
INTRODUCTION

To make a determination of how to pay for a placement, staff must be able to identify the specific legal status and living arrangement of the child. To facilitate this determination, definitions of legal statuses are included in this item; see [FOM 901-7, Service Types and Living Arrangements](#) and [FOM 901-8, Fund Sources](#).

LEGAL REQUIREMENTS

Legal authority for MDHHS to provide, purchase or participate in the cost of out-of-home care for a child has been established in state law: the Juvenile Code, MCL 712A.1 et seq.; the Social Welfare Act, MCL 400.1 et seq.; the Michigan Children's Institute Act, MCL 400.201 et seq.; the Michigan Adoption Code, MCL 710.21 et seq.; and the Youth Rehabilitation Services Act, MCL 803.301, et seq. These laws specify the method of MDHHS participation in the cost of care.

Children come within the jurisdiction of the court due to delinquency or abuse/neglect situations as defined in the Juvenile Code. For delinquency cases, the court may retain responsibility for the child, or may make the child the responsibility of MDHHS through either a placement and care order or a state ward commitment order. For abuse/neglect cases, the court makes the child the responsibility of MDHHS through either a placement and care order or a state ward commitment order.

Title IV-E of the Social Security Act provides federal financial participation in the cost of foster care for a child who is title IV-E eligible. This legislation places certain restrictions on this federal financial participation. An explanation of all requirements can be found in [FOM 902, Funding Determinations and Title IV-E Eligibility](#).

LEGAL STATUS

These are the legal status codes:

- **Legal Status 40 - Delinquent Court Ward:** A child who has been determined by the court to come within its jurisdiction due to a violation of the delinquency section of the Juvenile Code. The court may issue an order that **refers** the child to MDHHS for placement and care responsibility under MCL 400.55(h). The court retains responsibility for judicial review of the child's case. This legal status can be used even if the court does not refer the child to MDHHS.

- **Legal Status 41 - Permanent Court Ward (Abuse/Neglect):** A child whose parents' rights have been terminated by the court with jurisdiction over the child. Following termination, the child is **referred** to MDHHS under MCL 400.55(h) **without commitment** to the Michigan Children's Institute (MCI). The court retains legal authority and responsibility for the permanent court ward.
- **Legal Status 42 - Temporary Court Ward (Abuse/Neglect):** A child who has been determined by the court to come within its jurisdiction due to the parents' unwillingness or inability to provide adequate or appropriate care. In this situation, parental rights to the child have **not** been terminated. The court issues an order making the youth the responsibility of MDHHS for placement and care while retaining the responsibility for judicial review.
- **Legal Status 42 - Temporary Court Ward In Home Placement:** A child who was in an out-of-home placement, but has since been returned to a parental home placement within 7 days of removal and is reverting to a Child Protective Services (CPS) ongoing case. See [FOM 722-01, Entry Into Foster Care](#).
- **Legal Status 43 - Court Ward - Supervised Adoption:** A child who has been placed for adoption, but the adoption has not been finalized. For MCI wards a child is placed for adoption after the court has accepted the MCI Superintendent's consent to adoption, terminated the MCI Superintendent's rights regarding the child, and placed the child for purposes of adoption under MCL 710.51. This is most often completed on the PCA 320, Order Placing Child After Consent.
- **Legal Status 44 - State Ward (Abuse/Neglect):** A child who has been **committed** to MDHHS following termination of parental rights by the court with jurisdiction over the child. MDHHS acquires legal authority over the child as a result of either:
 - Public Act 220 of 1935 - Upon termination of parental rights of all legal parents, the court commits the child to the MDHHS pursuant to MCL 400.203. Such a child is considered a ward of the Michigan Children's Institute (MCI). The MCI Superintendent is the child's legal guardian.

- Public Act 296 of 1974 - Parent(s) voluntarily relinquish (release) their parental rights. Following release, the court commits the child to the MDHHS pursuant to MCL 710.29(7). A private child placing agency, to whom a release was given, may release the child to MDHHS. A state ward under this statute is treated as an MCI ward. To be considered an Act 296 ward, one of the following three scenarios must have happened:
 - All legal parents voluntarily released their parental rights.
 - An involuntary termination of one parent's parental rights occurs under the Juvenile Code. If there are two legal parents, the other parent voluntarily relinquished their parental rights under the Adoption Code later.
 - One parent is deceased. The other parent later voluntarily released their parental rights.
- **Legal Status 45 - State Ward - Temporary Observation (MCI-O):** A temporary court ward (abuse/neglect) or a permanent court ward for whom the court has issued a temporary commitment order to MDHHS under MCL 400.203, for a period not to exceed 90 days. At the request of MDHHS and the concurrence of the court (by issuing a supplemental order), this temporary commitment may be extended.
- **Legal Status 46 - State Ward - Delinquent - Act 150:** A child who has been **committed** to MDHHS under the Youth Rehabilitation Services Act, according to one of the following requirements:
 - The child is at least 12 years of age at the time of commitment by the court, and the offense for which the child is committed occurred prior to the child's 17th birthday.
 - The child is at least 14 years of age when committed to MDHHS by a court of general criminal jurisdiction.
- **Legal Status 47 - OTI - Delinquency:** A child who is under the jurisdiction of another state for a delinquency matter and residing in Michigan under MDHHS supervision.

- **Legal Status 48 - OTI - Abuse/Neglect:** A child who is under the jurisdiction of another state for an abuse/neglect matter and residing in Michigan under MDHHS supervision.
- **Legal Status 49 - OTI - Adoption:** A child who is under the jurisdiction of another state for an adoption matter and residing in Michigan under MDHHS supervision.
- **Legal Status - 50 - Non-Ward with a Delinquent Petition Filed:** A youth convicted of a criminal offense that was waived to adult proceedings. In these situations MDHHS completes a pre-sentence investigation (PSI) report for the adult court but has no supervision responsibilities. Also used for direct court placements of court wards at state facilities. When a JJ intake is completed in MiSACWIS, the youth's legal status automatically defaults to 50.
- **Legal Status 51 - Former MCI Ward:** A child who is a former MCI ward, but whose foster care case remains open voluntarily and continues to receive services from the department. This legal status is only used once a youth reaches age 19. Until age 19, the youth's abuse/neglect legal status remains a 44 even if the court case has been closed.
- **Legal Status 51 - No Court Involvement/Voluntary Foster Care:** This includes children who have been voluntarily placed with MDHHS in out-of-home care for a limited period of time at the request of the parent(s) or legal guardian(s) without court involvement; see [FOM 722-01, Entry Into Foster Care](#).
- **Legal Status 52 - Dual Wardship:** A child who is a state ward under **both** the Michigan Children's Institute Act and the Youth Rehabilitation Services Act.
- **Legal Status 55 - Youth in Transition (YIT):** A youth whose foster care or delinquency case was closed and is only receiving YIT services.
- **Legal Status 56 - Young Adult Voluntary Foster Care (YAVFC):** A youth who is eligible for and participating in the YAVFC program.
- **Legal Status 80 - Temporary Court Ward In Home Placement (legal status 42) and Delinquent Court Ward (legal status 40):** A child has both legal statuses.

- **Legal Status 82 - Temporary Court Ward In Home Placement (legal status 42) and State Ward - Delinquent Act 150 (legal status 46):** A child who has both legal statuses. For payments, this child is treated as a state ward delinquent Act 150 (legal status 46)
- **Legal Status 90 - Delinquent Court Ward (legal status 40) and Temporary Court Ward (legal status 42):** A child who has both legal statuses. For payments, this child is treated as a temporary court ward.
- **Legal Status 91 - Delinquent Court Ward (legal status 40) and Permanent Court Ward (legal status 41):** A child who has both legal statuses. For payments, this child is treated as a permanent court ward (legal status 41).
- **Legal Status 92 - State Ward Delinquent Act 150 (legal status 46) and Temporary Court Ward (legal status 42):** A child who has both legal statuses. For payments, this child is treated as a state ward delinquent Act 150 (legal status 46).
- **Legal Status 93 - State Ward Delinquent Act 150 (legal status 46) and Permanent Court Ward (legal status 41):** A child who has both legal statuses. For payments, this child is treated as a state ward delinquent Act 150 (legal status 46).
- **Legal Status 94 - Delinquent Court Ward (legal status 40) and State Ward (legal status 44):** A child who has both legal statuses. For payments, this child is treated as a state ward (legal status 44).
- **Legal Status 97 - Adoption Assistance:** A child whose adoption is finalized and who may be receiving services from the adoption assistance program.
- **Legal Status - GAP:** A child who is in the subsidized guardianship assistance program (GAP).