



STATE OF MICHIGAN

OFFICE OF CHILDREN'S OMBUDSMAN
LANSING

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December 8, 2006

The Honorable David Law
State Representative
P.O. Box 30014
Lansing, MI 48909-7514

Re: Richard "Ricky" Holland (aka Richard Gann) (d.o.b. 09/08/97 – Est. d.o.d. 07/01/05)

██████████	Holland	(aka T)	(d.o.b. ██████████)
██████████	Holland	(aka S)	(d.o.b. ██████████)
██████████	Holland	(aka B)	(d.o.b. ██████████)
██████████	Holland	(aka A)	(d.o.b. ██████████)

Dear Representative Law:

Thank you for contacting the Office of Children's Ombudsman (OCO) regarding Ricky Holland and his siblings. The OCO is an independent state agency with authority to investigate cases handled by the Department of Human Services (DHS), adoption agencies, and private child-placing agencies. Our investigations involve children's protective services (CPS), foster care (FC), adoption services (AS), and juvenile justice (JJ).

The Children's Ombudsman Act provides for our office to notify the complainant of the findings and recommendations made by the OCO and any actions taken by the Ombudsman and the DHS or private child-placing agency. This report contains the OCO's findings, recommendations, and the DHS responses. However, the background summary of the report (a compilation of case file documents and other information obtained by the OCO) is not released to complainants.

As you can see, information has been redacted from this closing report. Since legislators are not listed in Section 7 of the Child Protection Law, we are unable to provide you with confidential information contained in the Holland children's CPS file. Additional confidential information has also been redacted from the findings and recommendations in this closing report as required by the Children's Ombudsman Act Section 9(3) and the Adoption Code, namely MCL 710.67(4) and MCL 710.68(21). All redactions from the DHS responses were done by the DHS in accordance with the Adoption Code and applicable state and federal laws.

Please note, however, that Section 7a of the Child Protection Law does allow for the release of confidential CPS information to a standing, select or appropriations subcommittee during closed session. As previously agreed, our full 85+ page report (background summary, findings, recommendations, attachments, conclusion and DHS responses) will be released to the committee once we receive the official request to appear before the committee. The



Children's Ombudsman Act and the Adoption Code require that information derived from a mental health record or an adoption record be redacted from the full report to the committee.

The Office of Children's Ombudsman (OCO) initiated an investigation of this case to determine whether Jackson and Ingham County DHS complied with relevant statutes, rules, and policies in handling cases concerning the Holland children. More specifically, the OCO investigated:

- The Jackson County DHS handling of the foster care cases concerning the [REDACTED] children prior to their adoption by the Hollands.
- The Jackson County DHS handling of the adoption cases concerning the [REDACTED] children.
- The Jackson County DHS handling of the Hollands' Foster Home Licensing case.
- The Jackson County CPS responses to complaints received concerning Mr. and Mrs. Holland.
- The Ingham County CPS responses to complaints received concerning Mr. and Mrs. Holland.

Our investigation included, among other things, review of CPS and FC case files from Ingham County DHS and Jackson County DHS; adoption and foster home licensing files from Jackson County DHS; and documents concerning other foster children placed in the Holland home. The OCO also reviewed relevant law enforcement reports from the Jackson Police Department and the Ingham County Sheriff's Office. The OCO attended part of the preliminary exam concerning the criminal case and reviewed relevant media reports concerning the ongoing criminal proceedings. The OCO conducted interviews with DHS administration, CPS, foster care, licensing, adoption, and Central Office staff. The OCO also conducted interviews with the Ingham County Prosecuting Attorney's Office, the Ingham County Sheriff's Office, attorney for Jackson and Williamston schools, service providers involved with the Hollands, and various collateral sources.

We concluded our investigation and determined that Jackson County DHS and Ingham County DHS did not fully comply with applicable law, rule, and policy during their handling of the CPS, FC, adoption, and FHL cases concerning the Hollands.

As a result of our investigation, the OCO submitted the following specific findings and recommendations to Jackson and Ingham County DHS. The department's responses to each finding and recommendation are also listed below.

CPS Program

OCO CPS Finding 1a:

Regarding the CPS response to the [REDACTED] complaint, the OCO finds Jackson County CPS did not conduct a thorough and comprehensive field investigation, CPS failed to:

- Interview Ricky's [REDACTED]. Policy CFP 713-1 states, "*The investigation of each complaint is to include contacts with the complainant...and other informational sources...for verification of the accuracy of the complaint and clarification of the situation.*"

In the seven months prior to making the complaint, the [REDACTED] met with Ricky regularly and could have provided CPS with relevant information needed to evaluate the complaint allegations.¹

- Conduct a scene investigation. The worker did not observe Ricky's bedroom, his bed, and the dog leash, among other details in the home that were relevant to evaluating the complaint allegation. When CPS visited the home, there was no evidence that the CPS worker (in accordance with forensic interviewing protocol) asked Ricky to show, describe, or recreate what occurred to him.

DHS Response to Finding 1a:

Agree in part. We will respond bullet by bullet.

- The Jackson County CPS worker had contact with several sources that were not documented within the body of the Investigation Summary. The worker contacted the CPS supervisor, the Head Start teacher from the Community Action Agency and the assigned FC worker; however, these contacts were not documented. Policy (CFP 713-1) does not require that the complaint source be contacted as part of the CPS investigation, but rather says:

The investigation of each complaint is to include contacts with the complainant, the family, and other informational sources, as needed, (emphasis added) for verification of the accuracy of the complaint and clarification of the situation. In a child abuse case, contacts are to be made with a physician who may have examined or treated the child.

The CPS worker did not have questions related to the accuracy or clarity of the complaint. However, contact with the [REDACTED] may have resulted in additional information.

- The CPS and licensing workers did complete a review of the alleged scene. The workers viewed the bedroom and the bed and found no evidence that [REDACTED]. The FC licensing supervisor verified that the workers discussed their findings from the scene investigation with him. Both the CPS and licensing workers indicated that they had viewed the [REDACTED] and specifically the [REDACTED].

That said, additional investigative steps should have occurred when the child's disclosure was in direct conflict with the caretaker's denial. This investigation included two separate allegations, 1) that [REDACTED] and 2) that [REDACTED].

While the CPS worker did not discount [REDACTED] disclosure of [REDACTED], the investigation focused on whether or not the [REDACTED] was a result of being [REDACTED]. The worker should have also explored whether he was [REDACTED].

¹ There were no CPS actions or contacts made after [REDACTED]; the Investigation Summary was signed on [REDACTED].

█████ regardless of whether or not there was █████. The investigation should have included both allegations.

OCO CPS Finding 1b:

The OCO finds that CPS improperly discounted Ricky's █████ after Mr. and Mrs. Holland offered explanation(s) for Ricky's █████

Ricky arrived at his █████

Ricky █████

Ricky made █████
CPS documented no information or evidence that Ricky was being untruthful, had reason to lie, was coached, or that his disclosures were not credible. Other than the parents' denial, there was no information or evidence to refute Ricky's █████²

The explanation that Ricky might have received the █████ did not negate █████

DHS Response to Finding 1b:

Agree in part. See DHS Response to Finding 1a, second bullet.

OCO CPS Recommendation 1a:

The OCO recommends DHS develop CPS policy to reflect Child Welfare Institute (CWI) training that emphasizes the need to conduct scene investigations, when applicable, during CPS investigations.

CWI training currently emphasizes the need for CPS workers to observe the scene where the abuse/neglect allegedly occurred, observe any implements alleged to have been involved, and to have parents and children recreate the scene when appropriate.

CPS policy does not specifically require CPS to observe the location (scene) where an alleged injury occurred or the manner in which the child was allegedly injured. Policy simply says that workers must visit a child's home if the allegations have a direct relationship to the home environment. However, allegations may involve abuse that occurred in a location other than the home environment. It may be necessary to conduct scene investigations on a playground, in a particular room, in the waiting room of a doctor's office, in a car, outside, etc. depending upon the allegations and information obtained during the investigation. Policy should also require scene

² CPS seemed to believe that since the parents █████ was disproved. However, even if CPS believed Mrs. Holland's explanation that █████ this did not refute █████ In other words, Ricky could have obtained █████

investigations to include seeking to obtain and/or examine any implements alleged to have been involved.

DHS Response to Recommendation 1a:

Disagree, as applied to this case. In this case, the CPS workers did conduct a scene investigation at the location the abuse was alleged to have occurred. However, the DHS CPS program office has drafted policy that will be incorporated into the CPS manual by 11/01/06, consistent with existing CWI training that instructs CPS workers to observe the scene of the alleged abuse/neglect regardless of whether the scene is in the house or outside of the home environment. Draft policy also instructs the CPS worker to observe any objects alleged to have been used in the abuse, which would include toys, furniture, or other implements.

OCO CPS Recommendation 1b:

The OCO recommends DHS emphasize through policy, practice, and training that before discounting a child's credible disclosure of abuse or neglect, CPS must collect and document evidence that sufficiently discredits the child's disclosure. Policy, practice, and training should emphasize:

- Denial of wrongdoing by the parent is not a sufficient basis for discounting a child's disclosure of abuse/neglect.
- The parent offering an alternative explanation for how the child was injured is not a sufficient basis for discrediting a child's disclosure of abuse/neglect.
- If one part of a child's disclosure is weak, false, or unsupportable, that does not make the rest of the disclosure untrue. For example, in this case, [REDACTED] because [REDACTED] was unable to say for certain how many times [REDACTED]
- Re-interviewing a child should be encouraged if CPS believes it is necessary to clarify statements made during a child's previous disclosure.

DHS Response to Recommendation 1b:

Disagree, as applied to this case. In this case, the CPS and licensing workers did not discount the child's statements rather they focused on the cause of the [REDACTED] and did not fully investigate the allegations [REDACTED]. The workers assessed the child's disclosure in light of the other explanations offered by the child, interviewed other sources, viewed the [REDACTED], completed a home visit and inspected the [REDACTED] and reviewed case history.

That said, DHS CPS program office has drafted policy that will be incorporated into the CPS manual by 9/01/06, stating that parental denial of an incident or the offering of an alternative explanation, in and of itself, is not enough to deny an investigation. Before denying a CPS investigation that includes a child's disclosure of abuse/neglect, there should be evidence or information that the child disclosure was not credible, e.g., the child admitted being untruthful, the child had reason to lie, the child was coached, the child provided different/multiple explanations, or evidence and/or timelines make it impossible for the alleged abuse or neglect to have occurred.

OCO CPS Recommendation 1c:

The OCO recommends that DHS consider changing policy CFP 713-1 to require CPS to contact mandated reporters during a CPS investigation, if the mandated reporter is the reporting source. This would:

- Provide mandated reporters with an opportunity to elaborate/clarify complaint allegations and concerns.
- Educate mandated reporters about other DHS child welfare program staff to whom concerns can be reported/discussed, such as foster care, foster home licensing, and adoption staff, when complaint allegations do not meet the CPS definition of child/abuse neglect.

DHS Response to Recommendation 1c:

Agree. The DHS CPS program office has drafted policy that will be incorporated into the CPS manual by 11/01/06, requiring the CPS worker assigned to investigate a complaint filed by a mandated reporter to re-contact that mandated reporter to obtain additional information regarding the family or to clarify information received in the complaint.

OCO CPS Finding 2:

The OCO finds that with regard to the [REDACTED], CPS did not comply with policy CFF 716-9, "New Complaints When Child Is In Foster Care." This policy requires the CPS worker to "initiate a field investigation or a preliminary investigation, including contact with the assigned service worker, and, if appropriate, the licensing worker within 24 hours." In addition, this policy requires the CPS worker to forward a copy of the completed CPS investigation summary and the safety assessment to the FC supervisor and licensing within two working days of completion of the report. There was no documentation to indicate that the CPS worker contacted the FC worker, as required, nor was a copy of the completed investigation summary and safety assessment found in the FC case file, as required.

DHS Response to Finding 2:

Agree in part. The CPS worker did contact the licensing worker immediately to coordinate and conduct a joint investigation; the CPS worker also discussed the case with the children's FC worker, although that contact is not documented. The CPS worker did not forward a copy of the completed CPS Investigation Summary and Safety Assessment to the FC supervisor; however, the FC supervisor also supervised licensing and in that role received, reviewed and signed the licensing report.

OCO CPS Recommendation 2:

The OCO recommends that DHS determine what prevented CPS from complying with policy CFF 716-9, which requires the CPS worker to contact the assigned service worker within 24 hours, and to forward a copy of the completed CPS Investigation Summary and the Safety Assessment to the foster care supervisor and licensing within two working days of completion of the CPS investigation.

DHS Response to Recommendation 2:

Agree in part. The CPS worker did comply with the policy requirement to contact the foster home licensing worker, but did not forward the Investigation Summary or Safety Assessment to the FC supervisor, because the worker was unaware of the policy requirement. To ensure all workers are aware of the requirements of CFP 716-9, Jackson County CPS supervisors trained staff on policy (CFP 716-9) at a 4/20/06 staff meeting. In addition, CPS supervisors and the services program manager have either attended or are registered for mandatory CPS supervisor training, which includes discussion of this policy.

The DHS Field Operations Administration has generated an L-Letter (see DHS Attachment A) for statewide distribution that reinforces policy (CFP 716-9) regarding "*Alleging Abuse or Neglect by Parents or Other Caretakers When the Child Is in Foster Care*". In addition, the regional services specialists will review this policy with supervisors at regional children's services supervisor meetings.

OCO CPS Finding 3: Regarding the [REDACTED], the OCO finds that Ingham County CPS reached a disposition prior to conducting a comprehensive and thorough investigation in accordance with policies outlined in CFP 713-1, 713-3, 713-8, 713-9, and 716-2. Most significantly, CPS did not review the family's history, conduct interviews with collateral sources, witnesses (neighbors/friends/extended family), and professionals who had contact with the children and family, and did not interview the complaint source during the investigation.

DHS Response to Finding 3:

Agree. The CPS worker conducted a home visit, interviewed [REDACTED] and verified the well-being of the [REDACTED] younger children, but additional contacts should have occurred.

OCO CPS Recommendation 3:

The OCO recommends Ingham County CPS review its handling of the [REDACTED] complaint and identify the steps it will take to ensure assigned complaints are investigated thoroughly and that policies CFP 713-1, 713-3, 713-8, 713-9, and 716-2 are consistently followed.

DHS Response to Recommendation 3:

Agree. On 5/19/06, the Ingham County director met with the acting CPS supervisor, who signed this investigation, to discuss/review the applicable policies and reinforce the importance of appropriate supervisory oversight. The Ingham County CPS worker that investigated this complaint has accepted employment outside of the Department of Human Services.

OCO CPS Finding 4:

The OCO finds that after CPS [REDACTED] T, S, B, and A, Ingham County CPS failed to file a petition or take any action to protect the children. Ingham County DHS drafted petition allegations and consulted with the Ingham County Prosecuting Attorney's Office on 9/26/05. CPS did not file a petition. The following was known to CPS by [REDACTED]:

- CPS was [REDACTED]
- CPS had sufficient [REDACTED], based upon the CPS definition of *threatened harm*.³ All the children in the care of the Hollands were extremely vulnerable based upon their ages. None of the children could protect themselves or communicate what was happening in the home. Only one child was in school and none of the rest was seen regularly by any mandated reporters.

DHS Response to Finding 4:

Disagree. Ingham County CPS did not determine that a petition for jurisdiction and removal was necessary to ensure the safety of the children. Rather, due to the complex nature of the case, a petition was drafted for use in consultation with the prosecutor's office and law enforcement. As of [REDACTED] and there was no preponderance of evidence of abuse or neglect.

[REDACTED] At the time, the department did not have sufficient evidence to support a preponderance of evidence of abuse or neglect.

CPS had information that [REDACTED] of the children in the past, but CPS did not have information that supported either a history of or current abuse or neglect in this family. The existence of "suspicions", the age of children and/or inadequate communication skills of children does not equate to a preponderance of evidence of abuse or neglect under Michigan's Child Protection Law or DHS policies. As noted above, due to the complexity of this case, Ingham County DHS took the additional step of preparing a draft petition and consulted with the prosecutor's office and law enforcement.

OCO CPS Recommendation 4a:

The OCO recommends that DHS Central Administration review procedures to determine what prevented Ingham County DHS from filing a petition and requesting court jurisdiction and removal to protect T, S, B, and A. Filing a petition would have allowed the court to determine whether one or more of the petition allegations were true and whether the children fell within MCL 712A.2(b).

DHS Response to Recommendation 4a:

Disagree. Ingham County DHS followed proper procedures for filing a petition with the Ingham Family Court. The case decisions were not made in isolation; rather, the decisions involved consultation with law enforcement and the prosecuting attorney's office.

³ Threatened harm is defined as: *An act or failure to act which places a child in a situation where CA/N is likely to occur or family history is such that past abusive or neglectful behavior is indicative of future behavior (absent the resolution of the past child safety issues.) Some critical factors to be considered are history of CA/N, age of child, vulnerability, successful resolution of past issues, etc.*

OCO CPS Recommendation 4b:

The OCO recommends Ingham County CPS determine what prevented it from consulting with the department's Bureau of Legal Affairs (BLA) to discuss legal options that could have been pursued to ensure the protection of T, S, B, and A.

DHS Response to Recommendation 4b:

Disagree. Ingham County DHS worked with the Ingham County Prosecutor's Office and law enforcement throughout this investigation. Ingham County DHS has a strong and longstanding relationship with the Ingham County prosecutor's office. According to DHS practice, consultation with the Bureau of Legal Affairs (BLA) occurs when a local office believes they are not being adequately represented by their existing legal counsel. This was not the situation in this case.

OCO CPS Recommendation 4c:

The OCO recommends that in each county the department be represented at every hearing by a lawyer who represents the interests of the department.⁴

DHS Response to Recommendation 4c:

Agree, in theory. As noted in the DHS response to the OCO's 98-99 Annual Report Recommendation, adequate legal representation remains an issue in some areas of the state and is one that is not easily addressed. Currently, legal representation in the vast majority of Michigan counties is the responsibility of local government. The prosecuting attorney in each county is responsible for representation in both civil and criminal matters. Reimbursement for these functions occurs through county funds. Title IV-E funding is available to match county funds if the prosecutor contracts to represent DHS or DHS contractors. The major impediment to implementing contracts in all counties is the rate of federal Title IV-E reimbursement. Prosecutors have asserted that reimbursement is not sufficient to cover the contracting costs, much less their time, and therefore, salary costs.

OCO CPS Finding 5a:

In response to the [REDACTED] T [REDACTED], the OCO finds Ingham County CPS did not follow policy CFP 713-4 requiring the department to secure a medical examination for T. Policy CFP 713-4 states in part, "*the purpose of a medical evaluation in cases of suspected child abuse or neglect is to determine from a medical standpoint how an alleged injury or condition may have occurred, and whether it could have resulted from other than accidental means.*" T [REDACTED]

On or about [REDACTED]:

[REDACTED]

⁴ Similar recommendations have been previously made by various agencies, including the July 1996, Report of the Binsfeld Children's Commission, Rec. # 47; June 1999, United States Department of Health and Human Services: Guidelines for Public Policy and State Legislation Governing Permanence for Children, Page VII-8; and May 2000, in the Michigan Office of Children's Ombudsman 1999 Annual Report, Rec. #10.

[REDACTED]

Mrs. Holland's [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Policy requires a medical examination if the child is under five or developmentally delayed and the parents' explanation of the injuries is not believable or is suspicious. At the time of the complaints, T was three years old and had [REDACTED]. He could not be forensically interviewed, communicate effectively about what happened to him, or [REDACTED].

DHS Response to Finding 5a:

Agree. Although a medical exam was not obtained for the [REDACTED] complaint, [REDACTED] photographed the [REDACTED] and provided them to CPS. On [REDACTED], the CPS worker forwarded these photographs to a physician, who specializes in child abuse and neglect, for evaluation and consultation. The physician determined [REDACTED]. With regard to the [REDACTED] complaint, the CPS worker saw the child on [REDACTED]. Photographs were taken by [REDACTED]; however, CPS was unable to obtain the photographs until [REDACTED]. The same physician reviewed the [REDACTED] photos on [REDACTED].

OCO CPS Finding 5b:

During the investigations of the [REDACTED] and [REDACTED] complaints, the OCO finds that Ingham County CPS did not interview Mr. Holland or document the reasons why not as required by policy CFP 713-3. Although policy requires CPS to interview all significant adults (parents) during the course of a CPS investigation, there was no evidence that CPS interviewed Mr. Holland to ask [REDACTED].

Contrary to policy CFP 713-9, the OCO finds that Ingham County CPS did not complete a child Safety Assessment during its six-month investigation from 8/22/05 to 3/8/06. It is not apparent whether CPS assessed child safety, identified safety factors, or arrived at a safety decision(s) regarding the Holland children. The OCO acknowledges that CPS may informally assess child safety during an investigation without formally completing the required Safety Assessment tool. However, in this case, there was no evidence CPS formally or informally assessed child safety, identified safety factors, or applied a protecting intervention(s) to reduce risk or ensure child safety.

Policy requires CPS to complete a Safety Assessment as early as possible in an investigation, prior to initial disposition, and at other important case decision points during and after an investigation. According to DHS policy, the purpose of the Safety Assessment is to:

- Assess the present or imminent risk of harm to all children in the family.
- Ensure that major aspects of danger are considered in every investigation to assure child safety.
- Determine whether or not to initiate or maintain a protective intervention when danger or a threat of danger is identified.

DHS Response to Finding 6a:

Agree in part. Ingham County CPS discussed and carefully assessed child safety on a regular basis during this investigation. CPS protective interventions were assessed both internally (within DHS) and externally (with the prosecutor's office, law enforcement, medical and school personnel) throughout the investigation. A review of the Investigation Summary indicates that the CPS worker documented over 40 conversations with the CPS supervisor and administrators, with most discussions focused on child safety. However, the required Safety Assessment tool was completed [REDACTED], two weeks after the investigation was completed.

OCO CPS Finding 6b:

After CPS [REDACTED], the OCO finds that Ingham County CPS did not take action to protect and ensure the safety of T, S, B, and A.

In addition to the rationale outlined in OCO Finding 3, the [REDACTED] T should have further raised the level of concern for the children in the care of the Hollands and prompted the department to file a petition for court jurisdiction and removal based upon threatened harm. The children were extremely vulnerable. All were under age four, none could communicate effectively, and all spent the majority of each day in the care of Mr. and/or Mrs. Holland.

DHS Response to Finding 6b:

Disagree. The Ingham County CPS worker worked diligently to assess and ensure the safety of the children, while completing a thorough investigation. Regarding the [REDACTED] complaint, [REDACTED] [REDACTED] photographed the [REDACTED] and provided them to CPS. On [REDACTED], the CPS worker forwarded these photographs to a physician, who specializes in child abuse and neglect, for

evaluation and consultation. The physician determined [REDACTED]

[REDACTED]. With regard to the [REDACTED] complaint, the CPS worker saw the child on [REDACTED]. Photographs were taken by law enforcement; however, CPS was unable to obtain the photographs until [REDACTED]. The same physician reviewed the [REDACTED] photos on [REDACTED]

Ingham County CPS did not have a [REDACTED]

[REDACTED] Prior to this, child safety was discussed and carefully assessed on a regular basis. CPS assessed safety on an ongoing basis, both internally (within DHS) and externally (with the prosecutor's office, law enforcement, medical and school personnel) throughout the investigation. The Investigation Summary documents that the CPS worker was involved in over 40 conversations with the CPS supervisor and county management, most of which focused on child safety. Additionally, the CPS worker completed the following investigative contacts:

7 contacts with Jackson County DHS staff,
14 contacts with mandated reporters in Jackson County,
6 home calls in Jackson County with former neighbors of the [REDACTED],
2 meetings with doctors from Jackson County,
8 contacts and three meetings with school personnel in Ingham County,
8 contacts in [REDACTED] with former neighbors of the [REDACTED],
11 contacts with medical personnel and,
55 contacts and 11 meetings with law enforcement in Ingham County.

OCO CPS Recommendation 6a:

The OCO recommends Ingham County CPS assure completion of the Safety Assessment as required during investigations. If CPS informally assessed child safety in this case, the OCO recommends CPS identify how it:

- Determined that T, S, B, and A were or were not at imminent risk of harm, especially after CPS was informed by law enforcement that Ricky was likely dead and that the Hollands were the focus of the criminal investigation.
- Considered major aspects of danger to the children and potential protecting interventions to alleviate the danger.
- Determined that protecting intervention was or wasn't necessary.

DHS Response to Recommendation 6a:

Agree. While CPS investigates suspicions of child abuse and neglect, CPS decision making is based on facts and evidence, observations, statements of fact, etc., not personal beliefs. The Ingham County CPS worker worked diligently to assess and ensure the safety of the children, while

completing a thorough investigation. Regarding the [REDACTED] complaint, [REDACTED] photographed the injuries and provided them to CPS. On [REDACTED], the CPS worker forwarded these photographs to a physician, who specializes in child abuse and neglect, for evaluation and consultation. The physician determined [REDACTED]

[REDACTED] With regard to the [REDACTED] complaint, the CPS worker saw the child on [REDACTED]. Photographs were taken by [REDACTED]; however, CPS was unable to obtain the photographs until [REDACTED]. The same physician reviewed the [REDACTED] photos on [REDACTED].

Ingham County CPS did not have a [REDACTED]

[REDACTED] Prior to this, child safety was discussed and carefully assessed on a regular basis. CPS assessed safety on an ongoing basis, both internally (within DHS) and externally (with the prosecutor's office, law enforcement, medical and school personnel) throughout the investigation. The Investigation Summary documents that the CPS worker was involved in over 40 conversations with the CPS supervisor and county management, most of which focused on child safety. Additionally, the CPS worker completed the following investigative contacts:

7 contacts with Jackson County DHS staff,
14 contacts with mandated reporters in Jackson County,
7 home calls in Jackson County with former neighbors of the [REDACTED]
2 meetings with doctors from Jackson County,
8 contacts and three meetings with school personnel in Ingham County,
8 contacts in [REDACTED] with former neighbors of the [REDACTED]
11 contacts with medical personnel and,
55 contacts and 11 meetings with law enforcement in Ingham County.

That said, Ingham County CPS supervisors provided training to all CPS workers on 4/14/06 and 4/18/06 regarding policy governing completion of the Safety Assessment tool. CPS supervisors will ensure that CPS workers complete the Safety Assessment tool as required by policy, through routine case reading and individual case conferences.

OCO CPS Recommendation 6b:

The OCO recommends that Ingham County DHS identify its rationale for not taking action to protect T, S, B, and A after becoming aware that [REDACTED]

DHS Response to Recommendation 6b:

See DHS Response to Finding 6b.

OCO CPS Finding 7:

The OCO finds a need for improved communication and collaboration among DHS and mandated reporters in Jackson and Ingham Counties.

Several mandated reporters who made complaints to CPS concerning Ricky expressed their belief that CPS did not respond appropriately. Several mandated reporters expressed concerns about Mrs. Holland's treatment of Ricky, but did not contact CPS.

DHS Response to Finding 7:

Disagree, as applied to this case. DHS received three CPS complaints from three [REDACTED] reporters, regarding [REDACTED] disappearance [REDACTED]. The three complaints were made over a four year period and the most recent CPS complaint was received in [REDACTED]. [REDACTED]. Notably, the [REDACTED] complaint was regarding incidents that had occurred over six months prior to the complaint date and was made due to the [REDACTED]. The reporting person "[REDACTED]". As noted by the OCO, several [REDACTED] reporters expressed concerns about the [REDACTED] following [REDACTED] disappearance, but did not contact CPS.

DHS agrees that maintaining positive working relationships with mandated reporters is essential to ensuring child safety within a community as no single entity can work alone to effectively prevent abuse or neglect and serve the families in the community. Both Jackson and Ingham County DHS have strong relationships with their communities and act diligently to maintain those relationships, while building new ones. However, like all working relationships, the relationship between DHS and their local community partners must be supported and encouraged. The community partners must continue to recognize the critical role of shared responsibility in ensuring child safety. Jackson and Ingham County DHS will continue to work to maintain strong community relationships.

OCO CPS Recommendation 7:

The OCO recommends DHS develop and implement a plan to improve the relationship among DHS and mandated reporters in their respective communities. Among other things, such a plan would:

- Educate mandated reporters on the indicators of abuse/neglect, their obligation to report suspected abuse/neglect, and the process for making a report to CPS.
- Educate mandated reporters about the different child welfare programs within DHS to improve opportunities for communication and collaboration.
- Identify steps that mandated reporters can take when they are dissatisfied with the CPS response to a complaint.
- Promote mandated reporters' understanding of the procedures used by DHS in response to reports or concerns.
- Outline efforts that DHS will make to improve reciprocal communication and respect between the department and mandated reporters.

DHS Response to Recommendation 7:

Disagree, as applied to this case. DHS agrees that maintaining positive working relationships with mandated reporters is essential to ensuring child safety within a community as no single entity can work alone to effectively prevent abuse or neglect and serve the families in the community. Like all working relationships, the relationship between DHS and their local community partners must be supported and encouraged. The community partners must recognize the critical role of shared responsibility in ensuring child safety. DHS has taken the following steps, prior to receipt of this OCO report, to maintain and improve relationships among DHS and mandated reporters.

- DHS developed a Mandated Reporters Guide in May 2005. This guide was developed with the intent of providing basic information to all mandated reporters on the CPS process, including:
 - Who mandated reporters are according to the Child Protection Law
 - The role of mandated reporters
 - How to report suspected child abuse/neglect
 - Indicators of child abuse/neglect
 - Possible outcomes of CPS investigations
 - Confidentiality issues in CPS

This guide is accessible on the DHS public website. Many of our local offices share this guide with their mandated reporters to assist with education of local and statewide procedures.

- DHS has implemented a toll-free line for mandated reporters to call if they are dissatisfied with the CPS response to a complaint that they made.
- DHS central office personnel from several areas make presentations to mandated reporters on a regular basis and/or as requested by the mandated reporters themselves.
- The recent roll out of the Family to Family initiative will also serve to strengthen community relationships by including community partners in the decision making process regarding placements and services for children. This will be an effective means of educating our community partners about the decisions made by DHS staff.
- DHS has contacted other state departments which employ or oversee other mandated reporters in an effort to ensure that each of their websites contains a link to the public DHS site and/or the Mandated Reporter Guide to assist in public education.

Foster Care Program

OCO FC Finding 1a:

The OCO finds that the Jackson County DHS FC worker did not document any home visits with Ricky from the time of Ricky's placement on 10/2/00 until 9/24/02, contrary to Child Placing

Agency (CPA) Rule 400.12418 (Service Plans) and Rule 400.12419 (Visitation) and corresponding DHS policy.⁵ In this case, although numerous "face-to-face" visits are documented in the social work contacts with Ricky, there was no documentation to indicate that any of these visits occurred within the foster home setting.

The OCO further finds that the FC worker did not document any home visits with T from the time of T's placement on 1/8/02 until 9/24/02, contrary to CPA rules and DHS policy CFF 722-6, Visitations; and policy CFF 722-9, Updated Service Plan.

Policy CFF 722-6, Visitations, states that at a minimum, the foster care worker must conduct at least one face-to-face contact with the child in his or her placement during the first month after the child's initial placement in the foster home and at least once every other month thereafter within the foster home setting.⁶ Contact with foster children in their placement setting is required to ensure the child's safety and well-being in placement, to develop an appropriate service plan for the child, and to assure that the child's service needs are being met.

With regard to documentation, CPA Rule 400.12418 states that service plans must include the dates, types, and places of agency contacts and persons contacted. In addition, corresponding DHS policy CFF 722-9, in effect at the time, states that the social work contacts section of the service plan, must:

...list date, person contacted, role/position of person contacted, type of contact (telephone, in person, home visit, office visit, etc.) for each contact, attempted contact and scheduled but unkept appointment. If desired, provide a brief narrative statement of the specific reason for the contact. Limit the narrative to one sentence.

DHS Response to Finding 1a:

Agree. Jackson County DHS case file documentation, from [REDACTED] until [REDACTED], demonstrates that there were at least 36 face-to-face contacts between [REDACTED] and the FC worker. However, documentation does not specify where the contact occurred.

OCO FC Finding 1b: The OCO finds the FC worker did not document any required home visits with the Hollands from 10/02/00 to 9/24/02, contrary to Child Placing Agency (CPA) Rule 400.12419 and policy CFF 722-6 that requires the foster care worker to have monthly face-to-face contact with the foster parents within the foster parent's home.

With regard to documentation, CPA Rule 400.12418 states that initial and updated service plans must include the dates, types, and places of agency contacts and persons contacted. In addition, corresponding DHS policy CFF 722-9, in effect at the time, states that the social work contacts section of the service plan, must:

⁵ CPA Rules effective 1/1/01. DHS policy: CFF 722-6, Visitations, and policy CFF 722-9, Updated Service Plan.

⁶ Although not specifically documented in the FC social work record of contacts as a home visit, a handwritten note in the case file reads: 12/1/00 HC @ Hollands F to F Ricky and Lisa.

...list date, person contacted, role/position of person contacted, type of contact (telephone, in person, home visit, office visit, etc.) for each contact, attempted contact and scheduled but unkept appointment. If desired, provide a brief narrative statement of the specific reason for the contact. Limit the narrative to one sentence.

In this case, although the FC worker listed numerous "face-to-face" visits with Mrs. Holland in the FC social work contacts, there is no documentation to indicate that any of these visits occurred within the foster home setting.

DHS Response to Finding 1b:

Agree. While the Jackson County foster care worker documented numerous face-to-face contacts with [REDACTED] during the period, documentation does not specify where the contact occurred.

OCO FC Recommendation 1:

The OCO recommends Jackson County DHS identify what procedures and oversight measures are currently in place to ensure that all foster care workers are visiting foster children and their caregivers within the foster home setting, in accordance with Child Placing Agency (CPA) Rule 400.12419 and policy CFF 722-6.

The OCO further recommends that Jackson County DHS report what procedures are currently in place to ensure that workers comply with CPA Rule 400.12418 and policy CFF 722-9 regarding documentation of home visits in the service plan.

DHS Response to Recommendation 1:

Agree. Jackson County administration established a requirement in 2004 that workers must uniformly document both the place of the face-to-face contact and who it was with. During an onsite inspection conducted by OCAL in April 2006, which covered the period after December 2005 Jackson County DHS was found in compliance with policy (CFF 722-6 and CFF 722-9) and Rules 400.12418 and 400.12419. This requirement has been enforced by supervision. The supervisor routinely reviews Initial Service Plans (ISP) and Updated Service Plans (USP) to target this issue and ensure compliance. Additionally, the services program manager will monitor the supervisor via case reading.

On 04/12/06, the county director and services program manager attended the foster care staff meeting to reinforce the requirement of adequate completion of collateral contacts and documentation of face-to-face contacts in each case file with staff and supervisors.

In addition, the foster care computer program, SWSS FAJ Social Work Contacts module, requires FC workers to document within the module, (a) with whom and (b) where each contact takes place if it is a face-to-face contact. If a location is not identified, an edit will occur that says "contact location must be identified". If the information is not provided, the contact cannot be entered.

OCO FC Finding 2a:

The OCO finds no documentation in the FC case record to indicate how the FC worker considered the complaint allegations from the [REDACTED] CPS/FHL investigation in the context of the foster care

case.⁷ Documentation indicates that the foster care worker was aware of the complaint allegations on [REDACTED].⁸ There is no mention in any of the FC service plans of the allegations concerning the [REDACTED], the CPS or licensing investigations, or [REDACTED] disclosures.

DHS Response to Finding 2a:

Agree.

OCO FC Finding 2b:

The OCO finds that the FC worker did not notify the CPS or licensing worker of Ricky's [REDACTED] on [REDACTED] to his [REDACTED]. The FC social work contacts documented a phone call from Ricky's [REDACTED] on 3/22/02 stating, [REDACTED]. This information was consistent with Ricky's previous [REDACTED] of [REDACTED], but there is no documentation that it was reported to or discussed with the CPS or licensing worker.

DHS Response to Finding 2b:

Agree.

OCO FC Recommendation 2:

The OCO recommends that DHS identify what measures are currently in place to ensure that FC workers obtain, review, and document information concerning CPS and licensing investigations in the FC case record.

DHS Response to Recommendation 2:

Agree. DHS CPS policy (CFP 716-9), requires the CPS worker to forward a copy of the CPS Investigation Summary and the Safety Assessment to the FC and licensing supervisors within two days of completing the CPS investigation. Foster care policy (CFF 722-13) requires the CPS Investigation Summary to be filed in the child's foster care DHS (and private agency, if appropriate) case record. To ensure statewide understanding and compliance with the above policies, DHS Field Operations Administration has generated an L-Letter (see DHS Attachment A) for statewide disbursement that reinforces policies (CFP 716-9) regarding "Alleging Abuse or Neglect by Parents or Other Caretakers When the Child Is in Foster Care" and (CFF 722-13) regarding "Alleging Abuse or Neglect by Parents or Other Caretakers When Child is in Foster Care." In addition, all regional services specialists will review this policy with supervisors at regional children's services supervisor meetings.

OCO FC Finding 3a:

The OCO finds no documentation in the case file to indicate that [REDACTED] consented to the use of [REDACTED] for Ricky from 9/13/01 until termination of [REDACTED] parental rights on [REDACTED], as required by policy CFF 722-11.

⁷ Policy CFF 722-9, Updated Service Plan, Child Reassessment, Child's Needs and Strengths/Current Status, states, *Describe current status of child including: ...significant events since the last assessment.*

DHS Response to Finding 3a:

Agree.

OCO FC Finding 3b:

The OCO finds that after Ricky became an MCI ward on [REDACTED], the FC worker [REDACTED] to the [REDACTED] which according to [REDACTED] progress notes was not FDA-approved for children under the age of six.⁹

DHS Response to Finding 3b:

Disagree. The Jackson County DHS FC worker did not consent to the use of [REDACTED]. The FC worker did not become aware of the use of the [REDACTED] until eleven months after the [REDACTED] was discontinued. The case record indicates that DHS received a follow up letter from the [REDACTED] on [REDACTED] which did not report that [REDACTED] had [REDACTED]. However, following repeated requests from DHS for complete and updated progress notes from the [REDACTED], a report was received on [REDACTED] documenting the previous [REDACTED].

OCO FC Recommendation 3a:

The OCO recommends Jackson County DHS identify the measures currently in place to ensure compliance with policy CFF 722-11 regarding Authorization for Psychotropic Medication and Informed Consent by a child's parent when the child is in care.

DHS Response to Recommendation 3a:

Agree. Jackson County DHS provided a copy of policy (CFF 722-11), regarding "*Delegation of Parental Consent*" to all FC workers and supervisors. The policy was reviewed at the 5/17/06 staff meeting. In addition, on 6/28/06 CMH psychiatrists were sent written notice from Jackson County DHS that all psychotropic medications must have consent forms signed by the parent or legal guardian, as appropriate, prior to prescribing and/or dispensing medication to foster children.

OCO FC Recommendation 3b:

The OCO further recommends DHS amend policy CFF 722-11 to:

- Require DHS to inform the treating mental health professional that prior to prescribing or changing any psychotropic medication for a permanent state ward, DHS must give written approval.
- Preclude DHS from consenting to the use of psychotropic medications that have not been FDA-approved.

DHS Response to Recommendation 3b:

Agree in part. Prior to adopting the recommendation for a policy change, DHS foster care program office will convene a work group to review this recommendation. This work group will also consider amending policy to require coordination between the caseworker, the mental health

⁹ Policy CFF 722-11 states that the supervising agency has the authority to consent for psychotropic medications for MCI wards

professional, the prescribing physician and the parent/foster parent when foster children are prescribed psychotropic medication. The work group will be convened by 10/01/06.

OCO FC Finding 4a:

The OCO finds that the foster care worker did not ensure timely [redacted] services for Ricky to meet his identified needs. In the FC ISP dated 10/25/00, the worker documented that Ricky needed [redacted].¹⁰ Subsequent FC USPs documented, "A referral is being made for [Ricky] to begin [redacted] in order to help [redacted]." However, Ricky's [redacted], ten months after his identified needs had been documented in the case service record.

Jackson County DHS stated to the OCO that an authorization for services was completed in October 2000, but were unable to explain why services had not been provided at that time nor why Ricky did not receive [redacted].

DHS Response to Finding 4a:

Agree in part. The [redacted] FC Initial Services Plan did not document a need for [redacted] for [redacted]. At that time the [redacted]. Nevertheless, the worker did not ensure timely services for [redacted] as the [redacted] Updated Services Plan (USP) CANS scores and narratives indicated a recommendation for [redacted]. The initial referral for [redacted] was dated [redacted] and [redacted] began on [redacted], five months after a need for [redacted] had been identified. It should be noted that from [redacted] through [redacted], the worker did implement other services for [redacted] such as [redacted].

OCO FC Finding 4b:

The OCO finds that the FC worker's support of Mrs. Holland's request to discontinue Ricky's [redacted] in or around April 2002 was inconsistent with Ricky's [redacted] identified in the service plan and his established [redacted].

- [redacted] In September 2001, Ricky was [redacted]
- Beginning in September 2001, [redacted], Ricky was [redacted]. There is no documentation to indicate that the FC worker consulted with [redacted] prior to Ricky's [redacted] being cancelled.

¹⁰ The Child Assessment of Needs and Strengths identified: [redacted]

- Ricky's last documented [REDACTED] occurred on [REDACTED]. On 5/8/02, Mrs. Holland left a message for the FC worker asking if she could stop Ricky's [REDACTED]. One day later, on 5/9/02, Mrs. Holland reported to [REDACTED] that Ricky was [REDACTED].
[REDACTED]

- The Adoptive Family Assessment concerning Ricky, completed in [REDACTED], documented Ricky's [REDACTED] as follows:

Ricky needs [REDACTED]
[REDACTED]

- In the FC service plan for the report period 7/16/02 to 10/8/02, the worker documented that Ricky continued to have [REDACTED]. "However, his foster parents and I do not believe he needs to [REDACTED] at this time. His previous [REDACTED] agrees." In contrast to this statement, the FC social work record of contacts documented, [REDACTED].
[REDACTED]

DHS Response to Finding 4b:
Agree.

OCO FC Finding 4c:

The OCO finds that the FC worker did not ensure that Ricky was provided with [REDACTED] services in 2003, after it was documented in the service plan for the report period 2/25/03 to 5/25/03 that Ricky was being re-referred to [REDACTED] services due to his [REDACTED]. The service plan for the period 5/26/03 to 8/31/03 stated, "Ricky [REDACTED]". There is no documentation to support that Ricky entered [REDACTED] or received any [REDACTED] services prior to foster care case closure in October 2003.

It appears that a referral for services was made in or around August 2003 to [REDACTED]. However, the [REDACTED] monthly report, dated [REDACTED], documented an intake assessment with Mrs. Holland on [REDACTED] concerning Ricky, but noted that Mrs. Holland cancelled Ricky's appointment on [REDACTED].
[REDACTED]

11 [REDACTED]

DHS Response to Finding 4c:

Agree.

OCO FC Recommendation 4a:

The OCO recommends that Jackson County DHS identify what barriers prevented timely provision of services to Ricky to meet his identified needs, both in 2001 and 2003, and what procedures are currently in place to assure that foster care workers provide timely services to meet children's identified needs.¹²

DHS Response to Recommendation 4a:

Agree. The Jackson County DHS FC worker was unable to recall what barriers may or may not have existed at the time, as three to five years have elapsed. Nevertheless, Jackson County DHS now works to ensure timely provision of services for all foster children by:

- Requiring the services program manager to complete quarterly targeted case reviews to address policy and rule compliance.
- Requiring that each ISP and USP have the appropriate authorization for services form attached, for approval.
- Using the recently enhanced automated foster care computer program (SWSS-FAJ), which prioritizes the child's needs and requires that each identified need be addressed in the child's treatment plan.

OCO FC Recommendation 4b:

The OCO recommends that DHS identify its process for ensuring that children who are prescribed psychotropic medications are receiving medications as part of a comprehensive treatment plan. Policy should require documentation from the treating physician that clearly identifies the need for medication; a comprehensive treatment program with clearly defined treatment goals and outcomes; and periodic reassessments with detailed documentation of progress toward established goals in each USP.

DHS Response to Recommendation 4b:

Agree in part. Prior to adopting the recommendation for a policy change, DHS foster care program office will convene a work group to review this recommendation. This work group will also consider amending policy to require coordination between the caseworker, the mental health professional, the prescribing physician and the parent/foster parent when foster children are prescribed psychotropic medication. The work group will be convened by 10/01/06.

DHS policy (CFF 722-8C) regarding "*Parent Agency Treatment Plan and Service Agreement*" requires that the plan "*provides information on services and the specific goals for the parent(s), child(ren), foster parents/relative/unrelated caregivers, and foster care worker....*" In addition, the

¹² The OCO had identified lack of provision of needed services to foster children as an ongoing issue of concern in OCO case investigations, as reported in OCO annual reports.

workers are expected to obtain and assess all reports from providers who contract with the department to provide services to children and families. The FC supervisors are required to monitor foster care activity by reading and approving ISPs and USPs for each worker, to ensure that appropriate services are provided to the child.

OCO FC Recommendation 4c:

The OCO recommends that the FC worker should document supervisory approval of any decision to cancel services for a child.

DHS Response to Recommendation 4c:

Agree in part. The OCO finding that resulted in this recommendation was based on casework practice that occurred over four years ago. Therefore, Jackson County DHS management will assess the FC workers current casework practices and respond accordingly.

OCO FC Finding 5:

The OCO finds that the FC worker did not complete any service referral tables (DHS-67) required with each service plan, from the time of case opening in September 2000 to case closure in October 2003, contrary to policy CFF 722-8C. This policy states that the service referral table must include all service referrals and services required to resolve the presenting problems and primary barriers identified in the Child Assessment of Needs and Strengths. This includes the name of the child, the barriers/needs addressed, the type of services, the name of the agency or service provider(s), the month and year of the referral to services, and the expected date of completion.

DHS Response to Finding 5:

Agree. The information within the service referral tables is also available in two other places within the case file. The service referral table is a summary of the services contained in the case record.

OCO FC Recommendation 5:

The OCO recommends Jackson County DHS identify what measures are currently in place to assure that FC workers consistently comply with service plan documentation, including the service referral table, as required by policy CFP 722-8C.

DHS Response to Recommendation 5:

Agree. The foster care computer system (SWSS-FAJ) now automatically completes the service referral table with information contained in the ISP or USP.

OCO FC Finding 6:

The OCO finds that B did not qualify as [REDACTED] and his [REDACTED] [REDACTED] was not justified.

The DHS-1945 form used to assess a Medically Fragile DOC rate states, "This form is used when a youth is medically diagnosed with a chronic or acute condition of a critical nature threatening health, life or independent functioning. Documentation of the medical condition must be in the case file." The DHS-1945 checked that the Hollands were required to participate in weekly [REDACTED]

[redacted] and [redacted]

Supporting documentation indicated that B was evaluated at the [redacted] at age 14 months.

[redacted] it is unclear to the OCO how this condition qualified B as [redacted] and how it was approved.

DHS Response to Finding 6:

Disagree. [redacted]

The instructions for the "*Assessment for Determination of Care for Medically Fragile Children in Foster Care*" (DHS-1945) state:

If at least 2 of the following characteristics or care needs are checked in section 1A and/or 1B the youth qualifies for a Level I DOC.

[redacted] received instruction from teachers and [redacted]. These [redacted] are appropriately documented on the DHS-1945 and [redacted]

OCO FC Recommendation 6:

The OCO recommends that DHS clarify policy regarding the conditions that must exist to qualify for Medically Fragile DOC rates. In addition, the accountability process should be strengthened to assure that children who are receiving Medically Fragile DOC rates are being provided with the services that justify the higher rate of care.

DHS Response to Recommendation 6:

Disagree. Policy governing Determination of Care is clear and sufficient. The foster care program office revised policy (CFF 903-3) on 10/01/04 regarding changes in the requirements for Medically

Fragile DOC rates. In addition, DOC rates for levels 1, 2, and 3 are evaluated and approved/denied by local office staff. Each county has an individual plan to determine who approves or denies each of those DOC rates based upon the level. All Level 4 DOC requests are reviewed by the Regional Office or Outstate Operations. The reviews for Level 4 DOC requests may lead to approval, modification or denial of the request. The Adoption Subsidy Support unit also conducts a review and makes the final determination on cases involving all levels of Adoption Subsidy DOC eligibility requests. Moreover, second level reviewers in both the Regional Office and Adoption Subsidy Support unit often request additional documentation and/or modifications that adequately demonstrate the DHS efforts to ensure appropriate DOC rates.

OCO FC Finding 7:

The OCO finds that the foster care supervisor provided inadequate oversight regarding service planning and implementation. Policy CFP 722-9 and 722.9D states supervisors shall review and approve all service plans by signature. The service plan must, among other things, identify and address the unique needs of each child, the services that will meet those needs, and the caregiver's willingness and capacity to meet those needs. As noted in the above FC Findings, in-home visits were not documented, [REDACTED] services for Ricky were not timely, and were later cancelled, and documentation in the service plans was incomplete.

DHS Response to Finding 7:

Agree.

OCO FC Recommendation 7:

The OCO recommends that Jackson County DHS identify what mechanisms are currently in place to assure that supervisors adequately review worker's service plans, supporting documentation, actions, and decision making consistent with the requirements of policy CFF 722-9 and CFF 722-9D.

DHS Response to Recommendation 7:

Agree. Jackson County DHS has the following mechanisms in place to ensure adequate supervisory oversight:

- Staff meetings occur on a monthly basis to review practice and policy.
- Individual case conferences occur monthly.
- The services program manager provides consultation to supervisors regarding problematic cases or staff related issues.
- The services program manager and CPS supervisors will attend the mandatory CPS Supervisor Training.
- The services program manager and FC supervisors will attend the mandatory FC Supervisor Training once implemented.
- The services program manager conducts quarterly targeted case reads.

Adoption Program

OCO Adoption Finding 1a:

The OCO finds that the Jackson County DHS adoption worker did not comply with law and policy regarding completion of the Hollands' initial Adoptive Family Assessment dated [REDACTED].

- The worker did not comply with MCL 710.46(3) and corresponding DHS policy CFA 732-50, "Waiver of Full Adoptive Family Assessment." Policy and law state that under certain circumstances the foster family study may be substituted for the adoptive family assessment, but must include updated information not included in the original or updated foster family study. In this instance, the adoption worker's narrative was excerpted in its entirety from the Initial Foster Home Licensing Study dated [REDACTED], and included no updated or original information obtained by the adoption worker.
- The worker did not comply with Child Placing Agency Rule 400.12605(3) (a) by failing to meet with the Holland family in their home prior to finalizing the study. There is also no evidence that the worker ever met with Mr. Holland.
- The adoption worker failed to comply with policy CFA 732-50, which requires the worker to "review local office protective services files and foster home licensing files to determine substantiated and unsubstantiated complaints.... This may reveal established patterns of behavior which pose a safety risk to the child." In this case, there was no mention of the [REDACTED] CPS and foster home licensing investigation.

DHS Response to Finding 1a:

Agree. Unfortunately, the Jackson County DHS worker who authored the [REDACTED] adoptive assessments for [REDACTED] and the [REDACTED] family is deceased.

OCO Adoption Finding 1b:

The OCO finds that the Jackson County DHS adoption worker completed Ricky [REDACTED] Child Adoption Assessment, dated [REDACTED], based strictly on documents and information provided by the FC worker. The adoption worker determined that the Hollands were [REDACTED] as required by policy CFA 732-25, although there was no evidence the worker met Ricky or Mr. Holland, consulted with professionals involved with Ricky, or observed the Hollands' care of Ricky in their home.

DHS Response to Finding 1b:

Agree. Unfortunately, the Jackson County DHS worker who authored the [REDACTED] adoptive assessments for [REDACTED] and the [REDACTED] family is deceased.

OCO Adoption Recommendation 1:

Given the newly formed Adoption Supervisory Structure, the OCO recommends that DHS identify its strategy for ensuring that all Adoptive Family Assessments and Child Adoption Assessments are

completed in compliance with law, Child Placing Agency Rules, and corresponding adoption policy. (See Attachment A: Region 4 Adoption Supervisory Structure.)

DHS Response to Recommendation 1:

Agree. DHS now makes use of regional adoption supervision as well as direct supervision within the county office. The regional adoption structure, while new to Region 4, has been in place in other regions of the state for years and provides for the following:

- Regional adoption supervisors are focused primarily on adoption service delivery. Many local office program supervisors in child welfare have multiple program responsibilities (i.e. adoption, foster care, CPS, and/or adult services). Supervisors with multiple program responsibilities must frequently prioritize CPS and FC supervision over other program responsibilities due to the crisis-oriented nature of those programs. When adoption supervision is paired with either CPS or foster care the supervisor may have difficulty developing needed program expertise in adoption.
- A regional adoption structure enables DHS to maximize adoption staffing resources to ensure adequate coverage in all counties. For example, regional adoption units can quickly redistribute uncovered adoption caseloads to other trained regional staff when medical leave of absence or vacancies occur.
- Regional adoption staff are focused primarily on adoption case management activities. In some instances, local office adoption staff have multiple program responsibilities and as such are constantly confronted with competing demands.
- Regional adoption supervisors provide direct on site supervision several times per month and provide monthly individual conferences as well as staff meetings to support adoption staff. Supervision is also available for consultation via email or conference calls as needed.

OCO Adoption Finding 2a:

The OCO finds that following the Hollands' application to adopt T, the adoption worker failed to comply with CPA Rule 400.12605 and corresponding policy CFA 732-50. Rule and policy required completion of an updated Adoptive Family Assessment regarding the family's appropriateness to adopt T. The Hollands' original Adoptive Family Assessment, written in [REDACTED], made a recommendation regarding the family's appropriateness to adopt Ricky, but did not assess nor make a recommendation for the adoption of two [REDACTED] children.¹³

- The adoption worker documented being in the Holland home on 12/13/02 and 2/28/03 but did not include any information or observations from these visits.
- Rule and policy required the worker to assess the Hollands' ability to foster [REDACTED] who had been in the home from 7/16/01 to 1/02/03. There was significant information in the [REDACTED] [REDACTED] regarding the Hollands' care of this child.

¹³ [REDACTED]

- [REDACTED] had recently completed an Adoptive Family Assessment on the Hollands for another child, but the Jackson County DHS adoption worker did not consider the information or circumstances that led to the Hollands [REDACTED] that child. Rule and policy required the worker to obtain and review any previously completed adoption evaluations on the Hollands.
- The adoption worker did not obtain any updated personal references for T's adoption as required.

DHS Response to Finding 2a :

Agree. DHS will respond bullet by bullet:

- Policy and rule requires documentation of the date of contact, person with whom and where the contact took place, within the Adoptive Family Assessment. While the adoption worker used the information obtained during the visits to complete the assessment, there was no specific documentation of the information or observations from each visit.
- The adoption worker did not review the foster care file at [REDACTED] regarding [REDACTED]. However, the adoption supervisor reviewed and approved [REDACTED] Child Adoptive Assessment on [REDACTED]. Subsequent review of the [REDACTED] case file revealed no information that would have led to a different conclusion regarding the [REDACTED] adoption of [REDACTED].
- The [REDACTED] Adoptive Family Assessment dated [REDACTED] recommended [REDACTED]. Therefore, review of the information and circumstances would not have changed the outcome of [REDACTED] adoption.
- The adoption worker should have obtained new references for the [REDACTED] regarding [REDACTED] adoption.

OCO Adoption Finding 2b:

The OCO finds that contrary to the criteria outlined in the DHS-3217 *Adoption Consent Request* form, the adoption worker requested "expedited consent" be granted for T's adoption. (See Attachment B: Expedited Consent.) In this case, the request was improper because the criteria for expedited consent had not been met. The worker asserted that "[REDACTED] when there was no assessment to support that this was true. The worker also asserted that there were "[REDACTED]" although new references were not obtained.

DHS Response to Finding 2b:

Agree in part. The Child Adoptive Assessment for █ clearly addressed how █ physical and emotional needs were being met in the prospective adoptive home. █ had been in the home since shortly after birth and there was detailed information about █ medical needs and the care that █ was provided. In addition, █ emotional adjustment was also described. However, new references were not obtained.

OCO Adoption Recommendation 2a:

The OCO recommends that the DHS regional adoption supervisor ensure that Adoptive Family Assessments are completed in compliance with CPA Rule 400.12605 and corresponding policy CFA 732-50 for all adoptions.

DHS Response to Recommendation 2a:

Agree. There is currently an adoption policy committee reviewing and rewriting the Adoption Services Manual. The committee includes representatives from DHS regional and field offices, private agencies, Office of Child and Adult Licensing (OCAL) and OCO. This committee will review the approval process for Adoptive Family Assessments to ensure compliance with policy. In addition, the program office will develop an adoption services case reading tool that can be used by supervisors when reviewing adoption cases. This tool would aid supervisors in ensuring that policy and rules are being appropriately addressed. The policy revisions should be completed by September 2006.

At the 5/15/06 Region 4 adoption staff meeting, policy CFA 732-50 and DHS-1928 were reviewed and discussed. The 8/31/06 adoption staff meeting will include a review of CPA Rule 400.12605.

OCO Adoption Recommendation 2b:

The OCO recommends that the DHS regional adoption supervisor ensure that all requests to the MCI Superintendent for "expedited consent" meet the criteria for such requests.

DHS Response to Recommendation 2b:

Agree. The adoption program office is strengthening policy regarding the circumstances in which it is appropriate to request expedited consent. In addition, to ensure that adoption agencies obtain the most relevant family information through references, a standardized reference form will be designed to capture specific information about prospective adoptive families. This form will be developed for and provided to all Michigan adoption agencies by 12/31/06. These changes will assist all adoption supervisors in ensuring that requests of the MCI Superintendent for expedited consent meet the criteria.

OCO Adoption Finding 3a:

The OCO finds that the adoption worker did not complete the Adoptive Family Assessment, dated █, concerning █, in compliance with CPA Rule 400.12605 and corresponding policy CFA 732-50. Most significantly:

- The assessment did not consider the Hollands' ability to meet the needs of S in addition to Ricky, T, and newborn B. Most of the information in the assessment duplicated language in

OCO Adoption Finding 3b:

The OCO finds that contrary to the criteria outlined in the DHS-3217 *Adoption Consent Request* form, the adoption worker requested "expedited consent" be granted for [REDACTED] adoption. In this case, the request was improper because the criteria for expedited consent had not been met. The worker asserted that "[REDACTED]" when there was no assessment to support that this was true. The worker also asserted that there were "[REDACTED]" although new references were not obtained.

DHS Response to Finding 3b:

Agree in part. With the exception of the requirement for updated references, all of the criteria for expedited consent were met. The Child Adoptive Assessment for [REDACTED] clearly addressed how [REDACTED] physical and emotional needs were being met in the prospective adoptive home. [REDACTED] and there is detailed information about [REDACTED] medical needs and the care that was provided. That said, as with any adoption consent request, expedited or otherwise, updated references are required.

OCO Adoption Recommendation 3:

Addressed in Adoption Recommendation 2a and 2b.

DHS Response to Recommendation 3:

Addressed in DHS Response to Adoption Recommendation 2a and 2b.

OCO Adoption Finding 4a:

The OCO finds that the Jackson County adoption worker did not complete the Adoptive Family Assessment concerning B, dated [REDACTED], in compliance with CPA Rule 400.12605 and corresponding policy CFA 732-50. Among others, noncompliance with the following three areas was noted:

Dates of Contact

The Adoptive Family Assessment Addendum contained no "Dates of Contact" to document the adoption worker's recent contact with the family prior to completing the assessment as required.

References

There were no updated references in the case file or summarized in the Addendum to [REDACTED]. Updated references are required in policy CFS 732-50 and R 400.12605(3) (d).

Extensive Evaluation

The study did not comply with policy CFA 732-50 entitled, "Circumstances Requiring Additional Documentation." Policy requires a more extensive evaluation of the family when four or more children will be placed in the home for adoption. Among other things, the extensive evaluation must include:

- A determination that the family understands the children's needs and has the capacity to meet them.

- References from professionals and others who have worked with the children and family, such as teachers, therapists, medical professionals, among others, and their assessment of the family's ability to meet the children's needs.
- An assessment of the family's demonstrated ability to advocate for, cooperate, and participate in services, which are needed to assure the adoptee's safety and well-being.
- A review of the level and extent of extraordinary care required by other children already adopted by the family including a review of any difficulty of care rates (DOC), which are being paid through adoption support subsidy.
- Identification of the family's current support systems, such as spouse or other household members, extended family, neighbors, friends, church, school, community groups, day care, and respite care providers and other sources of support.
- An assessment of the impact of the children's changing needs on the family.

DHS Response to Finding 4a:

Agree. Please note the Child Adoptive Assessment contains documentation of eight contacts the [REDACTED] from [REDACTED] through [REDACTED]. These contacts should have been incorporated into the Adoptive Family Assessment Addendum.

OCO Adoption Finding 4b:

The OCO finds that contrary to the criteria outlined in the DHS-3217 Adoption Consent Request form, the adoption worker requested "expedited consent" be granted for [REDACTED] adoption. In this case, the request was improper because the criteria for expedited consent had not been met. The worker asserted that "[REDACTED]" when there was no assessment to support that this was true. The worker also asserted that there were "[REDACTED]" although new references were not obtained.

DHS Response to Finding 4b:

Agree in part. With the exception of the requirement for updated references, all of the criteria for expedited consent were met. The Child Adoptive Assessment for [REDACTED] clearly addressed how [REDACTED] physical and emotional needs were being met in the prospective adoptive home. [REDACTED] and there is detailed information about [REDACTED] medical needs and the care that was provided. That said, as with any adoption consent request, expedited or otherwise, updated references are required.

OCO Adoption Recommendation 4a:

The OCO recommends that adoption policy be amended to require the following steps be taken when completing all Adoptive Family Assessments:

- An assessment of how the family will meet the needs of all the children who reside in the home.

- In cases where the family has previously adopted child(ren) who have an adoption subsidy based on a FC DOC rate, consult with the professionals and service providers who have worked with the family. This would include a review of the level and extent of the extraordinary care required by other children already adopted by the family.

DHS Response to Recommendation 4a:

Agree. DHS will amend policy to require that the Adoptive Family Assessment includes both an assessment of the family's ability to meet the needs of each child in the home and documentation of consultation with professionals and service providers who have worked with the family. The consultation with professionals should focus on the level and extent of the extraordinary care required by other children already adopted by the family. Policy will be amended by 12/31/06.

OCO Adoption Recommendation 4b:

The OCO recommends that the Adoption Policy Program Office in conjunction with Office of Children and Adult Licensing (OCAL) review the current agency practice of completing Adoptive Family Assessment "Addendums" to ensure such practice is in compliance with CPA Rule 400.12605. Adoption policy only provides guidelines for completing full Adoption Family Assessments but does not address the completion of "Addendums."

DHS Response to Recommendation 4b:

Agree. A DHS adoption policy committee is reviewing and rewriting the Adoption Services Manual. The committee includes representatives from DHS regional and field offices, private agencies, Office of Child and Adult Licensing (OCAL) and OCO. This committee will work to clarify departmental procedures for appropriate completion of addendums for previously completed Adoptive Family Assessments.

OCO Adoption Recommendation 4c:

Addressed in Adoption Recommendation 2b.

DHS Response to Recommendation 4c:

Addressed in DHS Response to Adoption Recommendation 2b.

OCO Adoption Recommendation 4d:

The OCO recommends that the DHS Adoption Program Office amend policy governing "Expedited Consent" to disallow an expedited consent request whenever the prospective adoptive family's assessment includes any of the "Circumstances Requiring Additional Documentation."

DHS Response to Recommendation 4d:

Agree. The DHS adoption program office will amend policy as recommended by 12/31/06.

OCO Adoption Finding 5:

The OCO finds that Jackson County DHS should not have filed a petition on [REDACTED] recommending that B's adoption be finalized, given the circumstances that existed at the time. Ricky had been reported missing on 7/2/05, and the CPS investigation concerning his disappearance had been concluded on [REDACTED]. There was no evidence that

the adoption worker brought this information to the attention of the court. The petition filed by the adoption worker requested (and the court granted) immediate confirmation without a hearing.¹⁴ The adoption worker should have requested a hearing to advise the court on the record of the latest developments with the Holland family and allowed the court to rule on the petition.

DHS Response to Finding 5:

Agree in part. Prior to the adoption finalization, the adoption worker was made aware that Ingham County CPS [REDACTED] investigation. The adoption worker then informed the court's adoption program manager of the facts surrounding [REDACTED] and that [REDACTED] nor CPS suspected the parents of any wrongdoing at that time. However, given the circumstances at the time, the adoption worker should have requested a hearing to advise the court, on the record, of the latest developments with the family.

OCO Adoption Recommendation 5:

The OCO recommends DHS Adoption Program Office consider the following enhancements to strengthen adoption policy and practice:

- Amend the Adoptive Family Assessment template to include the provisions of policy CFA 732-50 that requires the adoption worker to document a prospective adoptive parent's CPS and foster home licensing complaints.¹⁵
- Require adoption workers to notify the MCI Superintendent and the court when the worker becomes aware that the family is or has been the subject of a CPS and/or FHL complaint between the time that consent has been requested and the adoption finalized.
- Develop a protocol that allows adoption workers timely access to CPS complaint histories for all adult household members in a prospective adoptive family. This protocol needs to ensure that there will be no delays in adoption planning. Although policy CFP 714-4 allows release of CPS information to adoption staff, in practice this information is often not easily accessible or is denied to adoption workers.

DHS Response to Recommendation 5:

Agree. The DHS adoption program office will amend policy as recommended by 12/31/06.

OCO Adoption Finding 6:

The OCO finds that adoption supervisory oversight for the adoptions of Ricky, T, S, and B was inadequate and ineffective.¹⁶ When the adoptions for T and Ricky were being finalized, the

¹⁴ Immediate confirmation waives the adoption supervisory period.

¹⁵ Policy states: The adoption worker must review local office protective services files and foster home licensing files to determine substantiated and unsubstantiated complaints. This may reveal established patterns of behavior which pose a safety risk to the child. In completing the Record Clearance section, it is necessary to indicate when the clearances were completed and to summarize investigations by Protective Services and foster home licensing staff. This should include the date and nature of the complaint, the agency that conducted the investigation, the outcome of the investigation including completion of any corrective action plan, and the current status of the foster home license.

adoption worker had been newly assigned to the adoption program and required heightened oversight, guidance, and support. By the time the [REDACTED] adoption was finalized (for B) a new adoption supervisor had been assigned and approved the adoption assessments and consent requests despite obvious shortfalls. This adoption supervisor had only been supervising the adoption unit for one month, and had not attended adoption training nor had experience as an adoption worker.

DHS Response to Finding 6:

Agree.

OCO Adoption Recommendation 6:

The OCO recommends that DHS adopt a requirement in the CPS, FC, and Adoption programs that would require child welfare supervisors to attend CWI program-specific training in the areas that they supervise. Currently Foster Home Licensing is the only child welfare program which requires its supervisors to receive training specific to the oversight of workers who perform foster home certification functions [R. 400.12305].

DHS Response to Recommendation 6:

Agree. DHS will require child welfare supervisors to attend CWI program-specific training for the programs that they supervise. In addition, DHS has recently mandated CPS supervisor training for all CPS supervisors. DHS will mandate program specific supervisor training for both foster care and adoption programs as well. CWI is in the process of developing the FC supervisor training with the goal of piloting it from January to March 2007. Adoption supervisor training would likely run concurrent with the FC supervisor training.

Foster Home Licensing Program

OCO FHL Finding 1:

Although the FHL worker initiated a Special Evaluation in response to the [REDACTED] complaint, the OCO finds that the Jackson County licensing worker did not gather sufficient information to determine whether there was noncompliance with foster home licensing rules. More specifically, the FHL worker:

- Did not make contact or interview the person who made the complaint to CPS. This was the person to whom Ricky first made his disclosure.
- Discounted Ricky's disclosure without sufficient basis. The worker's assessment that Ricky's [REDACTED] may have been caused in another manner did not make Ricky's disclosure [REDACTED] untrue.
- Did not attempt to observe Ricky's bedroom or the implement alleged to have been used to [REDACTED] Ricky [REDACTED].

¹⁶ The same adoption worker finalized all the adoptions for the Holland children. This worker was assigned the case from [REDACTED] when [REDACTED], and from approximately [REDACTED] [REDACTED] when his adoption case was closed.

- Did not make collateral contacts with persons (extended family, school personnel) who had frequent contact with Ricky and with whom the parents might have shared information relevant to evaluating rule compliance.

DHS Response to Finding 1:

Agree in part. DHS will respond bullet by bullet.

- The FHL worker followed Child Placing Agency (CPA) Rule R400.12316 *Special Evaluation Requirements*. The licensing worker is not required to contact the CPS reporting source. The Licensing worker is required to identify the information source in the licensing complaint. The information source in this case was the CPS worker with whom a joint investigation was conducted. The joint investigation commenced immediately upon receipt of the CPS complaint. Within one hour, the licensing worker and the CPS worker had interviewed the child at the school.
- Additional investigative steps should have occurred when the child's disclosure was in direct conflict with the caretaker's denial. While the licensing worker did not discount [REDACTED] disclosure [REDACTED], the investigation did not resolve the conflicting statements.
- The CPS and licensing workers completed a review of the alleged scene. The workers viewed the [REDACTED] and found no evidence that the child had been [REDACTED]. There were no [REDACTED] and there was no [REDACTED]. The FC licensing supervisor verified that the workers discussed their findings from the scene investigation with him. Both the CPS and licensing workers indicated that they had viewed the [REDACTED] and specifically [REDACTED].
- The FHL worker followed CPA Rule R400.12316 *Special Evaluation Requirements* and completed a joint investigation with CPS. The child was seen separately at school within one hour of the CPS complaint and the parents were seen separately from the child. There is no requirement in the CPA rules for the FHL worker to contact other collateral sources in the community during the complaint investigation. However, during review of the case it was determined that FHL worker had contact with several sources that were not documented within the body of the written report. The FHL worker and CPS worker contacted the CPS supervisor, the Head Start teacher, and the assigned FC worker.

OCO FHL Recommendation 1a:

The OCO recommends that the OCAL review FC policy CFF 922-2 "*Complaints about Foster Family Homes*" and enhance policy to include the specific steps that staff must take when completing a licensing special evaluation. While CPS policy includes the steps CPS workers must take during a CPS investigation, Foster Home Development policy provides no similar guidelines to foster home licensing staff. OCAL advised the OCO that Complaint Training is provided to licensing staff and details the specific steps that workers must take when completing a licensing special evaluation.

DHS Response to Recommendation 1a:

Agree in part. DHS foster care policy is the responsibility of the foster care program office, as opposed to OCAL. The FC program office will review policy (CFF 922-2) regarding "Complaints about Foster Family Homes" and consider whether policy should be amended to include specific steps that licensing workers must take when completing a licensing special evaluation. If it is determined that a policy enhancement would be beneficial, the program office will bring together a group of experts in CPS, FC and licensing, including OCAL, to determine where the appropriate changes in policy are needed.

In addition, OCAL has completed a new foster home licensing handbook that is currently being reviewed. There is an expanded section in that handbook on completing special evaluations. The foster home licensing handbook is scheduled for release by 10/01/06.

OCO FHL Recommendation 1b:

The OCO recommends that the Office of Children and Adult Licensing (OCAL) consider a change to Foster Home Development policy and Child Placing Agency Rules requiring licensing supervisors to attend Complaint Training prior to becoming responsible for approving and signing special evaluation reports. CPA Rule 400.12305 states: "*An agency shall ensure that all supervisors of social service workers who perform foster home certification functions receive certification training provided by the department.*" A similar requirement is needed for the department's Complaint Training.

DHS Response to Recommendation 1b:

Agree. A change in the CPA Rules cannot be completed without going through the State Office of Administrative Hearings and Rules (SOAHR) and the rule promulgation process. However, OCAL will maintain this recommendation and will modify the applicable rule when the rules are opened next.

OCO FHL Finding 2:

The OCO finds that Jackson County DHS foster home licensing staff violated CPA Rule R 400.12312 and the Jackson County agency policy [required by R 400. 9415] when reassessing the ongoing training needs of the Hollands.

CPA R 400.12312 requires that the agency develop an individualized foster parent training plan in cooperation with the foster parents that provides for the following: a) the specific training needs of the foster parents and, b) no less than six hours of training annually after the first two years following the family's original license.

- The agency did not develop an annual training plan with the Hollands and repeatedly documented in annual studies, "*The Hollands requested no specific training and no specific training is recommended for the Hollands.*"
- Jackson County DHS's agency policy states: "*No more than half of the required training hours during a licensing renewal period may be from sources other than J.A.F.P.C. [Jackson Area Foster Parent Coalition] sponsored training or other training directly related to foster parenting.*" The Hollands last attended an agency-sponsored training in

November 2002. After that date, their annual training consisted of viewing 14 hours of on-line instruction videos in April 2003, and 10.5 hours of reported reading in April 2005.¹⁷

DHS Response to Finding 2:

Agree. Although Mr. and Mrs. Holland participated in and completed the appropriate number of training hours, the foster home licensing worker did not establish a training plan as required.

OCO FHL Recommendation 2:

The OCO recommends that Jackson County DHS develop a plan to ensure their licensed foster homes are in compliance with Child Placing Agency Rule 400.12312 and Jackson County agency policy regarding the reassessment of ongoing training requirements for foster parents.

DHS Response to Recommendation 2:

Agree. Jackson County DHS will conduct a review of local office policy to determine if it adequately ensures the appropriate level of expertise of the foster parents as required by CPA Rule 400.12312 and will enforce local office training requirements. Adherence to the local office training requirements and the assessment of training needs will be closely monitored by supervision. In addition, home studies submitted without the appropriate training assessments will not be approved.

OCO FHL Finding 3:

The OCO finds that Jackson County DHS was in violation of CPA Rule 400.12313 (2) and (4) "Reevaluation" by failing to adequately reassess the Hollands' ability to provide foster care to four children in addition to their adopted and birth children.¹⁸

As the Holland family changed and grew, the subsequent annual foster home licensing studies mirrored the 9/00 Initial Foster Home Licensing study recommendations and failed to adequately reassess the changing family dynamics, the family's ability to effectively meet the needs of all children in the home, and their ability to remain licensed to foster four additional children. In this case, Placement Specifications remained unchanged throughout the duration of the Hollands' license.

Placement Specifications in the February 2005 Foster Home Renewal study continued to indicate:

The Hollands have the skills and competencies to foster 4 children, ages 0-5, with mild emotional impairments, mild disabilities, or children that are enuretic.... Children that are inappropriate for placement in the Holland foster home include children that have moderate to severe behavior or mental health issues, children with medical needs, and children that have been sexually abused. "Children that are fire-setters or who are highly aggressive, oppositional or destructive would also be inappropriate. Children that have serious medical needs, or have physical impairments that limits mobility would also be inappropriate.

¹⁷ The Hollands reported reading three books by author David Pelzer.

¹⁸ While the Hollands always remained licensed for four children, the OCO acknowledges that Jackson County DHS reported to the OCO the Holland foster home remained voluntarily in "Unavailable" status from 1/04 (when Mrs. Holland reported to licensing she was pregnant) through closure in 1/06. No additional children were ever placed in the home.

DHS Response to Finding 3:

Agree in part. CPA Rule 400.12313 (2) and (4) regarding "Reevaluation" was followed. Reevaluations and updates were documented by each of the licensing workers that handled the case over the six year period of the family's license. However, the extent of their reevaluations changed with each worker and differed in content and length. Each report documented:

- A changing assessment of the ability of the family to provide foster care for children.
- The children in the home and the family's ability to foster those particular children.
- Employment of the parent.
- Training.
- Experience.

On 3/10/03, a Renewal Home Study was completed. The licensing application states that the father was working for the Army. In the renewal home study, "Assessment of the Foster Families Ability to Provide Foster Care/Rule Compliance" addresses the father's extended work periods out of the home due to employment. The assessment also includes a back-up support system for the mother during these times. At the renewal in March 2005, the employment situation had not changed.

That said, the 4/24/04 report indicates that the family was voluntarily placing themselves on the unavailable list for future placements. Jackson County DHS did not reassess and adjust placement specifications despite significant changes to the family make-up for the February 2005 Foster Home Renewal study.

OCO FHL Recommendation 3a:

The OCO recommends that Jackson County DHS identify how it will ensure that foster home reevaluations include a thorough assessment of the foster family's current circumstances and ability to meet the terms of their license, as required by Child Placing Agency Rule 400.12313 "Reevaluation."

DHS Response to Recommendation 3a:

Agree. Jackson County foster care licensing uses a template that includes the requirements of CPA Rule 400.12313. The template has been modified to contain text that will prompt the licensing worker to include contact with all FC workers who have children placed in the home during the most recent licensing period. In addition, a protocol has been developed to ensure compliance with Rule 400.12313 which includes the following components:

- The Foster Home/Placement Review Report form contains questions related to the FC worker's experience in working with the foster parent during the most recent licensing period.
- The licensing worker will send the Foster Home/Placement Review Report form to each FC worker with children placed in the foster home during the most recent licensing period.

- If the Foster Home/Placement Review Report form is not returned to the licensing worker by the requested date, the licensing worker will contact the FC worker for direct input.

The licensing supervisor will not approve the annual licensing/reevaluation report unless all required elements of the rule are met, including incorporation of the FC worker's information into the report.

OCO FHL Recommendation 3b:

The OCO recommends that DHS develop policy that would require FC workers to make contact with each professional involved in a foster child's care to solicit the professional's observations regarding the children's caregivers. CPA rule R 400.12313 requires that licensing staff solicit information from each social service worker who has had children placed in the home during the last licensing period as a part of each foster home license reevaluation. Feedback from professionals would be included in the information shared with the licensing staff during annual licensing reassessments.

DHS Response to Recommendation 3b:

Agree. DHS foster care program office will develop policy to require FC workers to make contact with each professional involved in the child's care to solicit the professional's observations regarding the child and the child's caregivers. In addition, the policy will instruct FC workers that any identified concerns regarding the foster parents' care of a child, are to be immediately reported to the licensing worker. Policy will be developed by 12/31/06.

OCO Systems Finding 1:

The OCO finds that neither FC nor FHL policy provides child welfare staff adequate guidance to assess and document whether a caregiver can adequately meet the needs of all children in the home when considering the placement of subsequent children.¹⁹

Many factors impact subsequent placement decisions, including:

- Child welfare philosophy requiring placement of siblings in the same home whenever possible.
- DHS reliance on the foster parents to accurately report their ability to effectively parent the children.
- Opportunities to achieve timely permanency for children consistent with the Adoption and Safe Families Act (ASFA) and child welfare philosophy.
- Whether or not there is a full-time caregiver in the home.

¹⁹ FC policy CFF 722-3 "Placement Selection Criteria" defines the criteria that FC workers must consider when making a placement or replacement decision for a child. This policy also outlines the criteria which must be considered when assessing a relative or guardian for placement.

In this case, Ricky's siblings were placed in the Holland foster home within the terms of the Hollands' license. However, there is no documentation of the factors that were considered during the placement decision-making process when each of Ricky's siblings were placed in the home.

DHS Response to Systems Finding 1:

Disagree. The very nature of FHL is that prospective foster parents are studied and determinations are made based on a thorough evaluation as to the number and types of children that the family is best suited to care for. This evaluation is made prior to any child being placed into the home. Foster homes are also re-evaluated yearly to ensure that foster parents continue to be appropriately licensed.

Foster Care Placement Selection Criteria and the guiding policy outline what must be considered when assessing placements for a child. Foster care placements are reviewed on a quarterly basis by FC workers, FC supervisors and the court, to ensure that children are placed in the most appropriate home based on their needs.

In this case, the case record contains documentation that [REDACTED] and [REDACTED] were placed into a licensed foster home in which the Placement Selection Criteria was used as a guide for the placement.

OCO Systems Recommendation 1:

The OCO recommends that DHS develop and implement a structured Placement Assessment tool to assist child welfare workers in making and documenting subsequent placement decisions within a caregiver's home.²⁰ The tool should assess, at a minimum, the following factors:

- Number and ages of children already in the home.
- Special needs of children already in the home, including current FC DOC levels or adoption subsidies based on DOC rates.
- Number and ages of the caregiver(s).
- Support systems of the caregiver(s) including attendance and participation in ongoing trainings, support groups, and formal mentoring programs.
- Any parenting difficulties since last assessment.
- Significant changes or stressors since last assessment.
- CPS or FHL complaints.

DHS Response to Systems Recommendation 1:

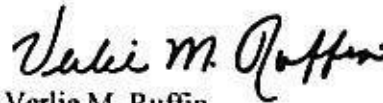
Agree. DHS will develop and implement a structured placement assessment tool to assist child welfare workers in making and documenting subsequent placement decisions within a caregiver's

²⁰ Consider a tool similar to FC SDM where factors are scored requiring graduated levels of oversight, i.e.: Level I – worker approval; Level II – placement staffing with supervisor approval; Level III – 2nd line supervisory approval.

home. DHS will also continue to focus on child safety and well-being as a priority when the placement of each child is assessed. Michigan has implemented a team approach to placement decision making. This approach has been implemented in sixty-five counties and is rolling out statewide. The team placement decision-making meeting will be used to ensure each caregiver's ability to adequately meet the needs of all children in the home is adequately assessed.

This concludes the OCO investigation of the case involving the Holland children. If you have any further questions or concerns, please contact our office at (517) 373-3077 or (800) 642-4326.

Sincerely,



Verlie M. Ruffin
Children's Ombudsman

Enclosure

VMR/sb

cc: Steve Yager, Director, Office of Family Advocate
Jackson County DHS Director
Ingham County DHS Director