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State of Michigan
In the Supreme Court

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The People of the State of Michigan	MSC No. 166654
Plaintiff-Appellee,	COA No. 348732
v	Wayne County Circuit Court
Andrew Michael Czarnecki	Case No. 16-10813-01 FC
Defendant-Appellant.	

APPENDIX LIST TO CHILDREN'S LAW SECTION AMICUS BRIEF

Appendix A	DHHS foster care policy manual, FOM 722-16.
Appendix B	DHHS guardianship assistance policy manual, GDM 716.
Appendix C	DHHS juvenile justice policy manual, JJM 100.

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OVERVIEW

The Young Adult Voluntary Foster Care (YAVFC) program provides youth, age 18 to 21, with extended foster care benefits that include financial stipends and case management.

PROGRAM REQUIREMENTS

The following criteria must be met by all youth entering YAVFC prior to signing the DHS-1297, Young Adult Voluntary Foster Care Agreement, which grants the Michigan Department of Health and Human Services (MDHHS) placement and care responsibility:

- The youth must be placed with or referred to MDHHS by the court in a child abuse/neglect case as of their 18th birthday.
- A youth with a delinquency court case must have a dual abuse/neglect case to be considered eligible.
- The youth's abuse/neglect court case, and delinquency case, if applicable, must be closed by the court prior to the YAVFC case opening.
- If the youth's court case was closed prior to age 18, they are not eligible for the YAVFC program.

  Note: A court order is not effective until the date signed by the judge.
- A youth committed to the Michigan Children's Institute (MCI) must be at least 19 years old or released by MCI on or after their 18th birthday.

Youth requesting to participate in YAVFC enter the program by:

- **Extending** an open foster care case, if the youth is currently receiving foster care services and is at least 18, but less than 21 years old.
- **Entering or re-entering** YAVFC after case closure, if the youth exited foster care or YAVFC after reaching the age of 18 and is less than 21 years old.

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ELIGIBILITY CRITERIA

In order to be eligible for title IV-E funded extended foster care services and receive foster care maintenance payments the youth must be meeting one of the following criteria:

- Actively completing high school or a program leading to a general educational development (GED).
- Enrolled at least part-time in a college, university, vocational program, or trade school.
  - A youth who is on semester, summer, or other break, but was enrolled the previous semester and will be enrolled after the break, is considered enrolled in school.
  - The college, university, vocational program, or trade school determines if a student is enrolled in the institution. Once the school no longer considers a youth enrolled, the youth's grace period begins.
  - There is no attendance or minimum grade point average requirement for college, university, vocational program, or trade school.
- Employed at least part-time or participating in a program that promotes employment, such as Job Corps, Michigan Works!, or another employment skill-building program, for at least 80 hours per month.
  - To meet the 80-hour work requirement, a youth may be employed at more than one place or employed in combination with an employment skill-building program or volunteer work.
  - Federal guidelines do not allow for self-employment to be used for YAVFC eligibility.
- Volunteering for a community organization for at least 80 hours per month, or in combination with employment to meet minimum eligibility requirements.
  - Volunteering for MDHHS or other child welfare agencies does not qualify. A community organization representative must document hours spent volunteering.

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- Incapable of the above educational, employment, or volunteer activities due to a documented medical condition.
  - If eligibility is based on incapacity expected to last more than one year, the case manager must assist the youth in applying for Supplemental Security Income (SSI) if applicable; see FOM 902-12, Government and Other Benefits.

YOUNG ADULT VOLUNTARY FOSTER CARE (YAVFC) AGREEMENT

The DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement, outlines eligibility requirements regarding education, employment, living arrangements, residence notification, case manager contact, and case reviews. The youth's signature on the DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement, grants MDHHS placement and care responsibility. Youth are eligible for foster care services and payments on the date it is signed by all parties, with an effective date of the youth's signature.

Youth Extending

Whenever possible, the foster care case should extend directly into a YAVFC case to ensure continuity of care and services for the youth.

The case manager must discuss YAVFC during semi-annual transition Meetings, 90-day discharge planning meetings, and at least 30 calendar days prior to the youth’s 18th birthday as a part of a monthly home visit.

Youth must sign a DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement, before participating in YAVFC. **The youth is not eligible for YAVFC service or payments until the agreement is signed**, however it cannot be signed until the following have occurred:

- The youth reaches 18 years old.
- The case manager has received verification of eligibility.

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- Family or juvenile court jurisdiction has been dismissed and the case manager has received the written court order. If possible, the DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement, should be signed by the youth on the date the court closes. It cannot be signed prior.

- If applicable, the MCI superintendent has discharged the case; see FOM 722-15, Case Closing.

Copies of the DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement, must be:

- Given to the youth.

- Filed with the CCFD 20, Ex-Parte Petition Regarding Young Adult Voluntary Foster Care; see *Judicial Determination* in this policy.

- Uploaded into the electronic case management system under Eligibility on the Young Adult Voluntary Foster Care in the Financial section.

Youth Entering/ Re-entering

If the foster care case closed for a youth aged 18 or older and they later decide to enter/re-enter the YAVFC program:

- The youth must be referred to the MDHHS office in the county in which they reside.

  Note: Youth must live in the state of Michigan at the time of entry or re-entry to YAVFC; see *Residency Requirements* in this policy.

- Within three calendar days of a youth's written or verbal request, the case must be assigned to a case manager.

- The assigned case manager enters the new case through the non-Children's Protective Services (CPS) intake progress in the electronic case management system.

  Note: If a youth is immediately found ineligible to enter YAVFC due to not having an open Michigan foster care abuse/neglect case at the age of 18, the assigned case manager must notify the youth within three business days they

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are ineligible. The case should still be entered as a non-CPS intake in the electronic case management system and a YAVFC eligibility determination entered.

- Within five business days of case assignment, the case manager must visit the youth in their placement or living arrangement and explain YAVFC requirements.
- Within five business days of case assignment, the case manager must notify the Health Liaison Officer (HLO) in the county of residence. Notification to the HLO must include the youth's name, contact information, and name of the assigned case manager.
- If the youth agrees to participate in YAVFC, the case manager must provide the youth with the MDHHS-5778, Young Adult Voluntary Foster Care Verification of Eligibility, form. The form must be completed and returned within ten calendar days. The case manager must follow-up with the youth to provide any needed assistance; see *Verification of Eligibility* in this policy.
- Upon returning the completed eligibility verification form, the youth must sign the DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement.
- Entry into the electronic case management system by following the YAVFC Job Aid, Record Young Adult Voluntary Foster Care (YAVFC) Information.

Copies of the DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement, must be:

- Given to the youth.
- Filed with the CCFD 20, Ex-Parte Petition Regarding Young Adult Voluntary Foster Care; see *Judicial Determination* in this policy.
- Uploaded into the electronic case management record under Eligibility on the Young Adult Voluntary Foster Care in the Financial section.

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Court Appointed Guardians

If there is a court order of mental incompetency and there is a court appointed guardian for the youth, the guardian is responsible for signing the DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement.

VERIFICATION OF ELIGIBILITY

The youth must provide documents to the case manager verifying eligibility **prior to signing the** DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement.

The MDHHS-5778, Young Adult Voluntary Foster Care Verification of Eligibility, is the preferred documentation to verify employment, education, volunteer work, or medical needs.

The MDHHS-5778, Young Adult Voluntary Foster Care Verification of Eligibility, can be used to document one type of eligibility criteria. If a youth is required to show two types, such as for both employment and volunteering, then a MDHHS-5778, Young Adult Voluntary Foster Care Verification of Eligibility, must be completed for each.

The following verification forms may also be used to document eligibility:

- DHS-3380, Verification of Student Information, may also be used to verify enrollment in an educational program, vocational training, or trade school.
- DHS-38, Verification of Employment, may also be used to verify employment or an alternative to employment, such as volunteering.

  Note: Verification of volunteering not documented on the MDHHS-5778, Young Adult Voluntary Foster Care Verification of Eligibility, or DHS-38, Verification of Employment, must be by a representative of the community organization and written on organization letterhead.
- DHS-54A, Medical Needs, may be used to documents the youth's medical condition that prevents them from meeting

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eligibility requirements for education, employment of volunteer work.

Alternative Verification

Alternative forms of eligibility verification may be accepted, including:

- Pay stubs that include employer, the youth's name, and how many hours per calendar month the youth worked.
- Equifax Verification Services printout.
- Letter from the school on letterhead showing dates of enrollment.
- Other documentation as approved by program office.

Questions regarding alternative forms of eligibility verification should be directed to the YAVFC Mailbox (MDHHS-YAVFC@michigan.gov).

Ongoing Verification of Eligibility

Ongoing verification of eligibility is required, at minimum, quarterly, to coincide with the case service plan due date. The supervisor must review and verify the youth's eligibility prior to approving the case service plan. If the youth does not meet eligibility requirements, see *Reporting Eligibility Changes* in this item.

The case manager must provide the youth with the appropriate eligibility verification form at least 45 calendar days prior to the case service plan due date.

The case manager must discuss a youth's eligibility at each monthly face-to-face contact. The youth's failure to notify the case manager of eligibility changes in a timely manner will not delay the beginning of a grace period or case closure. For example, a case manager can request to see paystubs, or a work schedule each month to make sure the youth is meeting requirements.

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Exception: The DHS-54A, Medical Needs, form may be submitted on an annual basis if the youth's condition is expected to persist for more than one year, **and** there is a pending application for SSI.

Reporting Eligibility Changes

Youth

Youth must report changes that affect YAVFC eligibility to their case manager within three business days of the change. Failure to report changes timely may affect a youth's eligibility.

Primary Foster Care Case Manager

The case manager must review reporting requirements with the youth prior to the youth signing the DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement.

The primary foster care case manager must inform the CWFS within three business days of learning of a change that affects the youth's YAVFC eligibility including:

- Changes in a youth's living arrangement; for example, address changes, foster family license changes, child caring institution (CCI) license changes, or incarceration.
- Changes in the youth's family composition; for example, the youth has a child, custody change, or the minor child moves in or out of the youth's home.
- SSI/RSDI starts or stops.
- The date a youth starts a grace period and the date the grace period is scheduled to end.
- Case closure.
- Case manager or agency change.

GRACE PERIOD

Youth who no longer meet YAVFC program requirements are eligible for a 30-day grace period to re-establish eligibility without penalty. Youth are allowed up to three grace periods per fiscal year. YAVFC payments and Medicaid coverage continue during the grace period.

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Exception: YAVFC payments will not continue if the youth enters a non-reimbursable placement. However, the youth will continue to be eligible for case management services during the grace period.

A grace period may not be used for youth who become ineligible due to one of the following circumstances:

- Reaches their 21st birthday.
- Enters active-duty military service, excluding the Reserve Officers' Training Corps (ROTC) or a reserve component of the Armed Forces, see *Termination of YAVFC* in this policy.
- Legally adopted.
- Death.

Case Manager Responsibilities

Within one business day of discovering the youth is no longer meeting the eligibility requirements, the case manager must schedule a 90-day discharge planning meeting; see *Family Team Meeting (FTM) Requirements* in this policy.

During the grace period, the case manager must actively assist the youth in re-establishing the employment, education, volunteering, or incapacitating medical condition requirements and include documentation of these efforts in the service plan.

Calculation of Grace Periods

The begin date of the grace period is determined by the eligibility criteria the youth was meeting prior to the grace period.

Actively completing high school or a program leading to a general educational development GED; the grace period starts the day after the date the school no longer considers the youth to be actively completing.

Enrolled at least part-time in a college, university, vocational program, or trade school; the grace period starts the day after the date the school no longer considers the youth enrolled at least part-time. A youth who is on semester, summer, or other break, but was enrolled the previous semester and will be enrolled after the break,

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is considered enrolled in school, and does not require a grace period.

Employed in either full-time or part-time work or participating in a program that promotes employment, such as Job Corps, Michigan Works!, or another employment skill building program. Participation must be at least 80 hours per month and may be at one or more places of employment and/or a combination of the above activities. Volunteering for a community organization for at least 80 hours per month, or in combination with education or employment to meet minimum eligibility requirements; the youth has until the end of the month to meet this eligibility requirement. The grace period starts the first day of the following month in which the requirement was not met. If the youth completes the 80-hour requirement, the grace period would end the last day of the month. If the youth completes the required 80 hours during the grace period month, then the grace period is ended effective the last day of the month and a new reimbursability must be added effective the first day of the following month. If the youth does not complete the required 80 hours during the grace period month, then the YAVFC case must be closed. This does not prohibit the youth from applying again later if they meet the requirements.

Incapable of the above educational, employment, or volunteer activities due to a documented medical condition; the grace period starts the date following the expiration of the medical documentation provided if the youth does not meet any of the other eligibility requirements listed above. Verification of incapacity through SSI eligibility is only required once per year. If the youth loses SSI eligibility, the grace period starts the day following the expiration of SSI eligibility.

Fund Source

During the grace period, the youth does not lose title IV-E eligibility, but title IV-E payments cannot continue while the youth is in a 30-day grace period. Limited term/emergency/general funds must be used for all payments made during a grace period. If a youth re-establishes program eligibility and the grace period ends, a new reimbursability determination must be completed to determine if the youth is title IV-E reimbursable.

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JUDICIAL DETERMINATION

Federal guidelines require courts to make a judicial determination that remaining in foster care is in the youth's best interests. If the order containing this finding is not signed by the judge or referee within 180 days of the date the youth signed the DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement, the youth is no longer eligible for the YAVFC program, and the case must be closed.

Extended Foster Care Services

The family or juvenile court jurisdiction must be dismissed prior to a youth participating in YAVFC and the judicial best interest determination occurring. The following steps must be completed:

- Once the decision for a youth to participate in YAVFC has been made, the case manager must request that the court schedule a review hearing for dismissal of the youth's abuse/neglect case.
- State wards must be discharged by the MCI superintendent before participating in YAVFC; see FOM 722-15, Case Closing.
- The court must terminate jurisdiction over the youth by dismissing the abuse/neglect case, and the delinquency case if applicable, on or after the youth's 18th birthday.
- The case manager must obtain a copy of the written court order dismissing the abuse/neglect case and the delinquency case if applicable.
- As soon as possible the case manager must have the youth sign the DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement. **The youth is not eligible for YAVFC until the agreement is signed, so all attempts should be made to have it signed on the date the court order is signed closing the case.**

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Ex-Parte Petition and Attachments

The foster care case manager must file the CCFD 20, Ex Parte Petition Regarding Young Adult Voluntary Foster Care, in the county in which the youth resides, within 60 calendar days of the youth signing the DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement. The following information must be attached to the Ex-Parte Petition Regarding Young Adult Voluntary Foster Care:

- DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement.
- The applicable eligibility verification form(s).
- The most recent case service plan that includes the recommendation to participate in YAVFC.
- Any documentation that supports the youth's efforts and participation in YAVFC.

If the youth resides in the county where the family or juvenile court jurisdiction is dismissed, the foster care case manager should bring the youth to the court hearing as well as the completed CCFD 20, Ex-Parte Petition Regarding Young Adult Voluntary Foster Care, form and all required attachments. Having the youth and all of the necessary documentation will allow the youth to sign the DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement, and the petition can then be filed immediately upon receipt of the written court order dismissing the abuse/neglect case.

Ex-Parte Filing Delays

Ex-parte petitions filed more than 60 calendar days after the youth signs the agreement may be accepted by the court up to but not exceeding the 150th day after the agreement is signed.

Court Responsibility

After the agreement has been filed, the court will:

- Open a YAVFC case. The court must determine that it is in the youth's best interest to be in foster care. This determination

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cannot occur later than 21 days after the date the report was filed.

- Serve the MDHHS and the youth with the CCFD 21, Order Regarding Voluntary Foster Care Agreement, which contains the best interest finding.
- Terminate jurisdiction over the youth.

Note: A hearing is **not** required for this process but may be held on the court's own motion or at the request of the youth or the department.

After this process is complete, the department will retain full responsibility of the YAVFC case and reporting requirements to the court will cease.

If the order containing this finding is not signed by the judge or referee within 180 days of the date the youth signed the DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement, the youth is no longer eligible for the YAVFC program for this removal episode, and the case must be closed.

Closing a case due to the lack of best interest finding does not prohibit a youth from reentering the YAVFC program if they regain eligibility and are interested in receiving services.

PLACEMENT AND LIVING ARRANGEMENT OPTIONS

Youth in YAVFC may reside in the following living arrangements:

- Licensed foster home.
- Licensed CCI.
- Licensed adult foster home (AFC).
- Approved setting in which the individual is living independently including, but not limited to:
  - Rental home or apartment, with or without roommates.
  - College dormitory.
  - Relative home.
  - Friend or partner home.
  - Biological parent home.
  - Host home or supportive adult home.

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Note: Youth in YAVFC are eligible for a bed hold for all reasons listed in the policy including if entering a facility to treat a substance use disorder or mental illness to ensure stable housing is still available upon leaving the facility; see FOM 903-07, Temporary Break/Bed Hold Payments.

Ineligible Placements

The following placement types are not eligible for payment:

- **Absent without legal permission** (**AWOLP);** youth in YAVFC who are placed with a paid provider who, without permission, do not return to their provider are considered AWOLP. Youth who are AWOLP are eligible for an unpaid grace period. The case manager is required to complete diligent searches to locate the youth during the grace period; see FOM 722-03A, Absent Without Legal Permission (AWOLP). Youth returning from AWOLP to an eligible placement would become eligible for payment.
- **Incarceration,** a youth who is incarcerated is eligible for an unpaid grace period.

REPORTING REQUIREMENTS

Case service plans are required for YAVFC cases. The DHS-442, Permanent Ward Service Plan, must be used for all YAVFC case plans, regardless of prior wardship.

An initial case service plan must be completed within 30 calendar days of the youth signing the DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement, and at least every 90-calendar days thereafter.

CASE MANAGER/ YOUTH VISIT REQUIREMENTS

Case manager contacts for youth in YAVFC are subject to the same policy, documentation, and frequency requirements as any other foster care case; see FOM 722-06H, Case Contacts.

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Note: If a youth who refuses contact, including by phone, text, or virtually, for 30 days, a grace period would be applied on the 31st day; see *Grace Period* in this policy.

Youth Extending

The case manager must continue to meet with the youth at least monthly. These visits are subject to the same documentation and frequency requirements as an open foster care case; see FOM 722-06H, Case Contacts.

Youth Entering/ Re-entering

During the first two months of the case assignment date, the case manager must have two face-to-face contacts with the youth. At least one face-to-face per month must occur in the placement. The first visit with the youth must take place within five business days from the date the case is assigned to the case manager. Thereafter, the case manager must continue to visit the youth in their placement or living arrangement monthly.

Youth Residing Out-of-State

Youth participating in YAVFC who reside out-of-state must have an in-person visit once a month with the assigned foster care case manager unless an out-of-state agency is providing courtesy supervision.

If courtesy supervision cannot be secured, the assigned foster care case manager is responsible for all case management requirements.

DHS-1295, Young Adult Monthly Visit Report

The DHS-1295, Young Adult Monthly Visit Report, must be completed with the youth during each home visit. A copy must be uploaded into the electronic case record and a copy must be given to the youth.

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RESIDENCY REQUIREMENTS

Youth must reside in Michigan in order to file the CCFD 20, Ex-Parte Petition Regarding Young Adult Voluntary Foster Care, form.

County of Residence

The county of residence is the county where the youth has a permanent address or where the youth lives the majority of the time.

Youth without a Home

The county where the youth resides the majority of the time may be used as the county of residence. For further clarification of homeless persons; see BEM 220, Residence.

FAMILY TEAM MEETING (FTM) REQUIREMENTS

Semi-Annual Transition Meeting/ Semi-Annual Case Review

For a youth extending their case into YAVFC, a semi-annual transition meeting, also known as a semi-annual case review for the purpose of YAVFC, must be completed within 180 days from the date of the previous semi-annual transition meeting. For youth entering or re-entering, a semi-annual transition meeting/case review must be held within 30 days of the youth signing the DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement.

Each semi-annual transition meeting/case review must then be completed within 180 days from the previous. The semi-annual transition meeting/case review must follow currently established guidelines; see FOM 722-06B, Family Team Meeting.

Areas that must be addressed during the FTM include but are not limited to the following:

- Safety.

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- Appropriateness and necessity of the placement.
- Compliance with the case plan.
- Permanency goals.
- Progress toward achieving independence, including whether appropriate and meaningful independent living skill services are being developed.
- Projected date by which the youth may no longer require extended foster care services.

If the FTM has not been completed by a neutral person without case management responsibility within six months of the previous FTM, a youth cannot be title IV-E funded and a reimbursability determination must be completed effective the first day of the following month. Once the FTM has been held, title IV-E funding can resume on the first day of the month that the FTM was held and a reimbursability determination must be completed; see FOM 722-06B, Family Team Meeting.

Example: A youth's FTM is due on June 28th but is not held until July 7th. The youth does not lose title IV-E reimbursability because the youth continues to be reimbursable through the end of June. The July FTM allows the youth to be reimbursable effective the first day of the month in which all requirements are met. A new reimbursability determination would be entered effective July 1st which would determine as title IV-E reimbursable.

Example: A youth's FTM is due June 28th but is not held until August 11th. The youth would lose title IV-E reimbursability effective July 1st and a reimbursability determination must be completed effective that date. The youth would regain title IV-E reimbursability effective the first day of the month in which all of the requirements are met (in this example it would be August 1st). A new reimbursability determination would be entered effective August 1st which would determine as title IV-E reimbursable.

90-Day Discharge Planning Meeting

Within one business day of discovering the youth is no longer meeting eligibility requirements, the case manager must schedule a 90-day discharge planning meeting to be held within three business days; see FOM 722-06B, Family Team Meeting.

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The 90-day discharge planning meeting must be held to determine how the youth will regain eligibility or prepare to discharge from foster care. The youth must be informed that their case will close if eligibility requirements are not met by the end of the grace period; see *Grace Period* in this item.

CHILD OF A YOUTH IN FOSTER CARE

Foster care maintenance payments are available for youth who are parents, as well as payment for the youth's child, if that child is living or placed with the youth. Payments may be made for the child, regardless of the child's wardship status or whether the child is under the care and supervision of MDHHS; see *Youth Parent* in this policy.

MEDICAID

Youth who are eligible for YAVFC are eligible for Medicaid. The child of a parent in YAVFC is eligible for Medicaid.

FUNDING

Initial Funding Determination

When a youth agrees to voluntarily participate in foster care outside court jurisdiction, a new placement episode begins, and a new initial title IV-E determination must be completed. The new placement episode begins the date the youth signs the DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement.

Re-Entry

Youth requesting to re-enter YAVFC must sign a new DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement, and a new placement episode begins as of the date of the signature.

AFDC Income and Assets

The income available to a youth must be considered initially when determining eligibility for YAVFC. A youth is considered a group size of one unless they have their minor children living with them when entering YAVFC.

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The month the youth signs a DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement, is considered the removal month for the new placement episode.

See FOM 902, Funding Determinations and Title IV-E Eligibility, for further details on the income and asset requirements.

Earned Income

Earned income of a youth is not budgeted when they are a full-time student and expected to complete graduation requirements prior to age 19.

Earned income of a youth is budgeted any of the following apply:

- A youth is not a full-time student.
- A youth is age 19 or 20.
- A youth is a full-time student and not expected to complete the graduation requirements prior to age 19.

Other Income

Unearned income must be considered in the amount received for the removal month. Only available income must be budgeted. See FOM 903-08, Payments Requiring Special Processing, to determine net income and procedure to adjust the rate.

If a youth receives continuing benefits, such as RSDI, the case manager must email a DHS-3205, Foster Care/Juvenile Justice Benefit Eligibility Record, to the Governmental Benefits Coordination and County Chargeback Unit Mailbox (mdhhs-govtbenefits@michigan.gov), to have MDHHS designated as the payee.

Any interim collection of funds received on behalf of the youth by the local office must be returned to the originating entity. Payment to the provider will be for the full amount of the board and care rate.

Assets

The property of a youth must be considered in the initial funding determination, the first $10,000 in property is exempted.

A trust fund established for a youth must not be considered as available property for that youth unless it is designated and available to be used for their ordinary living expenses.

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Reimbursability Determinations

A reimbursability determination must be completed every six months. Reimbursability determinations are required more frequently if a youth's situation changes in a manner that may affect funding. Examples of changes requiring a reimbursability determination include:

- A youth's placement changes.
- A youth enters a 30-day grace period; see *Grace Period* in this item. The case manager must complete verification on a quarterly basis.
- The youth regains eligibility after a grace period.
- The semi-annual transition meeting/case review is not completed by a neutral party within six months of the previous case review; see *Semi-Annual Transition Meeting/ Semi-Annual Case Review* in this item.

Grace Periods

The youth does not lose title IV-E eligibility, but title IV-E payments cannot continue while the youth is in a 30-day grace period. Limited term/emergency/general fund must be used for all payments made during a grace period. If a youth re-establishes program eligibility and the grace period ends, a new reimbursability determination must be completed to determine if the youth is title IV-E reimbursable.

Reimbursable Placements

Placements must meet licensing requirements to be paid from title IV-E funds for a foster family home and licensed relative home.

Independent living placements can be paid from title IV-E funds for youth in YAVFC.

Allowable independent living placements include:

- Rental home or apartment, with or without roommates.
- College dormitory.
- Biological parent home.

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- Unrelated caregiver.
- Licensed or unlicensed relative home.
- Friend or partner home.

Placement in a qualified residential treatment program (QRTP) is not title IV-E eligible for youth participating in YAVFC.

Youth Parent

A youth parent in an independent living placement will be paid directly for each of their minor children living with them. A youth parent being paid directly for a minor child living with them cannot simultaneously receive Family Independence Program (FIP) benefits for themselves or the child(ren). The youth parent must provide the child's birth certificate prior to any payments being made.

Funding Source

If a youth is determined to **not** be title IV-E eligible or in a placement or in need of a service that is **not** title IV-E reimbursable, limited term/emergency/general funds must be used. This includes but is not limited to:

- Medical expenses not covered by Medicaid.
- Foster home or CCI on a numbered provisional license.
- AFC home.
- Grace period.
- Orthodontic care if approved prior to the youth entering YAVFC.

Payments must not be made for a youth in an unpaid placement such as the hospital or jail. The youth may qualify for a bed hold payment; see FOM 903-7, Temporary Break/Bed Hold Payments.

Payments

Payments from title IV-E cannot begin until the first day of placement in the month in which all title IV-E eligibility criteria are met. No payments can be made prior to the youth's signature date on the DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement.

The following payment policy changes **only** apply to youth participating in YAVFC:

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- Determination of care (DOC) rates can continue to be paid to a foster parent receiving the board and care payments for a youth in the YAVFC program; see FOM 903-03, Payment for Family Foster Care for DOC requirements.
- CCI placements may be paid until the day prior to the youth's 21st birthday.
- Administrative rates paid to placement agency foster care (PAFC) providers may continue until the day prior to the youth's 21st birthday. The administrative rate **can** be paid to a PAFC provider supervising a youth placed in a licensed foster home and in an independent or supervised living placement.
- Recoupment action is not taken if the youth was paid incorrectly. If the youth was paid from title IV-E funds, reconciliation from title IV-E to general funds is required.

Example: If a youth in an independent living placement who has already been paid and their fund source changes as a result of entering the YAVFC program, reconciliation action is required.

Example: The case manager does not discover that the youth was in jail for three days and the youth received payment for those three days from title IV-E funds. Reconciliation action is required for the three days the youth was in a non-reimbursable placement.

If a child becomes ineligible or non-reimbursable for title IV-E, payments must be reconciled back to the date of ineligibility or non-reimbursability, not the date the ineligibility or non-reimbursability was discovered by the case manager. If title IV-E payments have been made for grace periods, they must be reconciled to limited term/emergency/general funds effective the start date of the grace period.

TERMINATION OF YAVFC

Self-Initiated Termination

Youth may terminate the DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement, by notifying the case manager, in writing, of their desire to terminate YAVFC.

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MDHHS-Initiated Termination

MDHHS must terminate the DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement, if the youth becomes ineligible. Ineligibility for YAVFC occurs when the youth:

- Discontinues their educational, vocational, or trade program, or volunteerism and does not re-enter a similar program or meet another eligibility requirement within the 30-calendar day grace period.
- Is no longer employed at least 80 hours per month and does not meet one of the other eligibility requirements within the 30-calendar day grace period.
- Is no longer deemed incapable due to a medical condition and does not meet one of the other eligibility requirements within the 30-calendar day grace period.
- Refuses to contact the case manager for more than 30-calendar days and does not make contact within the 30-calendar day grace period.
- Reaches their 21st birthday.
- Enters active-duty military service.

  Exception: Membership in the ROTC or a reserve component of the Armed Forces, does not disqualify a youth for YAVFC, unless participation requirements exceed 21 consecutive calendar days of active duty or training responsibilities.

- Is legally adopted.

Case Closure Process

If the grace period ends and ineligibility continues, the case manager must start case closure within one business day by:

- Notifying the youth, either verbally or in writing that a request is being made to close their case.
- Submitting a DHS-1302, YAVFC Case Closure Request, to the supervisor.

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- Obtaining the supervisor's signature of approval.
- Sending the approved request to one of the following:
  - For cases directly managed by MDHHS, the county director.
  - For PAFC-managed case, the agency's director.

If the director approves the case closure, send a DHS-1301-YA, YAVFC Case Closure Notice, to the youth and upload the form in the Financial section of the electronic case record.

If the director denies the closure, schedule an FTM within one business day of receiving the denial. The FTM should be held within three days of scheduling it to determine how the youth will regain eligibility.

YAVFC RE-ENTRY

Youth may re-enter YAVFC, before the age of 21, if eligibility requirements are met.

Youth requesting to re-enter YAVFC must have a new CCFD 20, Ex-Parte Petition Regarding YAVFC, form, including all attachments, filed with the court; see *Judicial Determination* in this item.

Youth must also receive a new initial funding determination; see *Initial Funding Determination* in this item.

CASE READING REQUIREMENTS

Comprehensive case reading practices must always be utilized to ensure compliance with federal regulations. On an ongoing basis, all cases determined to be title IV-E eligible, regardless of reimbursability status, must have a case read certified by a supervisor to ensure appropriate use of the funds. Case reads are to be completed using the MDHHS-5442, Young Adult Voluntary Foster Care (YAVFC) Case Read Tool.

Note: Best practice is for a full case read to be completed annually and at case closure for every title IV-E eligible case which includes a review of the payments.

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RESOURCES

- DHS-38, Verification of Employment.
- DHS-54A, Medical Needs.
- DHS-1295, Young Adult Monthly Visit Report.
- DHS-1297, Young Adult Voluntary Foster Care (YAVFC) Agreement.
- DHS-1301-YA, Young Adult Voluntary Foster Care Case Denial/Closure Notice.
- DHS-1302, Young Adult Voluntary Foster Care Case Closure Request.
- DHS-3380, Verification of Student Information.
- MDHHS-5778, Young Adult Voluntary Foster Care Verification of Eligibility.
- YAVFC Entry/Re-Entry.
- YAVFC Extending.
- YAVFC Training.

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LEGAL BASE

Federal Law

Social Security Act, 42 U.S.C. 672(f)(1)

Social Security Act, 42 U.S.C. 672(f)(2)

Social Security Act, 42 U.S.C. 675(8)

45 CFR 1356.21(k)

State Law

Young Adult Voluntary Foster Care Act, MCL 400.641 - 400.663

Court Rules

MCR 3.616. Proceeding to Determine Continuation of Voluntary Foster Care Services

POLICY CONTACT

Policy questions about YAVFC may be directed to the Child Welfare Policy Mailbox (Child-Welfare-Policy@michigan.gov).

Program questions about YAVFC may be directed to the YAVFC Mailbox (MDHHS-YAVFC@michigan.gov).

Funding questions about YAVFC may be directed to the Federal Compliance Division Mailbox (MDHHS-FederalComplianceDivision@michigan.gov).

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INTRODUCTION

Federal Law

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (PL 110-351) includes an option for states to extend guardianship assistance agreements for youth who began receiving guardianship assistance at age 16 years or older.

State Law

To implement this option, Michigan passed the Young Adult Voluntary Foster Care Act (MCL 400.665 - 400.671 and MCL 722.876(6)(2)), which allows eligible youth who were placed in Juvenile Guardianship with subsidy from the Michigan public child welfare system after their 16th birthday, to receive guardianship assistance until their 21st birthday, if they are in school, in job training, employed or incapable due to a documented medical condition.

PROGRAM ELIGIBILITY AND REQUIREMENTS

The guardianship assistance eligibility policies in GDM 715 apply to guardianship assistance for youth who were 16 or older when their guardianship assistance agreement became effective. For a youth to qualify for an extension of guardianship assistance until the youth's 21st birthday, the youth must satisfy all of the following requirements:

1. The youth began receiving guardianship assistance at age 16 or older and is now between the ages of 18 and 20, and requests to extend guardianship assistance payments to the age of 21.

2. The original guardianship order remains in effect.

3. The youth had a guardianship assistance agreement effective up until his/her 18th birthday.

4. The youth has signed a DHS-1339G, Young Adult Guardianship Assistance Extension Application.

5. The youth meets at least one of the conditions listed below:

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- Actively completing high school or a program leading to a general equivalency diploma (GED).
- Enrolled at least part-time in a college, university, vocational program, or trade school.

  Note: A youth who is on a semester, summer, or other break, but was enrolled in school the previous semester and will be enrolled after the break, is considered enrolled in school.
- Employed in either full- or part-time work, or participating in a program that promotes employment (such as Job Corps, Michigan Works! or another employment skill-building program). Participation must be at least 80 hours per month and may be at one or more places of employment, and/or a combination of any of the above activities.
- Incapable of doing any of the above educational or employment activities due to a documented medical condition.

  Note: If eligibility is based on incapacity, the subsidy worker must provide direction to the youth and/or guardian(s) on how to apply for Supplemental Security Income (SSI).

6. The DHS-1339G, Young Adult Guardianship Assistance Extension Application, is reviewed by the DHS Subsidy Office and an agreement is issued if the youth meets the requirements of the program. The youth and the guardian(s) must sign a DHS-3313-YA, Young Adult Guardianship Extension Agreement, requesting the court to continue the guardianship.

Note: The DHS-3313-YA, Young Adult Guardianship Extension Agreement, is an agreement between the guardian and DHS which outlines eligibility requirements in the area of education and employment.

VERIFICATION OF ELIGIBILITY

The following must be provided to the DHS Subsidy Office to apply for a Young Adult Guardianship Assistance Extension:

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- DHS-1339G, Young Adult Guardianship Assistance Extension Application.
- One or more of the appropriate verification forms to document eligibility must be completed and returned with the DHS-1339G:
    - DHS-3380, Verification of Student Information (may also be used to verify vocational training).
    - DHS-38, Verification of Employment.
    - DHS-54A, Medical Needs.

Home Schooling

Legal guardians who are requesting an extension of the guardianship assistance payments for a child who is being educated at home must submit the following additional information to the DHS Subsidy Office with the extension application:

- A copy of a comprehensive individual educational curriculum for the time period of 9th grade through 12th grade. The individual education curriculum must include instruction in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar; see www.michigan.gov/npshs.
- A copy of confirmation of registration.
    - For a child residing in Michigan, the home school registration is available through the Michigan Department of Education. The registration document is SM-4325, Nonpublic School Membership form. Families may contact the Michigan Department of Education at:

        Michigan Department of Education
        Bureau of School Finance and School Law
        Nonpublic School Unit
        P. O. Box 30008
        Lansing, MI 48909

        Website: www.michigan.gov/mde
        Phone: (517) 373-1833

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- For a child residing outside of Michigan, the family must provide confirmation of registration as available in the state in which the child resides.

Note: Foster care policy does not permit home schooling for children who have open foster care cases.

APPLICATION FOR EXTENSION

Guardians of youth who exited foster care to the guardianship assistance program between the ages of 16 and 18 may apply for a Young Adult Guardianship Extension if all of the following program requirements are met:

- Continued to receive guardianship assistance up until their 18th birthday.
- Under the age of 21.
- Meets the qualifications of the young adult guardianship program.
- Still placed under his/her original juvenile guardianship order.

The DHS-1339G, Young Adult Guardianship Assistance Extension Application, and the DHS-628-G, Young Adult Guardianship Extension Notice, will be mailed to the guardians no later than 90 calendar days prior to the youth's 18th birthday. The DHS-628-G, Young Adult Guardianship Extension Notice, will explain that the guardianship assistance payments will end when the youth reaches age 18 unless an extension agreement is in place. An explanation of eligibility, the application, and documentation requirements for extension will be included. The Young Adult Guardianship Extension Notice notifies the guardian that he or she has 30 calendar days following the youth's 18th birthday to submit the application and required eligibility verification.

The DHS-628-G, Young Adult Guardianship Extension Notice, must also be sent to the court holding jurisdiction over the guardianship no later than 90 calendar days prior to the youth's 18th birthday.The DHS-628-G, Young Adult Guardianship Extension Notice, informs the court that the youth may be eligible for an extension and asks the court to keep the guardianship case open for 120 calendar days following the youth's 18th birthday or when they receive notification from the DHS Subsidy Office using the

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DHS-1392, Notice of Young Adult Guardianship Assistance Denial form, whichever is sooner, unless the court determines that continuation of the guardianship is not in the youth's best interest. If approved for an extension, the DHS-3313-YA, Young Adult Guardianship Assistance Extension Agreement, will be mailed to the court informing them that the case has been extended and to not dismiss the guardianship order.

If an incomplete extension application is submitted to the DHS Subsidy Office, the subsidy worker must respond in writing to the guardian with the DHS-793, Young Adult Guardianship Assistance Extension Missing Documentation Notice, within 14 calendar days of receipt of the application. The DHS-793, Young Adult Guardianship Assistance Extension Missing Documentation Notice, will clarify the documentation requirements and will notify the guardian of any missing application or verification information.The guardian will have 30 calendar days following the date of the DHS-793, Young Adult Guardianship Assistance Extension Missing Documentation Notice, to provide missing documentation for the application to be processed with an effective date of the young adult's 18th birthday.

If the guardian does not provide the missing documentation within this time frame, the application will be denied and the guardian will need to re-apply. Once a complete application with required documentation is received by the DHS Subsidy Office, the department will process the application within 30 calendar days. The effective date will be the date the complete application was received in the DHS Subsidy Office. If at any time the court dismisses the guardianship order, the youth will no longer be eligible to re-apply.

If an extension application is denied, the DHS Subsidy Office will provide a denial notice to the guardian that includes the reason(s) for the denial and information regarding the right to request an administrative hearing; see GDM 780, Administrative Hearings. The DHS Subsidy Office will send written notification to the court with jurisdiction over the guardianship case following the deadline to request an appeal or following the administrative hearing order.

EXTENSION AGREEMENT RATES

The maximum daily rate for extensions will be the same maximum rate that was established on the original DHS-3313, Juvenile Guardianship Assistance Agreement. The actual rate will be negotiated between the guardian(s) and the department.

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EXTENSION AGREEMENTS

After an extension is approved by the DHS Subsidy Office, the DHS-3313-YA, Young Adult Guardianship Assistance Extension Agreement, will be mailed to the guardian for signatures. The signed agreement must be returned to the DHS Subsidy Office within 30 calendar days of the agreement issuance date and must be signed by the DHS Subsidy Office manager before the extension payments are authorized. If the agreement is missing information the DHS-792, Young Adult Guardianship Assistance Extension Agreement(s)-Incomplete Notice will be sent to the legal guardians. If the agreement is not received within 30 calendar days of the agreement issuance date or the date of the DHS-792, the effective date will be the date the agreement was received by the DHS Subsidy Office.

JUDICIAL DETERMINATION

Within 30 calendar days of the date the DHS-3313-YA, Young Adult Guardianship Assistance Extension Agreement, was signed by the DHS Subsidy Office manager, the DHS Subsidy Office will provide a copy of the agreement to the guardian and the court with jurisdiction over the guardianship. Once the court receives the DHS-3313-YA, Young Adult Guardianship Assistance Extension Agreement, requesting the court to continue the guardianship, the court will determine whether guardianship remains in the youth's best interest within 365 days of the youth's 18th birthday and annually thereafter. The court order and proof of service reflecting the court's decision to continue or deny extension of the guardianship must be provided by the guardian to the DHS Subsidy Office no later than 30 calendar days following the receipt of the guardianship order.

FUNDING SOURCE

The Young Adult Guardianship Assistance Extension program is funded by title IV-E and state funds. The funding source for the youth's young adult guardianship extension is the same funding source that was established on the original DHS-3313, Juvenile Guardianship Assistance Agreement, when the child entered guardianship.

During periods of ineligibility, a grace period for re-establishing eligibility may occur. A funding source change must occur for title

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IV-E-funded cases during the grace period. Title IV-E-funded cases must be changed to state-funding when any grace period begins and must be changed back to title IV-E funding when the youth re-establishes eligibility.

MEDICAID

Youth who are eligible for this program are categorically eligible for Medicaid during the extension period.

CHANGE REPORTING

Change reporting by the guardian of the Young Adult Guardianship Assistance is required as listed in GDM 740, Guardian Responsibilities, with the exception of the time frame for reporting. The guardian must report changes as soon as they occur, but no later than two weeks after changes that impact eligibility.

GRACE PERIOD

A grace period is the period of time after the youth ceases to meet the educational, employment, and/or incapacitating medical conditions requirements. Grace periods are to be applied based on the following:

- Youth are allowed a 30-day grace period in which to re-establish eligibility.
- Youth are allowed up to three grace periods per fiscal year.
- The grace period begins the day immediately following the day the youth becomes ineligible, whether or not it is reported timely.
- The Young Adult Guardianship Assistance payments and Medicaid coverage continues during the grace period.

  Note: A funding source change must occur for title IV-E-funded cases during the grace period. Title IV-E-funded cases must be changed to state-funding when any grace period begins and must be changed back to title IV-E funding when the youth re-establishes eligibility.

The guardian should contact the DHS Subsidy Office to discuss ways in which the youth could meet the requirements or the guardianship assistance will terminate at the end of the grace period.

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A grace period can **not** be used for youth who become ineligible due to one of the following circumstances:

- Reaches his or her 21st birthday.
- Enters military service.

Exception: Membership in the Reserve Officers' Training (ROTC) or the reserve component of the Armed Forces; such as, Army National Guard of the United States, Air Force Reserve, and Coast Guard Reserve does not disqualify a youth from the Young Adult Guardianship Assistance Extension, unless participation requirements exceed 21 consecutive calendar days of active duty or training responsibilities.

- Marries.
- Begins receiving federal Supplemental Security Income (SSI) payments.
- Is living with his/her biological parent(s).
- Death.
- The guardianship is terminated by order of the court having jurisdiction in the guardianship proceeding.

QUARTERLY REVIEWS

Continued eligibility for the extension program will be reviewed by the DHS Subsidy Office every three months, beginning three months from the effective date of the extension. Verification of the youth's continued employment, education, vocational or job training enrollment, or inability to participate in any educational or employment activities due to medical reasons must be provided every three months.

The DHS-881-YA, Quarterly Young Adult Extension Review, and applicable verification forms will be mailed to the guardian 30 calendar days prior to the quarterly review due date for completion. If the DHS-881-YA, Quarterly Young Adult Extension Review, and applicable verification documentation are not returned to the DHS Subsidy Office within 30 calendar days from date on the DHS-881-YA, Quarterly Young Adult Extension Review, payments will be terminated.

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TERMINATION OF EXTENSION

DHS may terminate the DHS-3313-YA, Young Adult Guardianship Assistance Extension Agreement and payments will end, if the youth becomes ineligible. Ineligibility occurs when the youth:

- Discontinues his/her educational, vocational, or trade program and does not re-enter a similar program or meet another eligibility requirement within the 30 calendar day grace period.
- Is no longer employed at least 80 hours per month or participating in a program that promotes employment (such as, Job Corps, Michigan Works! or another employment skill-building program) and has not met one of the other eligibility requirements within the 30 calendar day grace period.
- Is no longer deemed incapable due to a medical condition and is not in compliance with another eligibility requirement.
- Is incarcerated for more than 30 calendar days.
- Reaches his or her 21st birthday.
- Marries.
- Enters military service.

Exception: Membership in the Reserve Officers' Training (ROTC) or the reserve component of the Armed Forces; such as, Army National Guard of the United States, Air Force Reserve, and Coast Guard Reserve does not disqualify a youth from the Young Adult Guardianship Assistance Extension, unless participation requirements exceed 21 consecutive calendar days of active duty or training responsibilities.

- Begins receiving federal Supplemental Security Income (SSI) payments.
- Is living with his/her biological parent(s).
- Dies.
- The guardian requests that the payment permanently stop.
- The guardian no longer provides any support for the youth.

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- The youth is adopted by the guardian or another individual.
- The guardianship is terminated by order of the court having jurisdiction in the guardianship proceeding.

The DHS Subsidy Office will send written notification of termination by mail to the guardian. This written notification will include a statement of the department's reason(s) for termination and rights to an administrative hearing; see GDM 780, Administrative Hearings.The DHS Subsidy Office will send written notification to the court with jurisdiction over the guardianship case following the deadline to request an appeal or following the administrative hearing order.

RE-ENTERING THE YOUNG ADULT GUARDIANSHIP ASSISTANCE EXTENSION PROGRAM

To re-enter the Young Adult Guardianship Assistance Extension Program the guardian must contact his/her subsidy worker for an application and required verification forms or locate this information on the DHS website, and submit this documentation to the DHS Subsidy Office. A guardian may re-apply for a youth to re-enter the Young Adult Guardianship Assistance Extension program if the youth exited foster care to the Juvenile Guardianship Assistance program between the ages of 16 and 18, is under the age of 21, and the young adult guardianship assistance extension was terminated when the youth:

- Discontinued his/her educational, vocational, or trade program and did not re-enter a similar program or meet another eligibility requirement within the 30 calendar day grace period.
- Was no longer employed at least 80 hours per month or participating in a program that promotes employment (such as Job Corps, Michigan Works! or another employment skill-building program) and did not meet one of the other eligibility requirements within the 30 calendar day grace period.
- Was no longer deemed incapable due to a medical condition and did not meet the other eligibility requirements within the 30 calendar day grace period.
- Was incarcerated for more than 30 calendar days.

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The guardian may apply to re-enter the youth in the Young Adult Guardianship Assistance Extension program if he/she is under the age of 21, currently meets the eligibility requirements of the program, and continues to be under a juvenile guardianship with the original guardian.

Once a complete application with required documentation is received by the DHS Subsidy Office, the department will process the application within 30 calendar days. The effective date will be the date the complete application was received in the DHS Subsidy Office.

If an extension application is denied, the DHS Subsidy Office will provide a denial notice to the guardian that includes the reason(s) for the denial and information regarding the right to request an administrative hearing; see GDM 780, Administrative Hearings.The DHS Subsidy Office will send written notification to the court with jurisdiction over the guardianship case following the deadline to request an appeal or following the administrative hearing order.

RECOUPMENT

Recoupment for overpayments will be pursued retroactively to the date that eligibility ceased; see GDM 770, Recoupment/Underpayments/Tax Implications.

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OVERVIEW

Delinquent youth under the jurisdiction of the Michigan Department of Health and Human Services (MDHHS) must be provided such care, guidance, and control, preferably in their own home, as will be conducive to the child's welfare and the best interest of the State.

To provide safe and proper care that is appropriate to the youth's individual needs while taking into account community safety.

AUTHORITY

Probate Code, 1939 PA 288, as amended, MCL 712A.1 et seq.

TREATMENT MODEL

The department's program directs delinquent youth through a continuum of treatment models and services. The treatment model seeks to provide youth and families with the knowledge and skills needed to reduce delinquency behaviors. The model also promotes appropriate attitudes and strengthens the youth's capacity for self-sufficiency enabling them to function responsibly in their home communities. Service delivery strategies seek to build upon client strengths fostering an attitude of mutual respect and responsibility.

SERVICES

In an effort to achieve this purpose, the department operates the Juvenile Justice Program. For adjudicated delinquent youth, the department offers in-home and out-of-home services, which includes case planning and management services. These services and programs are provided by the collaborative efforts of:

- Local county staff.
- The department operated residential services programs, and
- Private non-profit child caring agencies.

In-Home Services

In-home services provided to maintain placement in the youth's family home may include:

- Individual and family counseling.
- Employment/educational.
- Wraparound.
- Family preservation.
- Re-integration services.

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Out-of-Home Placement

Out-of-home placement programs may include:

- Family foster homes.
- Community justice centers.
- Private and public residential.

Out-of-home placement and services are provided based on the committing/referring offense, risk level, and individual treatment needs of the youth.

The department recognizes that youth who engage in delinquent activities may present a threat to the public. Therefore, safe placement and family reunification goals must always be balanced against the need for community safety and based upon careful evaluation of the youth's progress in treatment.

PROGRAM ELIGIBILITY

- State Wards, Youth Rehabilitation Services Act, 1974 PA 150, as amended, MCL 803.301 et seq.
- Dual State Wards, Youth Rehabilitation Services Act, 1974 PA 150, as amended, MCL 803.301 et seq. and Michigan Children's Institute 1935 PA 220, as amended, MCL 402.201 et seq.
- Delinquent Juvenile Court Wards, Social Welfare Act 1939 PA 288, as amended, MCL 400.1 et seq.
- Youth under circuit court jurisdiction assigned to MDHHS for pre-sentence investigations (PSI), Juvenile Facilities Act 1988 PA 73, as amended, MCL 803.221 et seq.
- Out-of-Town Inquiry (OTI) youth referred through Interstate Compact for Juveniles, 2003 PA 56, MCL 3.691 et seq.

THE OFFICE OF THE CHILD ADVOCATE AUTHORITY

The Office of the Child Advocate (OCA) has oversight and investigative authority to pursue all necessary action, including legal action, to protect the rights and welfare of an MDHHS

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supervised youth placed in a residential facility. MCL 722.921 et seq.

Note: A residential facility is a facility that provides juvenile justice services and is state operated, county operated, public, private, and contracted, secure, or nonsecure.

The OCA may review policies and procedures relating to a residential facility and make recommendations for improvement. The OCA also may mediate issues and educate the public regarding investigations of lack of or insufficient services regarding a residential facility.

Child Fatality Cases in Residential Facilities

The child advocate must conduct a preliminary investigation into all child fatality cases that occurred or are alleged to have occurred due to child abuse or child neglect where a child died while placed in a residential facility. MCL 722.926(2).

See SRM 132, Response to the Office of Children's Ombudsman for additional guidance and protocol.