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Critical Issues in Foster Care: Children's Assurance of Quality Foster Care

Michigan's 13,000 children and youth involved in foster care are more likely to experience a host of challenges to school and life success. They face a lack of stability, in their homes, in their schools, and with agency staff assigned to help them navigate their world. They miss opportunities to be with family members and want more opportunities to be involved in their own life planning, but often lack support and resources as they move into adulthood. Caregivers – birth, foster and adoptive parents, kin and guardians, group homes and other institutional arrangements – struggle to provide for those in their care. They need timely, consistent, and accessible physical and mental health, child care, educational and other services, alongside consistent training and support for the out of pocket costs they incur.

The public, through our child welfare system, has made decisions about the families of children and youth around the state: about where they live and their care situation, and has a unique role in assuring their well-being. Because of this public role, that system must be held to a higher standard – particularly for those whom we removed from their homes. It is critical for children and youth, and their caregivers, to understand their rights, responsibilities, available supports, and to have a pathway for recourse when issues arise. The Michigan Department of Health and Human Services (MDHHS) has current requirements to communicate rights and responsibilities to caregivers, children and youth in care. In 2013 and 2014, in part responding to federal changes, Michigan updated these policies, including the perspectives of staff, caregivers and young people involved in the foster care system through Michigan Youth Opportunity Initiative (MYOI). These efforts resulted in an updated MDHHS Rights and Responsibilities of Children in Foster Care policy implemented in July 2015:

- Required documentation of timely caseworker review and explanation of rights and procedures to all those in care, and their caregivers.
- Documentation must be signed by the child, where age-appropriate, caseworker, birth parent where engaged, and the foster parent or caregiver.
- Caseworkers must annually review and consistently, actively seek questions and concerns.
- Caseworkers are mandated to assist in alleviating concerns expressed to them. If this isn't possible, policy dictates they assist children, youth or caregivers in the grievance process:
 1. Caseworker supervisor assists to alleviate concerns.
 2. Grievance goes to the DHHS Office of the Family Advocate for review and remedy.

While this policy is a thoughtful framework, there are limitations to the current system. The system relies solely on administrative support rather than Michigan law; the burden for following up a grievance rests on the child themselves; and the grievance procedure rests completely within the DHHS bureaucracy, whereas a system with more checks and balances would include an outside entity. We must protect these policies from shifts in state leadership, and we need an independent, consistent enforcement mechanism, trusted by those in the state's care, which requires a statutory base.

To remedy this, legislation has been introduced in each of the last three legislative sessions, beginning in 2014, to put this DHHS practice into law and ensure checks and balances within the system. This effort during the current legislative session is a package of three bills titled the Children's Assurance of Foster Care Act. The current package includes assurance of the following, and mirrors current state policy:

1. Fair, equal, respectful, and safe placement
2. Access to medical, emotional, or psychological treatment
3. Timely enrollment in school, if replacement is necessary
4. Placement with relatives and siblings when appropriate
5. Ongoing contact with parents, relatives, or friends (as permitted by the court)
6. Age-appropriate transition planning
7. Normalcy provisions including participation in extracurricular and/or religious activities
8. Regular contact with caseworkers, attorneys, and advocates to enhance connection between the children, youth and caregivers and the court system

A Positive Step With Many Missing Pieces

The concerns of young people in the foster care system and their caregivers guide Michigan's Children's recommendations around the how we can improve child welfare in Michigan. Putting current policy and procedure into state statute through the current Children's Assurance of Quality Foster Care bill package is beneficial, and we can make the package yet more effective:

1. **"As soon as practicable" timeliness standard for services must be further defined, and require an annual independent review to identify and address delays and gaps in services around the state.** While there are existing standards for timeliness of care, essential services are not always accessible, through no fault of the child, caregiver or caseworkers. Having a clear understanding of those gaps in services provided through the foster care system and elsewhere is essential.
2. **The onus for monitoring and following up on complaints must lie with the system, rather than the child in the grievance procedure.** Young people in care often don't see evidence of recourse for their complaints. Ensuring appropriate service provision is clearly a system responsibility. We recommend complaints be allowed from both children themselves and from their caregivers and others serving them. Once a complaint is made, the Office of the Family Advocate (OFA) should be responsible for monitoring, evaluating, and responding in a timely manner with corrective action. If the complaint persists, OFA should refer the situation to an independent evaluator like the local Foster Care Review Board, recognizing some monitoring and follow up responsibility must be assigned outside of traditional paths within DHHS. This helps ensure and indicate to all parties that their complaints were being evaluated independently.
3. **In order to maximize the impact of the bill, specific guidelines for reporting should be added,** including a predetermined time limit to follow up complaints and making reporting available to independent evaluators, like Foster Care Review Boards. A timely, complete, routine evaluation of complaint information would allow people to clearly pull out recommendations for policy changes and service and training investments necessary to fully adhere to the statute.

This package is the beginning of many legislative initiatives that could be pursued to improve the circumstances of children, youth and families in the foster care system. Michigan's Children supports this proposed bill package because it begins to address issues within the foster care system identified consistently by young people and caregivers who have experienced it, but looks for recommended changes and additional efforts to improve policy and investment.