



STATE OF MICHIGAN  
DEPARTMENT OF HUMAN SERVICES  
OFFICE OF CHILDREN AND ADULT LICENSING



JENNIFER M. GRANHOLM  
GOVERNOR

MARIANNE UDOW  
DIRECTOR

March 17, 2006

Patrick Heron  
Catholic Social Services of Wayne County  
9851 Hamilton  
Detroit, MI 48202

RE: License #: CB820201024  
Investigation #: 2006C0208017  
Catholic Social Services of Wayne County

Dear Mr. Heron:

Attached is the Special Investigation Report for the above referenced facility. Due to the violations identified in the report, a written corrective action plan is required. The corrective action plan is due 15 days from the date of this letter and must include the following:

- How compliance with each rule will be achieved.
- Who is directly responsible for implementing the corrective action for each violation.
- Specific time frames for each violation as to when the correction will be completed or implemented.
- How continuing compliance will be maintained once compliance is achieved.
- The signature of the responsible party and a date.

If you desire technical assistance in addressing these issues, please feel free to contact me. In any event, the corrective action plan is due within 15 days. Failure to submit an acceptable corrective action plan will result in disciplinary action.

Please review the enclosed documentation for accuracy and feel free to contact me with any questions. In the event that I am not available and you need to speak to someone immediately, please feel free to contact the local office at (248) 975-5053.

Sincerely,

*Miriam Berenstein*

Miriam Berenstein, Licensing Consultant  
Office of Children and Adult Licensing  
Suite 358  
41000 Woodward  
Bloomfield Hills, MI 48304  
(248) 975-5087

enclosure

**MICHIGAN DEPARTMENT OF HUMAN SERVICES  
OFFICE OF CHILDREN AND ADULT LICENSING  
SPECIAL INVESTIGATION REPORT  
AMENDED REPORT 05/04/2006**

**I. IDENTIFYING INFORMATION**

<b>License #:</b>	CB820201024
<b>Investigation #:</b>	2006C0208017
<b>Complaint Receipt Date:</b>	01/23/2006
<b>Investigation Initiation Date:</b>	01/23/2006
<b>Report Due Date:</b>	03/24/2006
<b>Licensee Name:</b>	Catholic Social Services of Wayne County
<b>Licensee Address:</b>	9851 Hamilton Detroit, MI 48202
<b>Licensee Telephone #:</b>	313-883-7685
<b>Administrator:</b>	Patrick Heron
<b>Licensee Designee:</b>	Patrick Heron
<b>Name of Facility:</b>	Catholic Social Services of Wayne County
<b>Facility Address:</b>	9851 Hamilton Detroit, MI 48202
<b>Facility Telephone #:</b>	(313) 883-2100
<b>Original Issuance Date:</b>	08/15/1991
<b>License Status:</b>	REGULAR
<b>Effective Date:</b>	10/25/2004
<b>Expiration Date:</b>	10/24/2006
<b>Capacity:</b>	NA
<b>Program Type:</b>	CHILD PLACING AGENCY, PRIVATE

## **II. ALLEGATION(S)**

### **ALLEGATION # 1**

It is alleged that the Chief Administrator, Program Director, Social Service Supervisors and Social Service Workers who are assigned to Foster/Adoptive Family 1 and Foster Child A, are not qualified to do their jobs.

### **ALLEGATION # 2**

It is alleged that the former Licensing Supervisor, Licensing Worker, and Licensing/Intake Worker are not properly trained for their jobs.

### **ALLEGATION # 3**

It is alleged that the Agency's computer and copier were repeatedly not functioning properly.

### **ALLEGATION # 4**

It is alleged that the Foster Care Worker leaves records open and unattended in her office. Foster/Adoptive Family 1 believes that this is how the foster mother's identity was stolen.

### **ALLEGATION # 5**

It is alleged that the Foster Care Worker fraudulently claimed to be Foster Child A's Foster Parent when he was admitted to the Hospital on 04/15/2005. It is alleged that the Foster Care Worker gave inaccurate medical information at the time of admission, by stating Foster Child A had a previous psychiatric hospitalization.

### **ALLEGATION # 6**

It is alleged that the Foster Care Worker and the Adoption Worker stated that Foster/Adoptive Family 1 wanted Foster Child A removed and they completed a replacement request. It is alleged that Foster/Adoptive Family 1 did not request Foster Child A's removal.

### **ALLEGATION # 7**

It is alleged that Foster Child A was late for Dental and Medical check ups, because Resident A's Medicaid coverage lapsed and the Agency did nothing to keep it active.

It is further alleged that Resident A did not receive therapy from February 2005-July 2005, because of a lapse in coverage. It is also specifically stated that Foster Child A did not receive therapy from September 2002-November 2003.

**ALLEGATION # 8**

It is alleged that Foster/Adoptive Family 1 did not receive the required information on Foster Child A.

**ALLEGATION # 9**

It is alleged that the Agency did not complete the Special evaluation in the required time frame and did not advise Foster/Adoptive Family 1 that they could involve a person of their choice in the investigation. It is further alleged that the former Licensing Supervisor continued the investigation after the verbal summary.

**ALLEGATION # 10**

It is alleged that the Agency failed to correctly record the foster parent training and the correction action plan in Foster/Adoptive Family 1's record.

**ALLEGATION # 11**

It is alleged that Foster/Adoptive Family 1 did not receive a written copy of the change in the Adoption Recommendation. It is also alleged that the withdrawal of consent did not have supervisory approval.

**ALLEGATION # 12**

It is alleged that Foster/Adoptive Family 1 never received requested copies of Adoption Policies and Procedures.

**ALLEGATION # 13**

It is alleged that the Chief Administrator did not follow the Agency's written grievance procedure.

\* It should be noted that additional allegations were made regarding Agency staff and other parties involved in this case. These additional allegations are not regulated by the Office of Children and Adult Services (OCAL). Additionally, OCAL does not have the authority to alter any Foster Care or Adoption decisions that were made by the Agency or to add additional information to the case records. Also, OCAL does not have any authority over Children's Protective Services and reports that are made to that Agency.

01/23/2006	Special Investigation Intake 2006C0208017
01/23/2006	Special Investigation Initiated - Telephone Talked to Program Director regarding allegations. Onsite investigation scheduled for 1/30/2006.

01/30/2006	Contact - Face to Face Onsite investigation. Interviewed Program Director and Adoption Supervisor. Reviewed Personnel Records of designated employees.
02/24/2006	Contact - Face to Face Onsite investigation continued with Area Manager. Reviewed case record of Foster Child A and reviewed Adoption Record of Foster/Adoptive Family 1. Interviewed Chief Administrator, Program Director, Foster Care Supervisor, and Foster Care Worker.
03/02/2006	Contact - Face to Face Onsite investigation continued. Reviewed Foster Home Record of Foster/Adoptive Family 1. Interviewed Adoption Supervisor, Adoption Worker, Foster Home Licensing Worker, and Licensing/Intake Worker.
03/02/2006	Contact - Face to Face Exit Conference with Program Director.
03/02/2006	Inspection Completed On-site
03/02/2006	Inspection Completed-BFS Sub. Compliance

### **ALLEGATION # 1**

It is alleged that the Chief Administrator, Program Director, Social Service Supervisors and Social Service Workers who are assigned to Foster/Adoptive Family 1 and Foster Child A, are not qualified to do their jobs.

### **INVESTIGATION:**

Personnel Records were reviewed to determine that education and experience qualifications were met. The following Personnel Records were reviewed: Chief Administrator; Program Director; Foster Care Supervisor; Adoption Supervisor, former Licensing Supervisor; Foster Care Worker; Adoption Worker; Licensing Worker; and Licensing/Intake Worker.

The records met the requirements as stated in Licensing Rule 12205 Required staff. This rule requires that staff persons meet the education and experience requirements for their position. This rule does not require licensure as a social worker by the State of Michigan. OCAL does not require that information in Personnel Records be made public. State and Federal Laws generally do not allow disclosure of this information.

OCAL only regulates the positions specified in this rule. Only staff persons directly employed by the Agency are reviewed for compliance with this rule. OCAL does not regulate Children’s Protective Services or therapeutic services that are not provided directly by the Agency.

<b>APPLICABLE RULE</b>	
<b>R 400.12205</b>	<b>Required staff.</b>
	<p>(2) An agency shall appoint a chief administrator who possesses at least a bachelor's degree from an accredited college or university and 2 years of experience in a human services organization. An agency shall report a change of chief administrator immediately to the department.</p> <p>(3) An agency shall appoint a social service supervisor who possesses the qualifications specified in either of the following provisions:</p> <p>(a) A master's degree from an accredited college or university in a human behavioral science and 1 year of experience as a social service worker in an agency.</p> <p>(b) A bachelor's degree from an accredited college or university in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences, and 4 years of experience as a social service worker, 2 years of which shall have been in an agency.</p> <p>(4) An agency shall appoint a social service worker who possesses at least a bachelor's degree from an accredited college or university with a major in a human behavioral science, or in another major where 25% of the course credits earned toward the degree are in human behavioral sciences.</p> <p>(5) A person who is employed by the agency or who has a contract with the agency and who fulfills more than 1 function specified by subrule (1) of this rule shall meet the requirements for each position.</p> <p>(6) If a social service worker also has social service supervisor responsibilities, as permitted under subrule (5) of this rule, then the worker shall not supervise his or her own tasks as a social service worker.</p>
<b>ANALYSIS:</b>	All of the Personnel Records documented compliance with the requirements for their position.
<b>CONCLUSION:</b>	<b>VIOLATION NOT ESTABLISHED</b>

## **ALLEGATION # 2**

It is alleged that the former Licensing Supervisor, Licensing Worker, and Licensing/Intake Worker are not properly trained for their jobs.

### **INVESTIGATION :**

The training records for the former Licensing Supervisor, Licensing Worker, and Licensing/Intake Worker were reviewed. They all completed the Certification Training related to Foster Home Licensing and Complaint Investigations. Additionally, they have completed the training required under Rule 400.12209 Orientation and training.

<b>APPLICABLE RULE</b>	
<b>R 400.12305</b>	<b>Certification training.</b>
	<b>An agency shall ensure that all supervisors of social service workers who perform foster home certification functions receive certification training provided by the department.</b>
<b>ANALYSIS:</b>	This licensing rule requires that all supervisors who perform foster home certification functions receive the training provided by the department. The Agency has exceeded this requirement by requiring all licensing staff to complete this training.
<b>CONCLUSION:</b>	<b>VIOLATION NOT ESTABLISHED</b>

## **ALLEGATION # 3**

It is alleged that the Agency's computer and copier were repeatedly not functioning properly.

### **INVESTIGATION:**

The Program Director states that in August 2005, the server on the computer malfunctioned and it had to be replaced. The Program Director states that the computer was not functioning properly between 08/19/2005 until it was replaced in early September 2005. The Program Director and staff persons also report that the copier is occasionally not functioning and must be repaired. On the dates of the onsite inspections, the computer system and copier on the first floor were functioning properly.

<b>APPLICABLE RULE</b>	
<b>R 400.12204</b>	<b>Facilities.</b>
	<b>An agency shall provide and maintain sufficient office space, equipment, and supplies to ensure the delivery of services.</b>



<b>ANALYSIS:</b>	The Agency had to replace the server on the computer and to have repairs made to the copier. There is no indication that the Agency did not make the repairs in a timely manner and did not make every effort to ensure the delivery of services.
<b>CONCLUSION:</b>	VIOLATION NOT ESTABLISHED

**ALLEGATION # 4**

It is alleged that the Foster Care Worker leaves records open and unattended in her office. Foster/Adoptive Family 1 believes that this is how the foster mother's identity was stolen.

**INVESTIGATION:**

An impromptu inspection was made of the second floor of the Agency, where the Foster Care, Foster Home Licensing, and Adoption Records are kept. All of the records were locked in designated areas. Unauthorized persons are not permitted on the second floor without a staff person.

The Foster Care Worker's office was inspected. She was out of the office at the time. She has a single office. There were no case records in the office.

<b>APPLICABLE RULE</b>	
<b>R 400.12213</b>	<b>Record Management.</b>
	<b>An agency shall do all of the following with respect to maintenance of required records:</b> <b>(a) Protect each record against destruction and damage.</b> <b>(b) Keep each record in a uniform fashion.</b> <b>(c) Store and maintain each record in a manner to ensure confidentiality and to prevent unauthorized access.</b>
<b>ANALYSIS:</b>	The Agency records are kept in a locked area and unauthorized persons do not have access to this area. At the time of the onsite inspection, all records were in the locked area and there were no records in the Foster Care Worker's office.
<b>CONCLUSION:</b>	VIOLATION NOT ESTABLISHED

**ALLEGATION # 5**

It is alleged that the Foster Care Worker fraudulently claimed to be Foster Child A's Foster Parent when he was admitted to the Hospital on 04/15/2005. It is alleged that the

Foster Care Worker gave inaccurate medical information at the time of admission, by stating Foster Child A had a previous psychiatric hospitalization.

**INVESTIGATION:**

Foster Child A’s case record was reviewed. Foster Child A was brought to the Hospital by his Foster Care Worker on 04/15/2005. The Foster Care Worker provided the information for the Admission Record. The Admission Record states that Foster/Adoptive Family 1 are Foster Child A’s foster parents. The Admission Record also lists the Agency Foster Care Worker as Foster Child A’s designated worker. The Admission Record asks for previous psychiatric hospitalizations and it states there are no previous psychiatric hospitalizations.

<b>APPLICABLE RULE</b>	
<b>R 400.12206</b>	<b>Staff qualifications.</b>
	<b>(1) An agency shall require a staff member who has ongoing contact with children or parents to be a person who is of good character and emotionally stable and who has the ability, experience, education, and training to perform the duties assigned.</b>
<b>ANALYSIS:</b>	The Hospital Admission Record documents that the Foster Care Worker did not represent herself as the foster parent and the Hospital Admission Record also documents that the Foster Care Worker did not state that Foster Child A had previous psychiatric hospitalizations.
<b>CONCLUSION:</b>	<b>VIOLATION NOT ESTABLISHED</b>

**ALLEGATION # 6**

It is alleged that the Foster Care Worker and the Adoption Worker stated that Foster/Adoptive Family 1 wanted Foster Child A removed and they completed a replacement request. It is alleged that Foster/Adoptive Family 1 did not request Foster Child A’s removal.

**INVESTIGATION:**

The Foster Care Supervisor, Foster Care Worker, and Adoption Worker were interviewed. They all state that Foster/Adoptive Parent 1 contacted the Agency on 04/15/2005 and stated she could not continue to care for Foster Child A, because of his behavior, which included a recent Incident of violence against two of his siblings. Foster/Adoptive Family 1 was requested to make this request in writing. A letter, dated 04/15/2005, was sent to the Foster Care Supervisor. The letter addressed Foster Child A’s severe behavior and indicated that the family can no longer manage his behavior.

This letter was documented as verification of the request for removal. On 04/15/2005, the Foster Care Worker and Foster Care Supervisor removed Foster Child A from Foster/Adoptive Family 1 and he was admitted to a psychiatric hospital.

On 04/21/2005, a second letter was sent to the Agency by Foster/Adoptive Family 1. In the letter, Foster/Adoptive Family 1 states they have reconsidered and want to adopt Foster Child A and are willing to undergo any therapeutic family treatment. The Agency did not believe Foster Child A should be returned to this home due to the behavior issues and a recent complaint on the foster home. However, the Department of Human Services directed them to return him.

On 06/14/2005, Foster/Adoptive Family 1 was notified by telephone and in writing that the Agency wanted to remove Foster Child A from their care and the move was planned for 06/28/2005. The notification states the reason for the move was the child's best interest. The family was advised that they had three days to appeal the decision to the Foster Care Review Board. On 06/28/2005, Foster/Adoptive Family 1 appealed the Agency's decision to the Foster Care Review Board. The Board concluded that removal of Foster Child A from the home of Foster/Adoptive Family 1 was not in his best interest.

<b>APPLICABLE RULE</b>	
<b>R 400.12405</b>	<b>Change of placement.</b>
	<p><b>(2) The agency shall document all of the following in the child's record before a change of placement occurs:</b></p> <p><b>(a) Reason for the change in placement.</b></p> <p><b>(h) That the current foster parent was notified in writing of the following information:</b></p> <p><b>(i) Not less than 14 calendar days in advance, of the change, except when prior notification would jeopardize the child's care or safety. If prior notice is not provided, then the agency shall notify the foster parent, at the time of the change, why prior notice was not given.</b></p> <p><b>(ii) Of the current foster parent's rights concerning the change in placement.</b></p>

<b>ANALYSIS</b>	<p>Based on interviews with the Foster Care Supervisor, Foster Care Worker, and Adoption Worker, it is concluded that the Agency acted in good faith when they requested a change of placement for Foster Child A on 04/15/2005. The removal was based on conversations with Foster/Adoptive Parent I and a subsequent letter from Foster/ Adoptive Family 1 addressing Foster Child A's severe behavior and indicating the family can no longer manage his behavior.</p> <p>On 06/14/2005, the Agency informed Foster/ Adoptive Family 1 by telephone and in writing that they planned to remove Foster Child A from their care. The Agency followed the proper procedure for notifying Foster/Adoptive Family 1 of their intent to remove Foster Child A and notified them of their right to appeal the change in placement.</p>
<b>CONCLUSION:</b>	VIOLATION NOT ESTABLISHED

**ALLEGATION # 7**

It is alleged that Foster Child A was late for Dental and Medical check ups, because Resident A's Medicaid coverage lapsed and the Agency did nothing to keep it active.

It is further alleged that Resident A did not receive therapy from February 2005-July 2005, because of a lapse in coverage. It is also specifically stated that Foster Child A did not receive therapy from September 2002-November 2003.

**INVESTIGATION:**

Foster Child A's case record was reviewed. Foster Child A was originally placed into foster care on February 28, 2001. The record documents that Foster Child A had his required medical and dental examinations from the time of placement until the present.

Attempting to determine if Foster Child A received therapeutic intervention on a regular basis was not possible. Foster Child A's record does not have a list of all therapy dates. This is not required by OCAL.

The Program Director states that the Agency has no control over the Medicaid system. Medicaid can only be activated by the Department of Human Services (DHS) and there are times when Medicaid is deactivated for no known reason. She states that as soon as the Agency learns of this problem, DHS is contacted and requested to make the necessary changes. If Medicaid lapsed during Foster Child A's placement, it did not effect his medical and dental examinations.

<b>APPLICABLE RULE</b>	
<b>R 400.12413</b>	<b>Medical and dental care policy.</b>
	<p>(1) An agency's medical and dental care policy shall, at a minimum, include all of the following:</p> <p>(a) The provision of routine medical care.</p> <p>(c) A physical examination for each child as follows, unless a greater frequency is medically indicated:</p> <p>(ii) For a child 2 years of age or older, a physical examination shall have been completed within 12 months before placement or a new physical examination shall be completed within 30 calendar days after placement.</p> <p>(iii) A physical examination every 14 months.</p> <p>(f) The provision of a dental examination and any treatment required for each child who is 4 years of age and older, including both of the following:</p> <p>(i) A dental examination within 12 months before placement or a new dental examination shall be completed not more than 90 calendar days after placement.</p> <p>(ii) A dental reexamination shall be obtained at least every 18 months, unless a greater frequency is indicated.</p>
<b>ANALYSIS:</b>	Foster Child A's case record documents that he had his required medical and dental examinations from the time of placement until the present.
<b>CONCLUSION:</b>	<b>VIOLATION NOT ESTABLISHED</b>

### **ALLEGATION # 8**

It is alleged that Foster/Adoptive Family 1 did not receive the required information on Foster Child A.

### **INVESTIGATION:**

Foster Child A was originally placed with Foster/Adoptive Family 1 on 02/28/2001. He was removed at the foster parent's request due to behavior problems on 09/19/2002. He was replaced with Foster/Adoptive Family 1 on 02/02/2004, when Foster Family 2 was not able to continue to plan for him.

The Original Foster Parent Check list documents that Foster/Adoptive Family 1 received the required information on Foster Child A at the time of placement. Over the years, additional information is not clearly specified. However, it is documented that on 05/18/2005, Foster/Adoptive Family 1 signed a Verification of Information Provided to Adoptive Parents, which verified that they had received all known medical and psychological information known to the Agency. On 02/10/2006, Foster/Adoptive Family

1 received twenty nine items that included medical, dental and clinical information on Foster Child A. The information was sent to DHS and DHS provided the information to Foster/Adoptive Family 1. A receipt of information was signed by Foster/Adoptive Family 1 on 02/10/2006.

It should be noted that Foster Child A's case was transferred to DHS on 10/06/2005, as directed by the Superintendent of the Michigan Children's Institute (MCI). DHS has borrowed the bed in the home of Foster/Adoptive Family 1.

<b>APPLICABLE RULE</b>	
<b>R 400.12417</b>	<b>Foster parent information.</b>
	<p>(1) <b>An agency shall provide a foster parent with all of the following information before the placement of a child:</b></p> <ul style="list-style-type: none"> <li>(a) <b>Child's name.</b></li> <li>(b) <b>Child's date of birth.</b></li> <li>(c) <b>Available known information about the child's health.</b></li> <li>(d) <b>Any known history of abuse or neglect of the child.</b></li> <li>(e) <b>All known emotional and psychological problems of the child.</b></li> <li>(f) <b>All known behavioral problems of the child.</b></li> <li>(g) <b>Circumstances necessitating placement of the child.</b></li> <li>(h) <b>Any other known information to enable the foster parent to provide a stable, safe, and healthy environment for the foster child and the foster family.</b></li> <li>(i) <b>Name of assigned social service worker.</b></li> <li>(j) <b>Authorization to provide routine and emergency medical care.</b></li> </ul> <p>(2) <b>For an emergency placement, if any of the information specified in subrule (1)(a) to (h) of this rule is not available at the time of placement, then the information shall be provided to the foster parent within 7 calendar days of the placement.</b></p>
<b>ANALYSIS:</b>	Foster Child A's case record includes verification that all known information was given to Foster/Adoptive Family 1 at the time of the initial placement. Over the years, additional information is not clearly specified. However, on 02/10/2006, Foster/Adoptive Family 1 was given a packet of twenty nine items that included medical, dental and clinical information on Foster Child A.
<b>CONCLUSION:</b>	<b>VIOLATION NOT ESTABLISHED</b>

## **ALLEGATION # 9**

It is alleged that the Agency did not complete the Special evaluation in the required time frame and did not advise Foster/Adoptive Family 1 that they could involve a person of their choice in the investigation. It is further alleged that the investigation continued after the verbal summary.

### **INVESTIGATION:**

The Foster Home Record of Foster/Adoptive Family 1 was reviewed. The Special evaluation conducted on the home of Foster/Adoptive Family 1 was reviewed and the Licensing/Intake Worker, who completed the report, was interviewed.

The Foster Care Worker and Adoption Worker received information related to a possible licensing noncompliance in Foster/Adoptive Home 1. This information was received on 04/25/2005. The information was not reported to the Agency Licensing Department until 05/10/2005. Once the information was received by the Licensing Department, OCAL was notified within 5 working days and the Special evaluation was initiated within 7 calendar days.

Foster/Adoptive Family 1 was informed of the Special evaluation, but the Licensing/Intake Worker acknowledges that she did not inform Foster/Adoptive Family 1 that they could involve a person of their choice in the interviews, until after she completed the interview with the family.

A letter was sent to Foster/Adoptive Family 1 on 06/14/2005, to inform them that the Special evaluation would not be completed within 45 days. Foster/Adoptive Family 1 were given a verbal summary of the preliminary findings on 07/20/2005. The Licensing/Intake Worker states that no additional investigation took place after the verbal summary. The Licensing/Intake Worker reports that the Special evaluation was completed on 08/08/2005 and sent to Foster/Adoptive Family 1 on that date. On 09/01/2005, based on information presented by Foster/Adoptive Family 1, an Addendum to the Special evaluation was completed and sent to Foster/Adoptive Family 1.

<b>APPLICABLE RULE</b>	
<b>R 400.12316</b>	<b>Special evaluation.</b>
	<b>(1) An agency shall do both of the following when information is received that relates to possible noncompliance with any foster home rule:</b> <b>(a) Notify the department's licensing authority within 5 working days.</b> <b>(b) Initiate a special evaluation of the foster home as soon as is indicated, based on the information received,</b>

	<p>but not later than 7 calendar days after receipt of the information.</p> <p>(2) An agency shall inform foster parents of all of the following before they are questioned or interviewed regarding a special evaluation:</p> <ul style="list-style-type: none"> <li>(a) That a special evaluation has been initiated.</li> <li>(b) A clear description of the allegations.</li> <li>(c) That the foster parents have an option to involve a person of their choice in any interviews with them involving the special evaluation if the involvement does not impede the timely completion of the evaluation.</li> </ul> <p>(3) An agency shall complete a special evaluation within 45 calendar days after receipt of the information. If additional time is required, then the agency shall inform the foster parent, in writing, of the basis for the extension.</p> <p>(4) Before completion of the written report required by subrule (5) of this rule, an agency shall provide the foster parent with a verbal summary of the preliminary findings at the conclusion of the evaluation.</p> <p>(6) An agency shall do both of the following:</p> <ul style="list-style-type: none"> <li>(a) Provide the foster parent with a copy of the report required by subrule (5) of this rule within 10 calendar days of this completion.</li> <li>(b) Inform the foster parent, in writing, that he or she has a right to have his or her written response included as an attachment to the report required by subrule (5) of this rule.</li> </ul>
<b>ANALYSIS</b>	<p>Based on a review of the Special evaluation and an interview with the Licensing/Intake Worker, the Agency is in compliance with Sections (1)(3)(4)(6).</p> <p>The Licensing/Intake Worker acknowledges that she did not inform Foster/Adoptive Family 1 that they could involve a person of their choice in the interviews, until after she completed the interview with the family. This is a violation of Section (2)(c).</p>
<b>CONCLUSION</b>	VIOLATION ESTABLISHED



<b>R 400.12209</b>	<b>Orientation and training.</b>
	<b>(4) The orientation and training specified in subrules (1) and (2) of this rule for each social service worker shall include all of the following topics: (b) Requirements of applicable statutes relating to the services the agency provides that are subject to these rules.</b>
<b>ANALYSIS</b>	The Foster Care Worker and Adoption Worker received information related to a possible licensing compliance in Foster/Adoptive Home 1. This information was received on 04/25/2005. The information was not reported to the Agency Licensing Department until 05/10/2005. It is determined that the Agency did not follow the requirements of the applicable statutes related to reporting possible noncompliance in a foster home.
<b>CONCLUSION</b>	<b>VIOLATION ESTABLISHED</b>

**ALLEGATION # 10**

It is alleged that the Agency failed to correctly record the foster parent training and the correction action plan in Foster/Adoptive Family 1's record.

**INVESTIGATION:**

The Foster Home Record of Foster/Adoptive Family 1 was reviewed. At the time of the review, on 03/02/2006, the Corrective Action Plan and the training record of Foster/Adoptive Family 1 were in the record. Foster/Adoptive Family 1 met the requirements of the Corrective Action Plan and the training requirements for foster parents as specified in Rule 400.12312 Foster parent training.

The record also included a large section of responses from the foster parent's regarding their grievances with the Agency.

It should be noted that OCAL cannot change any disputed information in the foster home record. The responses from foster parent's become part of the official record and reflect their comments an/or disagreements.

<b>APPLICABLE RULE</b>	
<b>R 400.12317</b>	<b>Foster home record.</b>
	<b>(1) An agency shall maintain a foster home record for each foster home. (2) The record shall contain all of the following information:</b>

	<p>(a) All documents pertaining to certification of the home.</p> <p>(b) Any special evaluation reports.</p> <p>(c) Placement agreements between a foster parent and the agency.</p> <p>(d) A placement list of all children placed in the foster home, including all of the following information about each child:</p> <p>(i) Name, age, sex, and race of the child.</p> <p>(ii) Date of placement.</p> <p>(iii) Date of, and reasons for, a child's removal from the foster home.</p> <p>(e) Any written response from a foster parent, as provided by R 400.12316(6)(b).</p> <p>(f) Zoning approval if a foster family group home.</p> <p>(3) An agency shall make copies of a record available to the applicant or licensee upon request, except for the following items:</p> <p>(a) Pending evaluation reports and documents.</p> <p>(b) Records of privileged communication.</p> <p>(c) Criminal records, police reports, child protective services information, and social security numbers from any source.</p> <p>(4) An agency shall maintain records for not less than 3 years after closure.</p>
<b>ANALYSIS:</b>	<p>At the time of the review, on 03/02/2006, the Corrective Action Plan and the training record of Foster/Adoptive Family 1 were in the record. Foster/Adoptive Family 1 met the requirements of the Corrective Action Plan and the training requirements for foster parents as specified in Rule 400.12312 Foster parent training. Additionally, the record included a large section of responses from the foster parent's regarding their grievances with the Agency.</p>
<b>CONCLUSION:</b>	VIOLATION NOT ESTABLISHED

**ALLEGATION # 11**

It is alleged that Foster/Adoptive Family 1 did not receive a written copy of the change in the Adoption Recommendation. It is also alleged that the withdrawal of consent did not have supervisory approval.

**INVESTIGATION:**

The Adoption Record of Foster/Adoptive Family 1 was reviewed. The Adoption Worker and Adoption Supervisor were interviewed. The Adoption evaluation was completed on

01/20/2005 and Foster/Adoptive Family 1 was approved for Adoption by the Adoption Worker and Adoption Supervisor.

After the approval, the Agency began to have concerns regarding the Adoption recommendation. These concerns were based on Foster/Adoptive Family 1's request to have Foster Child A removed from their home on 04/15/2005 and subsequent complaints received on the foster home.

The Adoption Supervisor states that she expressed these concerns to the MCI Superintendent. She states that the MCI office was working with the Agency and Foster/Adoptive Family 1 to resolve these issues. The Adoption Supervisor states that failure of Foster/Adoptive Family 1 to submit a safety plan related to Foster Child A resulted in the Agency requesting the MCI Superintendent to withdraw consent for Foster/Adoptive Family 1 to adopt Foster Child A. The Adoption Supervisor states that a letter to request the withdrawal of consent was sent to the MCI Superintendent on 06/21/2005 and signed by the Adoption Worker. Prior to this date, the Adoption Supervisor states the Adoption was put "on hold" by the MCI superintendent to resolve issues, but the Agency had not requested the withdrawal of consent.

Before this letter was sent to the MCI Superintendent, the Agency had made a decision to remove Foster Child A from the home of Foster/Adoptive Family 1. A letter was sent to Foster/Adoptive Family 1 on 06/14/2005 and they were informed that they had three days to appeal this decision to the Foster Care Review Board. On 06/28/2005, Foster/Adoptive Family 1 appealed the Agency's decision to the Foster Care Review Board. The Board concluded that removal of Foster Child A from the home of Foster/Adoptive Family 1 was not in his best interest and Foster Child A remained with Foster/Adoptive Family 1. Foster/Adoptive Family 1 learned at the Foster Care Review Board Hearing on 06/28/2005, that the Agency had rescinded the approval of their home for Adoption. The Adoption Supervisor acknowledges that Foster/Adoptive Family 1 were not advised of this change prior to the meeting at the Foster Care Review Board.

On 08/09/2005, after a request from Foster/Adoptive Family 1 for written notice that the Agency had withdrawn their recommendation for Adoption, the family received a written notification signed by the Adoption Supervisor.

<b>R 400.12606</b>	<b>Agency recommendation.</b>
	<b>(1) An agency shall make a written recommendation based on the findings of the adoptive evaluation with respect to both of the following:</b> <b>(a) Approval or denial of the applicants for adoption by a social service supervisor.</b> <b>(2) If an agency concludes that an individual is not suitable to be approved, then the basis for the decision shall be</b>

	<p><b>specified in the recommendation.</b></p> <p><b>(3) An agency shall provide the applicants for adoption with a signed and dated copy of the evaluation and recommendation upon its completion.</b></p>
<b>ANALYSIS</b>	<p>(1) (a) The initial Adoption evaluation was approved by the Adoption Supervisor. The withdrawal of consent and a change in the Adoption recommendation was not included in the Adoption evaluation and the letter to the MCI Superintendent requesting this change was not signed by the Adoption Supervisor.</p> <p>(2) The withdrawal of consent and a change in the Adoption recommendation was not included in the Adoption evaluation.</p> <p>(3) The Agency provided Foster/Adoptive Family 1 a copy of the initial Adoption evaluation. They did not provide the family with a signed and dated copy that included a change in the recommendation.</p> <p>It is determined that the Agency violated Rule 400.12606 (1)(2)(3) by failing to inform Foster/Adoptive Family 1 that they had requested that the consent for Adoption be withdrawn.</p>
<b>CONCLUSION</b>	<b>VIOLATION ESTABLISHED</b>

**ALLEGATION # 12**

It is alleged that Foster/Adoptive Family 1 never received requested copies of Adoption Policies and Procedures.

**INVESTIGATION:**

Foster/Adoptive Family 1's Adoption Record was reviewed and the Adoption Supervisor was interviewed. The record documents that Foster/Adoptive Family 1 attended an Adoption Orientation in November 2002 and again in June 2004. The orientation documentation states it included a review of Adoption Policies and Procedures, fees and charges, as well as, services and resources available. The documentation also states the family was given an Adoption Program Statement. Foster/Adoptive Family 1 signed an acknowledgement of receipt of the information in November 2002. The Adoption Evaluation completed in January 2005 states the Orientation information was given to Foster Adoptive/Family 1 during the evaluation process. The Adoption Evaluation is signed by the family on May 2005.

The Adoption Supervisor states that she does not recall Foster/Adoptive Family 1 requesting additional policies and procedures from her. She states she has reviewed the emails she received from Foster/Adoptive Family 1 and there is no documentation of this request.

It should be noted that OCAL does not regulate the Adoption Services Manual that is issued by DHS. OCAL regulates only the Licensing Rules for Child Placing Agencies.

<b>R 400.12604</b>	<b>Orientation.</b>
	<b>A social service worker shall provide an orientation for prospective applicants for adoption before an adoptive evaluation is conducted. The orientation shall include a review of all of the following:</b> <b>(a) Program statement, policies, and procedures.</b> <b>(b) Services and resources available.</b> <b>(c) Fees and charges for services.</b>
<b>ANALYSIS</b>	The Adoption evaluation has verification that Adoption Policies and Procedures were reviewed with Foster/Adoptive Family 1, as required.
<b>CONCLUSION</b>	<b>VIOLATION NOT ESTABLISHED</b>

**ALLEGATION # 13**

It is alleged that the Chief Administrator did not follow the Agency’s written grievance procedure.

**INVESTIGATION:**

The Agency’s written Grievance Procedure and the Chief Administrator’s response to the Grievance filed by Foster/Adoptive Family 1 was reviewed and the Chief Administrator was interviewed.

The Agency’s Grievance Procedure has 7 steps. Step 6 states that the President shall communicate the final decision in writing by registered mail.

The President, herein referred to as the Chief Administrator, met with Foster/Adoptive Parent 2 on 10/03/2005. A letter was sent to Foster/Adoptive Parent 2 on 10/05/2005. The letter stated that Foster/Adoptive Family 1 had completed the Agency’s Grievance Procedure.

The Chief Administrator states he met with Foster/Adoptive Parent 2 on 10/03/2005, as the final step in the Grievance Procedure. Previous grievances were responded to by the Adoption Supervisor, former Licensing Supervisor, Foster Care Supervisor and Program Director. The Chief Administrator states no new information was presented by Foster/Adoptive Parent 2 and therefore the letter stating the process was completed was sent to him.

<b>R 400.12210</b>	<b>Grievance handling.</b>
	<p>(1) <b>An agency shall have a written grievance handling procedure.</b></p> <p>(2) <b>The procedure shall provide for all of the following:</b></p> <p>(a) <b>Safeguard the legal rights of children, their families, foster families, releasing parents, and adoptive families served.</b></p> <p>(b) <b>Address matters that relate to compliance with the act, rules promulgated under the act, and the agency's written policies and procedures regarding services covered by these rules.</b></p> <p>(c) <b>Delineate the method of initiating the procedure.</b></p> <p>(d) <b>Specify time frames for decisions.</b></p> <p>(3) <b>An agency shall provide a grievant with a written copy of the grievance resolution.</b></p>
<b>ANALYSIS</b>	<p>(1)(2) The Agency has a written Grievance Policy that includes the required items.</p> <p>(3) Based on a review of the Agency's Grievance Policy and the Chief Administrator's response to Foster/Adoptive Family 1, it is determined that Foster/Adoptive Family 1 was not provided a copy of the grievance resolution. Stating that the Grievance process is complete, does not communicate the resolution of the grievance. The Agency did not follow this licensing rule or their Grievance Policy.</p>
<b>CONCLUSION</b>	<b>VIOLATION ESTABLISHED</b>

**III. RECOMMENDATION**

Upon receipt of an acceptable Corrective Action Plan, it is recommended that the Agency continue on a Regular license.

*Miriam Berenstein*

03/17/2006

Miriam Berenstein Licensing Consultant	Date
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Approved By:

*Linda Lee*

03/20/2006

Linda Lee Area Manager	Date
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**ADDENDUM**

This Special Investigation was reviewed by the Division Director. It was determined that based on the information gathered regarding Allegation # 9, the Agency had violated this rule by not complying with the time requirements for initiating a Special evaluation. This is Rule 400.12316 (1)(a)(b).

The Agency was informed of this violation on 05/03/2006 and submitted an acceptable Corrective Action Plan on 05/04/2006.

<b>APPLICABLE RULE</b>	
<b>R 400.12316</b>	<b>Special evaluation.</b>
	<b>(1) An agency shall do both of the following when information is received that relates to possible noncompliance with any foster home rule:</b> <b>(a) Notify the department's licensing authority within 5 working days.</b> <b>(b) Initiate a special evaluation of the foster home as soon as is indicated, based on the information received,</b>

	<b>but not later than 7 calendar days after receipt of the information.</b>
<b>ANALYSIS</b>	<p>This Special Investigation was reviewed by the Division Director. It was determined that based on the information gathered regarding Allegation # 9, the Agency had violated this rule by not complying with the time requirements for initiating a Special evaluation.</p> <p>The Agency was informed of this violation on 05/03/2006 and submitted an acceptable Corrective Action Plan on 05/04/2006. No further Corrective Action is required.</p>
<b>CONCLUSION</b>	<b>VIOLATION ESTABLISHED</b>

**RECOMMENDATION**

With the exception of the above rule, there are no further modifications to this report. It is recommended that the Agency continue on a Regular license.

*Miriam Berenstein*

05/04/2006

Miriam Berenstein Licensing Consultant	Date
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Approved By:

*Linda Lee*

May 5, 2006

Linda Lee Area Manager	Date
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