



## Michigan Supreme Court

State Court Administrative Office

**Child Welfare Services**

Michigan Hall of Justice

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Kelly Howard  
Director

### MEMORANDUM

DATE: March 18, 2010

TO: Family Division Judges

FROM: Kelly Howard

RE: Child and Family Services Review (CFSR) Final Report

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Attached is a summary regarding the outcomes of the federal Child and Family Services Review (CFSR) conducted in September 2009. The final CFSR report can be found at: <http://courts.michigan.gov/scao/services/CWS/CFSR-FinalReport2009.pdf> and the more detailed Executive Summary can be found at: <http://courts.michigan.gov/scao/services/CWS/CFSR-ExecSummary2009.pdf>.

The CFSR is a product of the 1997 Adoption and Safe Families Act, which promotes judicial leadership and court/agency collaboration in helping to ensure the safety, timely permanency, and well-being of children in the foster care system. In 2009, Michigan achieved substantial conformity with the systemic factors pertaining to Staff and Provider Training, Agency Responsiveness to the Community, and Foster and Adoptive Parent Licensing, Recruitment, and Retention. The state failed to achieve substantial conformance with the systemic factors pertaining to Statewide Information System, Case Review System, Quality Assurance System, and Service Array and Resource Development. The review noted significant improvements from the 2002 audit, which are identified in the Executive Summary.

The state was assessed an estimated penalty of \$2,800,000; however, this penalty is suspended pending the development and implementation of a Program Improvement Plan (PIP). If the state is successful in meeting the objectives established in the PIP over a defined two-year period, the penalty will be rescinded.

While the CFSR is not principally an evaluation of the court and legal system, development of the PIP requires an evaluation of the court's influence on the state's performance in achieving required standards. It is essential that both the state court, through the Court Improvement Program (CIP), and the local courts provide input into the development of the PIP. The attached summary outlines some initial ideas.

The PIP must be submitted to the federal government by April 27, 2010. The CIP statewide task force will work closely with the Department of Human Services to generate input regarding areas of the plan where the court can impact required outcomes.

Drafts of the actual PIP will be provided as they become available. We welcome any thoughts, ideas, and suggestions you may have regarding this matter. If you have any questions, please contact Jim Novell at (313) 972-3284 or e-mail him at [novellj@courts.mi.gov](mailto:novellj@courts.mi.gov).

Attachment

## 2009 Federal Child and Family Services Review Outcomes Requiring Program Improvement Plan Action

(Court related issues and proposed solutions are reflected in *bold italics*)

### CHILD AND FAMILY SERVICE OUTCOMES

#### **Permanency Outcome #1: Children have permanency and stability in their living situation.**

- Michigan did not meet national data standards for timeliness and permanency of reunification, timeliness of adoptions, and permanency for children in foster care for extended periods.  
*Multiple issues have been identified and are being worked on in the Permanency Forum and within the Permanency Options Workgroup Collaborative. Local courts should be familiar with the concurrent planning process and successful practices used by other states to promote safe and timely permanency.*
- Stability of foster care placement (case review finding).  
*Michigan law was amended in 2008 to require that the court be notified before the child changes placement. The court can impact this permanency measure by enforcing this notice provision and evaluating moves more closely. Regular support for, and involvement of, foster parents in court proceedings may also help identify potential placement problems before it results in removing the child from the foster home.*
- Permanency goal not appropriate (based on case situation and needs of the child) or established in a timely manner (within 30 days of placement).  
*The court can require that the permanency goal be established at the dispositional hearing. The appropriateness of the plan should be addressed at each review, and concurrent planning should be used as appropriate.*
- Termination of parental rights not sought as required by the federal Adoption & Safe Families Act (i.e., petition for TPR if the child has been in foster care for 15 of 22 months, or identify and list compelling reasons in the case plan why termination should not be sought).  
*The court can monitor and hold the agency to this requirement. The court may need to put the compelling reasons on the record or in the order. SCAO may need to draft a court rule requiring this and revise the Permanency Planning Hearing (PPH) order.*
- Permanency plan of Another Planned Permanent Living Arrangement (APPLA). The agency is not following federal guidelines that require compelling reasons in the case plan as to why the other four plans are not being pursued; limit the age of the child assigned to this plan; require a permanent placement to be identified or a permanent relationship with a responsible adult and appropriate services identified in the case plan to ensure successful transition from foster care to independent living.  
*The court should be aware of DHS policy requirements for APPLA and hold the agency accountable to them before approving APPLA as a permanency plan. Again, revision of the SCAO court order may be helpful.*

## **2009 Federal Child and Family Services Review Outcomes Requiring Program Improvement Plan Action**

### **Permanency Outcome #2: Continuity of family relationships and connections preserved.**

- Frequency and quality of parenting time/support of parent-child relationship.  
*Federal judicial consultants, the American Bar Association (ABA), and the National Council of Juvenile and Family Court Judges (NCJFCJ) encourage the court to play a significant role by requiring the agency to provide parenting time consistent with the needs of the child and for promoting timely reunification, despite agency objections and excuses. SCAO should support courts with training and data/research.*
- Frequency and quality of sibling visitation.  
*This is a child well-being issue that the court should monitor.*
- Efforts to maintain important connections for children.  
*This is a child well-being issue that the court should monitor. This becomes important for adoption or guardianship when relatives and other significant persons are not found or engaged in the child's life.*
- Relative searches/placement/absent parent searches in involvement.  
*The court should hold the agency responsible for observing and following the absent parent protocol and conducting a diligent search. The court can assert its authority by questioning respondent parents regarding fathers and relatives.*

### **Well-Being Outcome #1: Families have enhanced capacity to provide for their children's needs.**

- Involvement of parents and children in case planning; parents/youth not signing case plans.  
*Court and parents' attorneys can be more assertive in requiring this. Court may refuse to accept case plans that are not signed by parents.*
- Frequency and quality of casework visits with children to ensure child safety and well-being.  
*Court must actively monitor this to ensure safety and well-being of children under their jurisdiction.*
- Frequency and quality of caseworker visits with parents.  
*The court should monitor this as part of the reasonable efforts finding.*

### **Well-Being Outcome #2: Children receive appropriate services to meet their educational needs.**

- Caseworker contacts and involvement with educational professionals.  
*The jurist and L-GAL can monitor this to ensure that the child's educational needs are being met.*

## **2009 Federal Child and Family Services Review Outcomes Requiring Program Improvement Plan Action**

**Well-Being Outcome #3: Children receive adequate services to meet their physical and mental health needs.**

- Adequate assessment and service provision of mental health needs.  
*Jurist and L-GAL can monitor this. Also, off the bench “judicial leadership” can help ensure that services are available.*

### **SYSTEM OUTCOMES**

**Systems Outcome #1: Statewide Information System.**

- Inadequate system for tracking placement and placement changes.
- Private agency lack of access to system.

**Systems Outcome #2: Case Review System.**

- Involvement of parents and children in case plan development.  
*Again, court/parents’ attorneys/L-GAL should monitor and hold the agency accountable to this.*
- Timeliness in the development and review of case plans, and quality and clarity of written case plans. They are typically too generic.  
*This will require a great deal of collaboration by DHS and the court working together. The case plan is the road map to permanency and must include clear, achievable outcomes and time frames, consistent with the child’s developmental needs, and must clearly state what the parent must achieve and demonstrate to have the child returned home. The court can hold the parent and agency accountable for results with a specific, appropriate case plan.*
- Termination of Parental Rights (TPR) petition is not being filed within Adoption and Safe Families Act (ASFA) timelines, and service plan not listing compelling reasons for not filing (*previously addressed in the permanency section above*).
- Timely and consistent caregiver notification of hearings.
- Caregivers provided opportunity to be heard in hearings.  
*Courts must encourage and accommodate this practice.*

**Systems Outcome #3: Quality Assurance System**

- The state is not operating an identifiable statewide quality assurance system that ensures that children in foster care are provided quality services that protect the health and safety of the children.

## 2009 Federal Child and Family Services Review Outcomes Requiring Program Improvement Plan Action

### **Systems Outcome #4: Service Array and Resource Development**

- Key services are not available to meet the needs of children and families, particularly mental health and substance abuse services.

*Judge Stephen Rideout, our federal judicial consultant, would identify this as an off the bench “judicial leadership” responsibility, involving local and state advocacy by jurists. Conversely, he would agree that it also requires on the bench leadership, requiring the agency to find appropriate services.*