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DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

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Federal court agreement scaled back due to Michigan's progress in keeping children safe

MDHHS continues to implement reform through Keep Kids Safe Action Agenda

LANSING, Mich. – Judge Nancy G. Edmunds of the U.S. District Court of the Eastern District of Michigan has approved a stipulated order that substantially reduces the remaining requirements the Michigan Department of Health and Human Services (MDHHS) must meet for the department to be released from federal court oversight of the state's child welfare system.

The order eliminates 31 provisions entirely and reduces the number of provisions subject to ongoing monitoring to 23, with an additional 20 requirements remaining in the agreement that are not actively monitored but will continue to be maintained by MDHHS. There were previously 74 provisions in the agreement. The department will continue to focus efforts to keep children safe while in care and support relative placements.

The approved order was made possible by the tremendous progress MDHHS and its partners have made in keeping children safe – including exceeding standards for worker caseloads, decreasing the number of children placed in congregate care facilities and decreasing the number of children in foster care. Among the items removed from the monitoring agreement due to substantial compliance are requirements regarding timely commencement of Children's Protective Services investigations and supervisor oversight of service plans.

This brings Michigan closer to ending more than 15 years of court oversight, allowing MDHHS to focus more of its resources on keeping kids safe and fewer resources on complying with court reporting requirements.

Federal court monitors have been tracking progress since a 2008 settlement agreement following a 2006 lawsuit filed against the former Michigan Department of Human Services by Children's Rights. In 2016, the [court approved an Implementation, Sustainability and Exit Plan](#) that took the place of an earlier court agreement. The exit plan was further modified in 2019.

"Today is an incredibly important day for the State of Michigan, for children and for families," said MDHHS Director Elizabeth Hertel.

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“Our efforts to keep kids safe are making a real difference, thanks to the hard work of our entire child welfare team,” Hertel said.

“We are closer to exiting federal court oversight of our child welfare system,” she said. “More importantly, we are closer to our goal of keeping all Michigan children safe. There is still more work to be done, but I am confident that our continued commitment to achieving the nation’s highest standards for child welfare will make Michigan’s child protection system a national leader.”

MDHHS has made substantial and sustainable changes since the 2008 settlement agreement. They include:

- A substantial decrease in the number of children in foster care. MDHHS had more than 19,000 children in care in 2008. Today, that number has been cut in half – with just over 9,300 children in care. This decrease reflects MDHHS's focus on providing prevention services to families in their homes to keep children with their families when appropriate.
- A large decrease in children placed in congregate care facilities. In 2008, MDHHS had over 1,200 children placed in congregate care facilities and today there are approximately 350. That means the department is placing children in more family-like settings, such as with relatives or with families who are licensed foster parents.
- Exceeding the 95% standard for worker caseloads, including caseloads for Children’s Protective Services investigators and licensing workers.
- Making substantial improvements in generating accurate and timely data reports and information.
- Implementing strategies that seek the voice of youth and families to capture the insight of those with lived experience in Michigan’s child welfare system.
- Increasing the number of youth ages 18 and older leaving foster care with a high school diploma or GED.
- Making significant structural reforms to ensure system improvements, including:
 - Establishing a fully operational statewide Centralized Intake Unit that answers toll-free calls from people reporting child abuse and neglect.
 - Creating a Maltreatment in Care Unit to ensure the safety and well-being of children under the care and supervision of MDHHS.
- Implementing additional oversight of congregate care facilities to ensure they provide safe placements for children to receive the treatment they need.

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“Michigan’s child welfare system made significant and noteworthy progress in recent years, particularly with regard to face-to-face visits with children in foster care,” said Joe Ryan, professor in the School of Social Work and director of the Child and Adolescent Data Lab at the University of Michigan. “These positive changes are directly attributed to the agency’s strategic collaborations, commitment to data-driven decision-making and regular consultation with federal monitors. I anticipate continued progress and benefits to Michigan families as the state expands prevention efforts.”

The [latest report](#) from federal court monitors was released in December. It was for the six months ending Dec. 31, 2022, and showed MDHHS was exceeding expectations in critical child safety measures, including:

- Beginning 98% of child abuse or neglect investigations timely, compared to the monitoring requirement of 95%.
- Ensuring 98% of Children’s Protective Services investigators met caseload standards of no more than 12 children, while 95% of foster care workers met the standard of no more than 15. The monitoring requirement is 95%.
- Completing 94% of investigations in a set time frame, exceeding the standard of 90%.

The [Keep Kids Safe Action Agenda](#) highlights the many initiatives the department has undertaken to protect children. It relies on best practices in child welfare and commits the department to the nation’s highest standards. The action agenda will evolve as new research and data are released to keep kids safe from harm.

To view the stipulation agreement, the latest federal court monitor report and other information, go to Michigan.gov/ChildWelfareAgreement.

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