

## OVERVIEW

This policy item details procedures for coordination with the local prosecuting attorney and law enforcement as required by Child Protection Law (CPL).

## DEFINITIONS

### **Serious Mental Harm**

An injury to a child's mental condition or welfare that is not necessarily permanent but results in visibly demonstrable manifestations of a substantial disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life. MCL 750.136b(g).

### **Serious Physical Harm/Severe Physical Injury**

Severe physical injury means serious physical harm to a child, as defined in MCL 750.136b(1)(f). Serious physical harm means any physical injury that seriously impairs the child's health or physical well-being, including but not limited to, brain damage, a skull or bone fracture, subdural hemorrhage or hematoma, dislocation, sprain, internal injury, poisoning, burn or scald, or severe cut.

## PROCEDURE

### **Referral to Law Enforcement and Prosecuting Attorney**

MCL 722.623(6) and MCL 722.628, Sec 8(1) require that within 24 hours of initial receipt of the referral, the department must notify local law enforcement and the prosecuting attorney about referrals involving the following allegations:

- Acts which would constitute 1st, 2nd, 3rd, or 4th degree child abuse (MCL 750.136b). Potential acts include:
  - Intentionally causing serious mental or physical harm.
  - Intentionally committing an act likely to cause serious mental or physical harm.

- A person's omission causes serious physical or mental harm.
- Possession of child sexually abusive material (MCL 750.145c).
- Sexual abuse or sexual exploitation including acts which would constitute 1st, 2nd, 3rd, or 4th degree criminal sexual conduct of a child and assault with intent to commit criminal sexual conduct (MCL 750.520b-750.520g).
- Manufacture (the production, preparation, propagation, compounding, conversion, or processing) of methamphetamine (MCL 333.7401c).
- Abuse or neglect is the suspected cause of a child's death MCL 722.628(3)(a).
- Child abuse or child neglect resulting in serious physical harm to the child (MCL 722.628(3)(c)).
- The abuse or neglect was committed by a person **not** responsible for the child's health or welfare (for example, a teacher, teacher's aide, member of the clergy, or an individual 18 years of age or older who is involved in a youth program, etc.).
- Sex and labor trafficking includes recruiting, harboring, transporting, patronizing, soliciting, and making provisions for a child, knowing that a child will be subjected to forced labor or sex trafficking services. (MCL 750.462a - 750.462h)

***MDHHS-2164, Law Enforcement and Prosecuting Attorney Notification Form***

Case managers must generate and send the MDHHS-2164, Law Enforcement and Prosecuting Attorney Notification Form, to law enforcement and the prosecuting attorney's office of jurisdiction within 24 hours of receipt of the referral. This action must be documented in a social work contact and the form must be saved or scanned and uploaded within the electronic case record.

**Note:** Centralized Intake (CI) is responsible for forwarding the referral to the prosecuting attorney and law enforcement in referrals not assigned for investigation by Children's Protective Services (CPS).

## Coordination with Prosecutors Office and Law Enforcement

The prosecuting attorney and the department in each county are required to adopt and implement a standard child abuse and neglect investigation and interview protocol. [The DHS PUB 794, A Model Child Abuse And Neglect Protocol Utilizing a Multidisciplinary Team Approach](#), should be used as the model.

In addition to the situations requiring a referral to law enforcement and the prosecuting attorney in this policy item, the **case manager must also seek assistance from law enforcement for any referral in which it is necessary for the protection of the child(ren), a department employee, or another person involved in the investigation**; MCL 722.628(3).

Case managers must make efforts to coordinate and communicate with law enforcement in mutually conducted investigations.

## Request for Delay of Investigation

If law enforcement requests a delay in starting an investigation, **communication and coordination must still occur to assess child safety as well as maintain standard of promptness for face-to-face contact**. The case manager should discuss these department requirements with law enforcement to determine the best approach to accomplish these objectives and maintain integrity of both investigations.

If law enforcement and/or the prosecuting attorney requests a delay in initiating an investigation, the case manager must contact their supervisor and county director (or designee) to determine how to proceed.

## Reports

Case managers must request law enforcement reports for cases involving coordination with law enforcement. Document a summary of any reports of completed law enforcement investigations received, in a social work contact, and upload the document into the electronic case record.

## Report to Prosecuting Attorney

A redacted DHS 154, CPS Investigation Report, must be sent to the prosecuting attorney within seven calendar days of supervisory approval for central registry cases involving:

- Death of a child.
- Serious physical harm/severe physical injury; see *definitions* in this policy item.
- Confirmed sexual abuse.
- Confirmed sexual exploitation.
- Confirmed exposure to or contact with methamphetamine production.

For proper redaction, see [SRM 131, Confidentiality](#).

A social work contact must be added to document the redacted report was sent to the prosecuting attorney.

## Law Enforcement Replacement Interviews

Use of replacement interviews by law enforcement for alleged perpetrators, other adults, and children are allowed when meeting specific criteria indicated in this item. The use of law enforcement interviews does not relieve the case manager from conducting interviews needed to accurately complete case assessments and a thorough CPS investigation. If the replacement interview fails to address all allegations and obtain necessary information for completion of case assessments for a thorough CPS investigation, the case manager must coordinate with law enforcement for subsequent interviews in cases with an ongoing criminal investigation.

### ***Law Enforcement Contact with Children***

Face-to-face contact with all alleged child victims must be made by a case manager. If a case manager cannot locate a child or is unable to access a child, law enforcement may make the initial face-to-face contact. The case manager's efforts to locate and/or

access the child prior to requesting law enforcement assistance must be documented in a social work contact. If law enforcement makes the initial face to face contact, a case manager must make face-to-face contact with all alleged child victims seen by law enforcement within 24 hours of law enforcement contact, to assess safety and well-being and coordinate any necessary safety planning.

See Face to Face Contacts by Law Enforcement in [PSM 713-01, CPS Investigation - General Instructions](#), for more information.

If law enforcement has conducted an interview with a child during an investigation, the case manager may use the interview to satisfy policy requirements for the interview if the following factors are met. Interviews with a child may only be used if the law enforcement officer is trained in forensic interviewing techniques and is able to verify that forensic interviewing techniques were used to conduct the interview. The interview must also contain proper inquiry into all allegations.

#### ***Documentation of Law Enforcement Interviews***

Case managers should use the date and time at which law enforcement conducted the interview and should indicate the interview was completed by law enforcement.

The social work contact must document the law enforcement officer is trained in the forensic interviewing protocol and forensic interviewing protocol techniques were used.

## **POLICY CONTACT**

Questions about this policy item may be directed to the [Child Welfare Policy Mailbox \(Child-welfare-policy@michigan.gov\)](mailto:Child-welfare-policy@michigan.gov).