

# IMPROVING OUTCOMES FOR MICHIGAN'S CHILDREN AND FAMILIES

## The Child and Family Services Review **Michigan's Performance and Program Improvement Plan (PIP)**

Jim Novell and Carol Kraklan  
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## CFSR Outcomes

- Michigan's onsite federal review occurred in September of 2009. (Wayne, Kent, and Berrien Counties.)
- The review assessed the functioning of the child welfare system, which includes DHS, courts, and other public agencies.
- Michigan's final report was received in March 2010.
- Outcomes in the final report are based on the data profile provided to the feds by DHS related to permanency, safety, and stability of children; a statewide self-assessment completed in July 2009; and the onsite review in September 2009.

## CFSR Outcomes

- States are “graded” regarding achievement of substantial conformity in each of the 7 outcomes and 7 systemic factors set forth in the review.
- Individual ratings for an item are rated as either a “strength” or an “area needing improvement.”

## CFSR Outcomes

**Michigan did not achieve substantial conformity with the outcome requirements for safety, permanency, or well-being.**

## CFSR Outcomes

**Michigan achieved substantial conformity in 3 of the 7 systemic factors:**

- Staff and provider training.
- Agency responsiveness to the community.
- Foster and adoptive parent licensing, recruitment, and retention.

## CFSR Outcomes

**Michigan did not achieve substantial conformity in the remaining 4 systemic factors:**

- Statewide information system (lack of up-to-date information on children served by the private foster care providers).
- Case review system (includes the court).
- Quality assurance system.
- Services array and resource development.

## CFSR Outcomes

**Michigan was rated with a strength in the areas of:**

- Preventing re-entries into foster care.
- Close proximity of the foster care placement to the child's removal community.
- Placement with siblings in foster care.

## The Program Improvement Plan

**The final phase of the CFSR is the Program Improvement Plan (PIP). Our initial draft was submitted on April 27, 2010.**

- The PIP is a means of institutionalizing improvements in our foster care system and reducing or removing financial penalties related to areas of non-conformance.
- The PIP must address each area where the state was found to be in non-conformance.
- Measurable objectives must be identified with actions, steps, and timeframes for achieving those objectives.
- The PIP is a two-year improvement journey, from time of approval by the feds, that must be undertaken with the full participation of the child welfare system.
- The PIP must be integrated with the Child and Family Services Plan, which is the five-year plan that all states complete.

## Program Improvement Plan

Michigan identified four “themes” or broad strategies to focus on for improvement:

- Reassess and improve children’s protective services policy and practice.
- Enhance the state’s capacity to provide for children’s and family’s needs by identifying those needs and providing services.
- Implement permanency planning conferences and concurrent planning.
- Enhance accountability and workforce development.

## Court/DHS Collaboration

**The CFSR process recognizes that a strong child welfare system is built upon the responsiveness of these partners to each other in achieving the goals of safety, permanency, and well-being for children.**

## Court/DHS Collaboration

### **Court Advisory Group PIP Recommendations (Handout)**

- Recommendations address what the court and DHS can do, separately and collaboratively, to address concerns raised in the CFSR final report regarding child safety, timely permanency, child well being, and the case review process.

## Court/DHS Collaboration

- DHS will be negotiating final PIP items with the Children's Bureau, and representatives of the court will be included in some of those discussions.
- Many of the court recommended actions steps will be implemented into the Program Improvement Plan.
- The actions steps that are not directly related to findings in the CFSR will be included in Michigan's 5-year federal Child and Family Services Plan and the SCAO Court Improvement Program (CIP) Strategic Plan

## Court/DHS PIP Items

- Implement concurrent planning statewide and pursue joint training of jurists/attorneys and caseworkers. (Emphasis on increasing and improving parent-child visitation.)
- Improve the involvement of foster parents in court proceedings to identify potential placement problems earlier.
- Establish a court rule that requires “compelling reasons” to be noted on the record and revision of the court orders to support this rule.

## Court/DHS PIP Items

- Support judicial leadership to facilitate DHS/CPA provision of parenting time consistent with the needs of the children.
- Pursue identification of absent parents and relatives at the preliminary hearing.
- Development of a user-friendly case plan and related court report that provides key information to participants.

## DHS/Court Items for the Child and Family Services Plan

The DHS 5-year child welfare state plan will be enhanced to include:

- Continuation and expansion of the Permanency Forum.
- Recruitment of appropriate foster parents and improved training, including matching foster parents to a child's needs.
- Improved communication strategies between the court and DHS.
- Assessment of policies and practices that delay the provision of services to families.

## Present Progress

### **Permanency Composite 1: Timeliness and Permanency of Reunification**

4/1/09 - 9/30/09

National Standard 122.6 or higher

**State Score 111.0**

10/1/09 - 3/31/10

National Standard 122.6 or higher

**State Score 114.9**

## Present Progress cont.

### **Permanency Composite 2: Timeliness of Adoptions**

4/1/09 - 9/30/09

National Standard 106.4 or higher

**State Score 108.3**

10/1/09 - 3/31/10

National Standard 106.4

**State Score 114.21**

## Present Progress cont.

### **Permanency Composite 3: Permanency for Children and Youth in Foster Care for Long Periods of Time**

4/1/09 - 9/30/09

National Standard 121.7 or higher

**State Score 125.5**

10/1/09 - 3/31/10

National Standard 121.7

**State Score 124.02**

# REUNIFICATION

## ESSENTIALS FOR IMPROVEMENT

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### CASE SERVICE PLAN

### PARENT-CHILD VISITATION

### ASFA -15 OF 22 MONTHS

### CASE SERVICE PLAN

**Federal law\* requires initial and updated written case plans *customized* to the individual needs and strengths of the family and relevant to the problems requiring placement of the child. The law requires the plan be jointly developed with the parents and the child, where appropriate.**

**\*[Public Law 105-89 – Adoption and Safe Families Act of 1997]**

## CASE SERVICE PLAN (Content)

- The case plan must include clear, achievable objectives and timeframes consistent with the child's developmental needs. It must be written in a manner that is easily understood by all parties.
- When the permanency plan is reunification, the plan must clearly state and describe in measurable and observable terms what the parent must achieve and/or demonstrate for the child to be returned to the parent's care, and related services to be provided.
- When the permanency plan is reunification, the case plan objectives should be directly related to correcting the parental behavior and living conditions that resulted in the children coming into care and be specific to the individual needs and strengths of the family and children, as determined by a thorough and competent assessment.
- When the permanency plan is *not* reunification, the written case plan must describe actions the supervising agency will take to place the child in an alternative safe, stable, and permanent placement and related timelines.
- The case plan also must clearly direct the supervising agency in its responsibility of caring for the children and ensuring that they have a safe, stable placement appropriate to their individual needs, and the care of the children in their foster placement.
- The plan should address appropriate services to be provided to address assessed needs the child may have in the areas of education, development, and physical or mental health.

## CASE SERVICE PLAN (Purpose)

- A written case plan is the road map to safety, permanency and well being for the child.
- The written case plan allows the court to review the progress made by the agency toward achieving timely permanency and, in the case of a permanency plan of reunification, the progress of the parents in meeting agreed upon criteria. Such progress should be clearly noted in the updated written case plan. The DHR is also the means by which the court is able to evaluate the agency's care and supervision of the children under the court's jurisdiction as it relates to their safety, placement stability, and well being.
- The case plan is a means of helping to ensure that the agency, court, and parents in reunification cases are in sync regarding how they can achieve safe and timely permanency for each child. Generic, wrongly focused, or poorly written case plans and plans that marginalize parental involvement waste resources, and frustrate already overwhelmed parents, ultimately delaying permanency while compromising child safety and well being.
- The case plan should designate the frequency of parenting time and specific objectives and activities for promoting improvements in the parent/child relationship during that time, including what the parents must do to have increased or unsupervised parenting time.

## PARENT-CHILD VISITATION

- Research indicates that regular and frequent “high quality” parental visitation, preferably in the child’s home or the home of a relative, increases the likelihood of successful reunification, maintains or promotes healthy attachment, and reduces the traumatic effect of the separation for both the child and the parent.
- Frequent, well-planned visitation allows the parent to practice new parenting skills and attitudes. It also allows the caseworker to evaluate the parent–child relationship and the parent’s ability and willingness to learn new ways of interacting with the child.
- Frequent visits (minimum of 1-2 days a week, and more frequently for children ages 0-3) are recommended to help determine at an early stage of the case the likelihood of successful reunification.
- Frequent, supportive visitation helps to maintain the parents’ connections to the child and increase their confidence in their ability to become successful parents. This is especially important with parents who are ambivalent about their commitment to the child.
- Research concludes that visitation usually occurs too infrequently, much to the detriment of the parent-child relationship . The literature and practice also shows that agencies often justify infrequent visitation opportunities by citing either a lack of resources to provide the necessary supervision and parental support or the agency’s belief that parents must “earn” additional time with their children.

## PARENT-CHILD VISITATION

*“Removing children from their parents is not about punishing the child or the parent for abusive or neglectful behaviors. The criminal law is written to address punishment for bad actions. The child protection system is about protecting children, supporting parents’ growth, and, if possible, reunifying children with their parents. It is also about serving the best interests of children. In this context, visitation is a critical element, one that is often overlooked by members of the child protection system.”*

***Judicial Oversight of Parental Visitation in Family Reunification Cases,*** Judge Leonard P. Edwards, *Juvenile and Family Court Journal*, Spring 2003.

## ASFA -15 of 22 Months

ASFA states that when a child has been in foster care for 15 of the last 22 months, the department “*shall file a petition to terminate the parental rights of the child’s parents*” unless the child is being cared for by a relative, the state has documented a “compelling reason” for determining that filing such a petition would not be in the best interests of the child, or the state has not made the reasonable efforts necessary to achieve the goal of the case plan where the goal is reunification.

1997 Adoption and Safe Families Act 42 U.S.C. §§ 675(5)(E)

## ASFA -15 of 22 Months

DHS policy lists these examples of compelling reasons not to file a petition requesting termination of parental rights include:

- The supervising agency has not yet provided the services detailed in the prior service plans to make reunification possible.
- No grounds for termination of parental rights exist.
- The child or youth is being cared for by a relative.
- The child is an unaccompanied refugee minor.
- There are international legal obligations or compelling foreign policy reasons that preclude termination of parental rights.
- If “**Other**” is the compelling reason, there must be clear documentation within the case service plan of the individual circumstances of the child that necessitates this selection.

## ASFA -15 of 22 Months

### Other examples of “compelling reasons” for not filing a termination petition:

- There is a permanency goal other than adoption (typically guardianship) that is in the best interests of the child.
- Substantial progress is made by the parent with reunification expected within a reasonable time beyond the 15 months.
- Clinical evaluation that states significant emotional harm (beyond the typical trauma of such an action) would result to the child as a result of the termination.
- The child is 14 or older and will not consent to an adoption.
- Insufficient legal grounds for TPR petition.

## Questions

### **James Novell, Manager**

Foster Care Review Board

(313)972-3280

[novellj@courts.mi.gov](mailto:novellj@courts.mi.gov)

### **Carol Kraklan, Manager**

Child and Family Services Review

(517) 335-3919

[kraklanc2@michigan.gov](mailto:kraklanc2@michigan.gov)

**2009 Federal Child and Family Services Review  
Program Improvement Plan**

**CFSR PIP Court Advisory Group  
Court and Legal System Recommendations**

CHILD AND FAMILY SERVICE OUTCOMES

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

- Expand and institutionalize the present Permanency Forum as a means of developing and sharing successful practices to improve permanency outcomes statewide. This would include maintaining and expanding the local county teams to include representatives from all stakeholders in protective proceedings.
- Implement concurrent planning statewide. Pursue joint/collaborative training of local jurists/attorneys and caseworkers.
- Regular involvement of foster parents in court proceedings to identify potential placement problems before they result in unplanned moves of children.
- Increased recruitment of **appropriate** foster parents, improved training and support by the supervising agency, improved matching of child’s needs to the homes ability to meet those needs.
- Improved communication to and among legal professionals to ensure they are updated on latest statutory requirements and court rules related to protective proceedings, as well as sharing of best practices and identification of systemic problems. Suggestions include using present systems of communication affiliated with formal legal organizations, e.g. Michigan Judges Association, Michigan Probate Judges Association, Michigan Bar Association Children’s Law Section, etc.
- Establish a court rule that requires “compelling reasons” be noted on the record and in the court order when indicated for not filing for termination of parental rights if the child has been in care 15 of 22 months. Revised court order to accommodate the rule.
- Training of jurists and LGALs regarding DHS policy requirements related to the permanency plan of “APPLA” and “placement with fit and willing relative” to provide basis for court finding of reasonable efforts being made to achieve that plan and court approval of the plan.
- Court should ensure **at each hearing** that the child is safe and well cared for in their present placement and that the agency is providing necessary support to ensure the stability of the placement.
- Court should ensure that foster parents have been properly noticed and encourage their input regarding the child’s safety and well being.

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

### **Permanency Outcome #2: Continuity of Family Relationships and Connections Preserved.**

- The advisory group agreed that frequency and quality of parenting time and support of the parent-child relationship is critical to child well being and improvement in the timeliness of reunification and the number of children reunified.
- Development of joint task force (courts/DHS/POS agencies) to address/overcome barriers to provision of necessary parenting time.
- Judicial leadership required to facilitate DHS/agency provision of parenting time, consistent with the needs of the child, and to promote timely reunification, despite agency objections and excuses. Need to determine if this is a reasonable efforts issue.
- Parent attorneys can be more assertive in requesting appropriate level of visitation.
- LGAL should evaluate and request increased parenting time if they determine it is in their clients' best interests.
- Assess policy and practice that delays/limits services to parents from preliminary hearing onward.
- SCAO should support courts with related training and data/research.
- Identification of absent parents and relatives required at preliminary hearing. Court should follow up at each hearing.
- Court should monitor at each hearing the following **child well being** issues:
  - Sibling visitation.
  - Efforts by the agency to maintain important connections for the children.

### **Well Being Outcomes #2 and #3: Children receive appropriate services to meet their educational needs; children receive adequate services to meet their physical and mental health needs.**

- Court must ensure at each hearing that the child's specific needs are being met in each of these well being areas, including obtaining a verbal report from the child's court appointed LGAL, input from the foster parents, and input from the child when possible.

## **SYSTEM OUTCOMES**

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

- Advisory group consensus that present written case plans and related court reports are woefully inadequate to be utilized as a means of monitoring progress toward permanency, child well being, and child safety.
- Recommend joint court/DHS/POS agency task force to develop a functional, useful, and user-friendly written case plan and related court report.

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

- Jurist /parent's attorneys/LGAL will need to monitor and hold the agency accountable to include parents and youth in the development of their case plans/service agreements. Court could withhold approval/acceptance of plan until this requirement has been met.
- Strongly recommend institutional change that includes a regular communication process between the courts and DHS either on a local or state level to address statutory and policy issues and changes and how they can be implemented collaboratively and efficiently; data sharing; problem solving; resource development etc.
- Recommend that the Department of Human Services address the "disconnect "between Lansing DHS office and the field operations of DHS which has a significant impact on case management practices, which adversely impacts the operations of the court and ultimately on the care of children and families. The judges advised that this has been an issue raised numerous times by the MPJA without an adequate response.

### **Safety Outcome # 2: Children are safely maintained in their homes when possible and appropriate.**

**Excerpt from Executive Summary - Pg 6:** [Performance on Safety Outcome 2 is assessed through two items. One item (item 3) assesses State efforts to prevent children's removal from their homes by providing the family with services to ensure children's safety while they remain in their homes. The other item (item 4) assesses efforts to manage safety and reduce risk of harm to children in their own homes and in their foster care placements. The 2009 CFSR case reviews identified the following concerns in many of the cases reviewed:

- Children remaining in their own homes continued to be at risk either because services were not provided, or the services that were provided did not target the key safety concerns.
  - There was a lack of initial and ongoing safety and risk assessments.
  - There were continued risk concerns in the home that were not addressed and/or monitored by the agency. ]
- The related court concern regarding this outcome is that the court is seeing initial petitions where the case was opened for services for three or more months prior to the petition being brought to the court and the parent has been unresponsive, thus leaving the children at risk during that time. We recommend that in these cases, DHS Child Protective Services maintain the child in the home, but pursue early court involvement to help enforce parental compliance. DHS and the court should collaborate to evaluate the need for possible statutory or DHS policy change to *require* early involvement by the court while the children are in the home under conditions where parents do not engage in services in a timely manner.