
OVERVIEW

Case planning is a cooperative effort in which the caseworker and the family develop a road map for moving a child to permanency, while simultaneously addressing the child's safety and well-being.

The purpose of case planning is to:

- Identify the behaviors or conditions that have contributed to the child's removal from the home.
- Provide a clear and specific guide for the caseworker and the family for changing the behaviors and condition.
- Establish benchmarks to measure family and child progress for achieving outcomes.

Efforts to resolve the presenting problem(s) must be documented in the case service plan presented to the court to facilitate the determination of reasonable efforts; see FOM 722-08, Initial Service Plan, FOM 722-09, Updated Service Plan or FOM 722-09D, Permanent Ward Service Plan.

Once the presenting problem which led to the child's out-of-home placement has been resolved and the safety of the child is ensured, the child must be promptly returned to parental care.

LEGAL AUTHORITY

Federal

The Adoption Assistance and Child Welfare Act, P.L. 96-272

- Requires, as a condition of receiving federal foster care matching funds, that states make "reasonable efforts" to prevent removal of the child from the home and return those who have been removed as soon as possible.
- Requires participating states to establish reunification and preventive programs for all in foster care.
- Requires the court or agency to review the status of a child in any nonpermanent setting every six months to determine what is in the best interest of the child, with the most emphasis placed on returning the child home as soon as safely possible.

- Requires the court to determine the child's future status, whether it is a return to parents, adoption, or continued foster care, within 18 months after initial placement into foster care.

Adoption and Safe Families Act of 1997, P.L. 105-89

- Clarifies reasonable efforts.
- Requires states to specify situations when services to prevent foster placement and reunification of families are not required.
- Requires shorter time limits for making decisions about permanent placements.
- Requires permanency hearings to be held no later than 12 months after entering foster care.
- Requires states to initiate termination of parental rights proceedings after the child has been in foster care 15 of the previous 22 months, except if not in the best interest of the child, or if the child is in the care of a relative.

State

MCL 712A.6b

Order affecting non-parent adult.

MCL 712A.14b

Ex parte order authorizing immediate protective custody of child.

MCL 712A.13a

Definitions; petition; release of juvenile; order removing abusive person from home; placement of child; foster care; conditions; duty of court to inform parties; criminal record check and central registry clearance; family-like setting; parenting time; review and modification of orders and plans; release of information; information included with order; "abuse" defined.

MCL 712A.19a

Permanency planning hearing; conditions; time limitation; reunion of child and family not required; purpose; obtaining child's views regarding permanency plan; consideration of out-of-state placement; notice; statement; return of child to parent; noncompliance with case service plan; other conditions as evidence; termination of

parental rights to child; exceptions; alternative placement plans; powers and appointment of guardian; information considered as evidence; revocation or termination of guardianship.

REVIEW OF PRIOR CPS AND FOSTER CARE RECORDS

Prior to developing the case service plan, caseworkers must review the current Children's Protective Services (CPS) record and any other CPS files on the child and the parent(s). If the child was previously in foster care, the caseworker must make and document efforts to locate and obtain the closed CPS and foster care case record(s). All available former records **must** be reviewed and evaluated for:

- Patterns in abuse history for both the victim and the parent(s).
- Prior parental compliance, participation and benefit of past services.
- Identification of relatives or significant others that could be used as a support system to the child or as possible placement.

Results of the review and evaluation of closed CPS and foster care case files must be documented in the case service plan.

DEVELOPING THE CASE SERVICE PLAN

Casework service **requires** the engagement of the family in development of the case service plan. This engagement must include an open conversation between all parents/guardians and the caseworker in:

- Discussing needs and strengths.
- Establishing the case service plan.
- Reaching an understanding of what is required to meet the goals of the case service plan.
- Discussing concurrent permanency planning; see FOM 722-07A, Concurrent Permanency Planning.

In most cases the permanency goal will be reunification. The family is to be extensively involved in case planning and must have a clear understanding of all the conditions which must be met prior to the child's return home, how these relate to the petition necessitating out-of-home placement, and what the supervising agency will do to help the family meet these conditions.

MCL 712A.13a(8)(c) states that parental compliance with the case service plan is voluntary until court disposition, unless the court orders otherwise. Declining to participate, prior to the dispositional hearing, will not be viewed as failure to comply with the supervising agency.

Parental Engagement

Parental participation in case service plan development is required. Parental engagement is an invaluable tool for achieving an early return home for children in foster care. Parents **must be encouraged to actively participate in developing** the Parent-Agency Treatment Plan and Service Agreement section of the case service plan. This section must state specifically what the parents will need to do to achieve reunification, and what the agency will do in support of parental objectives.

The parent-agency treatment plan and service agreement **must** be

- Specific to the individual needs of the family and child(ren).
- Inclusive of the family's viewpoint.
- Written in a manner that is easily understood by all parties.

Note: If all goals, activities and outcomes are formulated solely by the caseworker, the plan cannot be considered a mutually developed treatment plan.

If the parents are not involved in developing or refuse to sign the case service plan, the caseworker must:

- Document the reasons why the parent is not involved or refuses to sign the Parent-Agency Treatment Plan and Service Agreement; see FOM 722-08C, Parent-Agency Treatment Plan and Service Agreement.
- Identify and document additional actions needed to secure the parent's participation in service planning and compliance with the case plan.

**Absent/Putative
Parents**

Developing the case service plan and parental involvement also requires the caseworker making attempts to identify and locate an absent parent/legal guardian or putative father; see FOM 722-06G, Efforts to Identify and Locate Absent/Putative Parent(s).

**Incarcerated
Parents**

The caseworker must make reasonable efforts to identify and locate an incarcerated parent. An incarcerated parent may provide important information about the child, as well as identify any available relatives that may be able to provide placement and support for the child.

Locating an Incarcerated Parent

The caseworker can use, but is not limited to, the following resources to locate an incarcerated parent and identify services available at a jail or prison:

- For parents under the jurisdiction of the Michigan Department of Corrections: <http://www.michigan.gov/corrections>.
- For parents in federal prisons: <http://www.bop.gov/>.
- For parents in out-of-state facilities: <http://www.vinelink.com> or by contacting the facility.
- For parents in county jails, contact the county facilities directly.

Once an incarcerated parent is located, the caseworker must confirm and document the following information:

- Charge or conviction offense.
- Prisoner or jail number.
- Parole or release eligibility.
- Earliest release date.

Engaging the Incarcerated Parent

In cases where reunification is the permanency goal, the caseworker must engage the parent in the case service plan regardless of how long that parent will be incarcerated.

The caseworker must make monthly contact with the incarcerated parent through face-to-face contact, letter, email, or phone contact.

Upon locating the incarcerated parent, the caseworker must send the incarcerated parent a letter that explains the purpose of the case service plan and request the following information:

- Whether he or she wishes to remain a parent to the child, and to identify any relatives who may be interested in placement.
- The parent's views of his or her needs and strengths.
- The services and work opportunities available to the parent.
- To describe his or her plan to provide care and custody of the child upon release from incarceration.
- To add the caseworker to his or her call/visitor list so the parent and caseworker may communicate via telephone/in person.

The caseworker must assess the incarcerated parent's needs and strengths and document them in the family assessment of needs and strengths in MiSACWIS.

The caseworker must determine the services and work opportunities available within the facility in which the parent is incarcerated. If the services available meet the parent's identified needs, they must be documented in the parent-agency treatment plan and service agreement (PATP).

Note: Caseworkers are not required to arrange for service providers outside of the facility to deliver services within the facility, but must utilize those services if they are currently available within the facility.

Once the PATP is completed, the parent must be given an opportunity to review and sign the case service plan. The caseworker must send two copies of the case service plan to the incarcerated parent. An accompanying letter must clearly request that the parent sign one copy and return it to the caseworker and keep the other copy for the parent's reference. In addition, the caseworker must enclose a DHS-1555-CS, Authorization to Release Confidential Information, and request the parent sign and return the form. This will allow the caseworker to verify the parent's compliance with the case service plan through contact with service providers and prison records. The caseworker must evaluate an incarcerated parent's compliance with, and benefit from, services in the same manner as non-incar-

cerated parents. Caseworkers must obtain proof of a parent's compliance from the parent and service providers.

If the parent has been paroled or released from incarceration, or will likely be paroled in the near future, the caseworker must identify any additional services the parent needs prior to reunification with the child, and update the case service plan accordingly.

Family Team Meetings

Caseworkers must provide prior notice to an incarcerated parent of the following family team meetings (FTM):

- Court intervention.
- Change in permanency goal.
- Return home.

See FOM 722-06B, Family Team Meetings - Incarcerated Parent Participation.

Non-Parent Adult

Consideration must be given to the boyfriend/girlfriend or living together partner (LTP) of the parent; see the definition of non-parent adult in FOM 721, Foster Care. This is particularly important if the non-parent adult will either spend a significant amount of time interacting with the child, will be living in the home if the child is returned home, or has a close personal relationship with the parent.

MCL 712A.6b states that participation in developing the case service plan and compliance with the plan is mandatory for the non-parent adult only when ordered by the court. The court may also order the non-parent adult to leave the home in which the child lives and/or order that the non-parent adult have no contact with the child and not come into close proximity of the child. If the supervising agency has included the non-parent adult in the case service plan, the recommendations to the court should include a request for the court to order the non-parent adult to comply with the service plan.

Extended Family/ Relative Network

The participation of members of the extended family/relative network is viewed as essential to achieving permanency and is to be actively sought; see FOM 722-03B, Relative Engagement and Placement.

Child

Youth age 14 and older must be involved in the development of the case service plan; see FOM 722-03C, Preparation, Placement, and Discharge of Older Youth. Children, when developmentally appropriate, must have their perception of the issues and their concerns documented in the appropriate areas of the case service plan; see FOM 722-06H, Quality Visits.

Caregivers

Caregivers are to be actively involved in the case service planning; see FOM 722-06H, Caseworker Contacts with Caregivers.

**Treatment and
Service Providers**

Feedback from professionals working with the child and family must be obtained and incorporated in each case service plan; see FOM 722-06H, Caseworker Contacts with Treatment and Service Providers.

GENOGRAMS

A genogram is a diagram outlining the history of behavior patterns, relationships, major events, and the dynamics of a family's members in order to recognize and understand past influences on current behavior patterns.

A genogram must be completed for each family as a part of the case service plan.

Resources for creating genograms can be found by accessing the Child Welfare Training Institute (CWTI) website and following the navigation path below:

<http://www.michiganchildwelfaretraining.com/>

Training Materials --> Adoption -->

- Week 1: Genogram Activity
- Week 3: Genogram, Genogram Symbols, Genogram Overview, Genogram Interview, Genogram Interpretation

ACTIVE EFFORTS

For American Indian/Alaska Native children, active efforts are **required** throughout all aspects of case service planning. Active efforts are more intensive than reasonable efforts and require the

caseworker to thoroughly assist the family in accessing and participating in necessary services that are culturally appropriate, remedial and rehabilitative in nature; see NAA 205, Active Efforts.

REASONABLE EFFORTS

Provisions were enacted into federal law in the Adoption Assistance and Child Welfare Act of 1980, 42 USC 670 et seq. and the Adoption and Safe Families Act (ASFA) of 1997, 42 USC 1305 et seq., as well as Michigan's Probate Code, 1939 PA 288, MCL 701.1 et seq., that require judicial oversight when a child is removed from his/her home. These provisions require a judicial determination that reasonable efforts have been made by the supervising agency. The types of reasonable efforts which must be made by the department differ, depending on the status of the child. The four types of reasonable efforts determinations are to:

1. Prevent removal.
2. Make it possible for the child to return home.
3. Find that reasonable efforts are not required.
4. Finalize the permanency plan.

Reasonable Efforts For Title IV-E Funding Purposes

Provisions were enacted in the Adoption and Safe Families Act (ASFA), P.L. 105-89 and MCL 712A.18f that require judicial findings of reasonable efforts for title IV-E funding purposes when a child is removed from his/her home. These statutes require that reasonable effort determinations be made by a court; see FOM 721, Foster Care.

Title IV-E eligibility is determined by compliance with the ASFA. For information on title IV-E requirements and other required judicial findings; see FOM 902, Funding Determinations and Title IV-E Eligibility.

The court may make the following findings regarding reasonable efforts:

- The agency has made efforts to prevent or eliminate the need for removal of the child from his/her home.
- The agency has made efforts to finalize a permanent placement for the child (such as, return home or adoption) in a timely manner.

The court may also find that:

- The supervising agency has not made reasonable efforts.
- A lack of efforts by the agency to prevent removal was reasonable.
- Making reasonable efforts is not required.

Supervising Agency Requirements

Reasonable efforts must be made by the supervising agency. The services offered and/or provided are considered reasonable efforts and must be recorded in the case service plan and the parent-agency treatment plan and service agreement; see FOM 722-08C, Parent-Agency Treatment Plan and Service Agreement.

Examples of Reasonable Efforts

The services offered and/or provided to the family and child(ren) are considered reasonable efforts. These services may include but are not limited to:

- Search for absent parent or other relatives.
- 24 hour emergency caretaker.
- Homemaker.
- Day care.
- Crisis or family counseling.
- Emergency shelter.
- Emergency financial assistance.
- Respite care.
- Families First of Michigan.
- Home-based family services.
- Self-help groups.
- Parenting classes.
- Services to unmarried parents.

- Mental health services.
- Drug and alcohol abuse counseling.
- Vocational/job training reports.
- Efforts made by the caseworker to locate an absent parent/legal guardian or putative father; see FOM 722-06G, Efforts to Identify and Locate Absent/Putative Parent.
- Efforts made by the caseworker to locate and identify a fit and willing relative to care for the child; see FOM 722-03B, Relative Engagement and Placement.
- Registration of a child on the Michigan Adoption Resource Exchange (MARE). For more information go to the MARE website at www.mare.org.

Reasonable Efforts to Prevent Removal

MCL 712A.14b requires that services must be provided to families by CPS to prevent the removal and foster care placement of the child. The CPS caseworker must document:

- The reasonable efforts provided to the family to prevent removal of the child from his/her home.
- Why it was not possible to provide reasonable efforts to the family prior to removal.
- The likely harm to the child if s/he were separated from the parent(s), guardian or custodian.
- The likely harm to the child if s/he were returned to the parent(s), guardian or custodian.

The CPS caseworker must complete documentation in MiSACWIS within five working days of placement; see FOM 722-01, Children's Protective Service Transfer to Foster Care Information/Placement Outline.

The foster care caseworker must include this information in the initial service plan provided to the court; see FOM 722-08, Initial Service Plan, Reasonable Efforts.

After examining the case service plan, the court will make a judicial determination regarding the reasonable efforts that were made prior to removal to maintain the child in his/her own home. When the child is removed in an emergency because of imminent threat to the child's health or welfare, and there is no reasonable opportunity to provide preventive services, the court may determine that efforts to prevent removal were not possible and a lack of preventive efforts was reasonable.

Reasonable Efforts to Reunify the Child and Family

Reasonable efforts to reunify the child and family must be made in all cases except in the situations listed below.

Reasonable Efforts are Not Required

Per MCL 712A.19a, reasonable efforts to prevent removal or to reunify the child and family must be made in all cases except in the following circumstances:

- The parent has been convicted of one or more of the following:
 - Murder of another child of the parent.
 - Voluntary manslaughter of another child of the parent.
 - Aiding or abetting in the murder of another child of the parent.
 - Voluntary manslaughter of another child of the parent.
 - Attempted murder of the child or another child of the parent.
 - Conspiracy or solicitation to commit the murder of the child or another child of the parent.
 - A felony assault that results in serious bodily injury to the child or another child of the parent.
- The parent has had rights to the child's siblings involuntarily terminated, regardless if there is risk of harm to the child in question.

- The parent is required by court order to register under the Sex Offenders Registration Act.
- There is a judicial determination that the parent has abused the child or a sibling of the child, and the abuse includes one or more of the following aggravated circumstances:
 - Abandonment of a young child.
 - Criminal sexual conduct involving penetration, attempted penetration, or assault with intent to penetrate.
 - Battering, torture, or other severe physical abuse.
 - Loss or serious impairment of an organ or limb.
 - Life threatening injury.
 - Murder or attempted murder.
- The parent of the child failed to protect the child from one of the above aggravated circumstances.

A mandated petition for termination of parental rights is not the only reason for not providing services to reunify the family; see FOM 722-07C, Termination of Parental Rights. Each case must be examined individually to determine if efforts to reunify the family or prevent removal will be provided by the supervising agency. A caseworker must seek approval from his/her supervisor in which the supervising agency is requesting the court to make a finding that reasonable efforts are not required.

Permanency Planning Hearing

MCL 712A.19a requires the court to conduct a permanency planning hearing within 30 calendar days after there is a judicial determination that reasonable efforts to reunite the child and family are not required.

**Reasonable Efforts
to Secure and
Finalize a
Permanent
Placement**

If the court determines that making efforts to prevent removal from the family are not required and reunification has been ruled out as a permanency plan, reasonable efforts to secure another permanent placement must be made. In most of these cases, the permanency plan for the child should be adoption. Permanent placement with a guardian or fit and willing relative may also be appropriate for certain children. If the permanency plan is not adoption, guardianship, or placement with a fit and willing relative, compelling reasons must be contained within the service plan and the court order that document why these goals are not in the child's best interest; see FOM 722-07, Permanency Planning.

The supervising agency must make reasonable efforts to finalize a permanent placement for a child, regardless of the child's legal status. Return home is included within the definition of a permanent placement. If reunification is the permanency planning goal, the court must consider whether efforts by the supervising agency to reunify a family are reasonable or not, while giving utmost consideration to the child's health and safety.

In all cases, the supervising agency's case planning must include the parent(s) (except when parental rights have been terminated), caregivers, and the child. The case service plan must contain details of efforts by the supervising agency to achieve the permanency planning goal and the services that will be provided to the parent(s), child(ren) and caregivers. This documentation provides the court with the necessary information to determine if the described efforts are reasonable or not.

Post-Termination Review Hearing

MCL 712A.19c requires the court to review the following during post-termination review hearings:

- The appropriateness of the permanency planning goal;
- The appropriateness of the child's placement in foster care; and
- The reasonable efforts being made to place the child for adoption or in another permanent placement in a timely

manner; see FOM 722-10, Dispositional Review Hearing and FOM 721.

If the court believes that the supervising agency has made reasonable efforts to finalize a permanency plan in a timely manner, the court will make this finding within the court order.

SERVICE INTERVENTIONS

There must be a plan for ensuring that each child who is placed out of his/her own home receives safe and proper care and services. This documentation is required within each case service plan.

Per P.L. 96-272 and P.L. 105-89, there must be a plan which includes all of the following:

- Services provided to the parent(s), child(ren) and foster parent/relative caregivers in order to improve the conditions in the parent's home to facilitate a safe return of the child(ren) to his or her own home or the permanent placement of the child(ren). The foster parent/relative caregivers is (are) to be involved as appropriate.
- Needs of the child(ren) while in foster care.
- Services to the child(ren) and foster parents/relative caregivers to meet those needs.
- Appropriateness of the services that have been provided to the child.
- A statement that safe and proper care and services must be provided.

Service Delivery

The goals of the case service plan are safety, child well-being, and permanence. The agreed upon services provided to the family must facilitate movement towards these goals.

Service delivery to children and their families must be directed at the primary goals of establishing permanence and ensuring the child's safety within reasonable timeframes. It is only when timely and intensive services are provided to families that agencies and courts can make informed decisions about a parent's ability to protect and care for his/her children.

Service Referrals

Front Loading Services

Front loading services is an essential component of concurrent permanency planning that includes immediate referrals for needed services at the beginning of a case; see FOM 722-07A, Concurrent Permanency Planning. The assigned caseworker must make appropriate service referrals for the family, as soon as possible, but no later than 30 calendar days after entry into care.

If the service provider is unable to immediately provide the service, the caseworker must document in the case service plan that the service is unavailable and identify the date that the service will become available.

If the service is unavailable for more than 30 calendar days, the caseworker must determine if other service providers offer the same or similar service and make a referral. If it is determined that there is no secondary service provider available, the caseworker must locate alternate service providers and document these efforts in the case service plan.

MONITORING, EVALUATING, AND ADJUSTING SERVICE INTERVENTIONS

Once services and service providers have been identified, the caseworker, in collaboration with the family must monitor the delivery and effectiveness of the services on an ongoing basis to determine the family's level of participation and benefit and to determine if the services are supporting the goals identified in the case service plan.

The caseworker, the family, and the family's team, must regularly reassess the strengths and needs of the child and family and adjust services, if necessary, to meet identified needs; see FOM 722-03B, Family Team Meeting Case Service Plan Development/Reassessment.

COURT REVIEW OF PLAN

Copies of the service plan must be sent to the court for review. The court has the authority to modify the plan and to order compliance

with all or part of the plan; see FOM 722-10, Court Review, Dispositional Review Hearing.

MCL 712A.13a(12) and MCR 3.966(A) state, upon the motion of any party, the court shall review custody and placement orders and the initial service plan pending adjudication and may modify these orders and plan if in the child's best interest. The caseworker must coordinate filing the motion with the child's and/or parent's attorney(s) so the court is immediately notified of the new information.