of the foster home license, all records provided by the child placing agency shall be returned to the agency.

History: Eff. January 1, 2001, Am. Eff. January 5, 2015.

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