

DATE: March 28, 2025

TO: Executive Directors of Prepaid Inpatient Health Plans (PIHPs)
and Community Mental Health Services Programs (CMHSPs);
Business Service Center and County Child Welfare County
Directors

FROM: Kristen Morningstar, Bureau Director, MDHHS Bureau of Specialty Behavioral Health Services *KM*

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Bureau of Children's Coordinated Health Policy & Supports

SUBJECT: Consent for Mental Health Services as Routine Non-Surgical Care for
Children in Foster Care

The purpose of this memo is to update the guidance related to consent for mental health services as routine non-surgical care for children in child welfare. The previous guidance, dated July 29, 2015, is obsolete.

In 2011, the Attorney General's office provided an opinion based on Michigan Compiled Laws and associated court proceedings that mental health evaluation and professional counseling fall under the category of "routine, non-surgical care," indicating that a child's foster parent, the child's foster care caseworker, or agency delegate, can provide consent for these services without seeking formal parental consent.

It is considered best practice to engage parents/legal guardians in all aspects of a child's health and mental health care unless there are reasons to restrict such engagement, e.g. a court order prohibiting contact between the parent/legal guardian and child.

Consent to use of psychotropic medications and consent for the Wavier for Serious Emotional Disturbance (SEDW), must be obtained by the following individuals:

- Parents/legal guardians for temporary court wards.
- Foster care caseworkers or agency delegate for Michigan Children's Institute (MCI) wards.
- Court for permanent court wards.

Questions can be directed to: MDHHS-BCCHPS-BHHELP-INQUIRIES@michigan.gov.