
**NEW COMPLAINTS
OF ABUSE AND/OR
NEGLECT****Alleging Abuse or
Neglect by Parents
or Other
Caretakers When
Child is in Foster
Care**

Immediately report to Children's Protective Services (CPS) all complaints of suspected child abuse and/or neglect by a child's parent, legal guardian, foster parent or other caretaker when the child is in foster care. CPS is responsible for the investigation of all such complaints in a manner consistent with the investigation of other complaints. (See PSM 716-9, New Complaints When Child is in Foster Care.)

- All complaints involving the parent, legal guardian, non-parent adult, or other caretaker as the alleged perpetrator are to be investigated by CPS:
 - Complaints regarding alleged or actual abuse/neglect during parenting time of a court ward with his/her parent or legal guardian.
 - Complaints of alleged or actual abuse/neglect of a court ward placed in the home of a parent or legal guardian.

Note: If the worker finds that the parent has not benefited from services and the parent has not committed an act of child abuse or neglect, a complaint to CPS is not required. The FC worker is to file a motion for rehearing or a petition with the court requesting a hearing to consider a change in placement when the child's safety is threatened. (See FOM 722-07, Post Placement Services.)

- Additional allegations of abuse or neglect that occurred within the parent's home prior to the child being removed from the home
- Complaints consisting of no new allegation of abuse or neglect, but that a person convicted of or determined by the Family Court to have committed physical abuse, criminal neglect or sexual abuse has moved into a home

in which a court ward is residing. (See PSM 716-4, Complaints Involving a Known Perpetrator Moving in with a New Family.)

- Complaints involving a “new child” in the parent’s home, while siblings are in care. (See Siblings in Care below.)
- All complaints involving the foster parent/relative caregiver as the alleged perpetrator are to be investigated by CPS:
 - Complaints regarding children in DHS supervised foster homes are to be referred to CPS immediately. CPS will take the lead in the investigation and will coordinate efforts with local office foster care and foster home licensing staffs.
 - Complaints regarding a child placed in private agency supervised family foster care are to be referred to CPS immediately. CPS will take the lead in the investigation and will coordinate efforts with the private agency’s foster care and foster home licensing staffs and the department’s purchase of service monitoring staff.
 - Complaints regarding a child placed in a borrowed home are to be referred immediately to CPS. CPS will take the lead in the investigation and will coordinate efforts with the agency (DHS or private) responsible for licensing supervision of the home and with the DHS (and private agency) foster care staff responsible for the child’s case.
 - The child(ren) is (are) not to be removed from the foster home during the CPS investigation unless there is immediate concern for his/her health and/or physical safety. (See Replacements in FOM 722-03, Placement/Replacement for details on moving children.)

During the investigation CPS will:

1. Determine if a preponderance of evidence of child abuse and/or neglect exists to place the complaint disposition in category III, II or I. (See CPS Manual, PSM 711-4, CPS Legal Requirements and Definitions and PSM 713-9, Completion of Investigation.)
2. Coordinate investigations with other entities.

3. Complete the initial service plan-protective services investigation summary and safety assessment. These reports must be forwarded to the foster care supervisor (and private agency, if appropriate) and the licensing supervisor within two working days of completion of the report. The investigation summary will include:
 - The nature of the complaint/allegations against the perpetrator.
 - The results of the CPS investigation.
 - The recommendations for services provision.
 - If a complaint of additional abuse/neglect of a child who is under the jurisdiction of the court has a disposition of category II or I, the CPS worker is responsible for filing a supplemental petition with the court and will testify at the adjudication hearing, if necessary.
4. Assist with the removal and (re)placement of the child(ren) as necessary. If a child placed in a foster home or relative/unrelated caregiver home, is at imminent risk of harm and must be replaced, the foster care worker must handle replacements.

There could be as many as four separate but coordinated investigations being conducted concurrently:

1. CPS will investigate allegations of child abuse and/or neglect.
2. DHS local office or private agency foster home special licensing staff will investigate compliance with Act 116, Public Acts of 1973 and the licensing rules.
3. DHS local office and private agency foster care staff will investigate the continued appropriateness of the child's placement. If it is determined that continued placement is not appropriate but the child's health or safety is not at imminent risk, a minimum of three days (72 hours) notice of the plan to move the child is to be provided to the foster parents. (See Replacements in FOM 722-03, Placement/Replacement, for more details.) Adequate preparation for and explanation of the move is to be provided to both the child and the foster family.
4. Law enforcement will investigate criminal allegations.

Note: In rare circumstances the department's Bureau of Children and Adult Licensing also may investigate the child placing functions of the agency.

A copy of the CPS investigation report must be filed in the child's foster care DHS (and private agency, if appropriate) case record within two (2) working days of completion.

SIBLINGS IN CARE

Referral from FC to CPS

Foster care staff (either DHS or private agency) who become aware of the birth of an infant to or the movement of other children into the home of parents who have children in temporary care, who have lost child custody or who have had parental rights terminated in the past, must forward a complaint of suspected (or actual) abuse/neglect to CPS. The complaint is to be made within 24 hours of the time staff became aware of such occurrence and is to include information regarding the condition(s) which caused the removal of the child(ren) and any other risk factors.

Safety Assessment

A comprehensive safety assessment must be done on each child who remains home when sibling(s) has/have been removed. The safety assessment is required whether the foster care placement is supervised by direct or purchased care providers. Review each case that meets one of the following criteria:

- CPS investigates and must decide whether a petition should request removal of one or more, but not all of the children.
- CPS investigates and does not file for removal on a child(ren) whose siblings are currently in foster care and whose return home is not imminent.
- A child is born and the siblings are in care or with relatives, as a result of a court order.

Before CPS staff make a final decision on which children will be included in a petition, or whether a petition should be filed when siblings are in care, **the CPS and foster care supervisor(s) and the worker(s) must make a joint recommendation on which children are to be included in the petition. The recommendation should be reviewed by a second line**

supervisor. If the CPS and foster care supervisors disagree on the recommendation, a second line supervisor or zone office must make the final decision by initiating a case review.

The following issues must be addressed in the safety assessment:

- What are the nature of past and current referrals concerning the family?
- Are there prior substantiated/preponderance of evidence cases?
- What is the family history including interaction with the department, e.g. past services, level of cooperation, etc.?
- Why were other children removed?
- What has changed in the home/family to make it safe now?
- What makes this child safe in the home when other children are not? Case law has established that a parent's treatment of one child is probative of how other children might be treated.
- What is the plan for safety of the child(ren) remaining in the home, including what the parent must do to assure the safety of the child?
- What is the long range plan?

Monitoring measures must be employed during the period the assessment is being completed. If two counties are involved, the county with with the most recent complaint will be responsible and take the lead in reviewing the case and making a recommendation.

Case Review

In order to reach a joint CPS/foster care recommendation, a formal case review may be helpful. Such a review should be chaired by someone with no direct responsibility for the case, whenever possible. The assigned CPS worker and supervisor, the assigned FC worker and supervisor, and if applicable the POS FC worker and supervisor, as well as any other appropriate parties, should be present at the case review. In a complex case, region managers or specialists **may** be requested to participate, if an uninvolved second line supervisor is not available or if a local office requests assistance with a particular case.

After a review of the information and discussion, a decision must be made to either:

- Allow the child(ren) to remain at home with appropriate services and a plan in place, or
- Determine that a petition for removal must be filed immediately by CPS.

Note: If a prosecutor refuses to process a petition or if a court rejects the petition, these circumstances must be documented in the narrative of the ISP/USP/PWSP for this report period.

If the decision is made to leave the child(ren) in the home, a completed safety assessment and case review, if done, must be filed in the case file. A county may implement a more comprehensive policy, but the procedures outlined in this manual item are the minimum requirements in the cases described. See PSM 715-2, Removal and Placement of Children, for draft formats which can be adapted for local office use to document the case review.

Case File Documentation

Appropriate documentation must be provided in the case file whenever removal of a child is requested.

- In an emergency removal with no services provided, the SWSS CPS transfer to foster care/placement outline/child must indicate why no services were provided to the family prior to removal of the child which would have made it possible for the child to remain home, e.g., the child faced imminent danger and could not be protected from this danger in the home; and

It must specifically identify the facts of imminent dangers to the child.

- In an emergency removal with services provided, the SWSS CPS transfer to foster care/placement outline must identify the services provided to the family in an effort to prevent the need for removal of the child from the home. Documentation must indicate why services did not eliminate the need for removal.

(See FOM 722-01, Transfer of Service and Case Management Responsibility from CPS to foster care and FOM 722-06, Reasonable Efforts.)

- In addition to the documentation in the CPS packet, the FC worker must address whether services to prevent removal were provided or not in the appropriate section of the ISP/USP. If services were provided the narrative must include those services.