

OVERVIEW

The Michigan Department of Health and Human Services (MDHHS) requires case action, engagement or assessment for situations which may require additional or special investigative steps, in addition to standard investigation steps outlined in [PSM 713-01, CPS Investigation - General Instructions and Checklist](#). Among others, special investigative situations include investigations involving domestic violence, child death, threatened harm, human trafficking.

DEFINITIONS

Sex Trafficking Victim

An individual subject to the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purposes of a commercial sex act or who is a victim of a severe form of trafficking in persons in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induces to perform the act is under 18 years old.

Labor trafficking victim

An individual subject to the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

THREATENED HARM

Investigation

When threatened harm is alleged, caseworkers must review current and historical information to assess whether harm to the child is likely. Threatened harm may exist when there is a historical circumstance such as history of an egregious act of child abuse or neglect, prior termination of parental rights, or a conviction of crimes against children. For more information on the threatened harm assessment; see [PSM 713-11, Assessment](#). After completing the threatened harm assessment, the caseworker must review the information from the assessment to determine whether protecting intervention or a safety plan is needed.

Known Perpetrator Moving In With a New Family

In this section, a known perpetrator is a person with a current incidence or history of:

- An egregious act of child abuse or neglect.
- Prior termination of parental rights.
- Conviction of a crime against a child.

In cases of a known perpetrator moving into a new family, the parent(s) must be informed of the known perpetrator's public criminal history. Caseworkers may not disclose criminal history discovered from LEIN, unless verified by a public source. Parent(s) should be informed of their responsibility to protect their child and be provided with suggestions on how this could be accomplished.

Threatened harm assessments are required for investigations involving a known perpetrator moving in or residing with a new family. See [PSM 713-11, Assessments](#), for more information on the threatened harm assessment. Parent(s) and caregivers must be assessed for their willingness and ability to protect the child.

NEW CHILD TO PARENT WITH CHILDREN IN OUT OF HOME PLACEMENT

Caseworkers must assess safety and risk to new children in a home where siblings have been removed and are in out of home placement. Specific facts and evidence should demonstrate if the risk and safety issues that resulted in the previous court action(s) have been resolved.

Caseworkers must also complete a DHS-3, Sibling Placement Evaluation, when a new child is born to a parent who currently has children in foster care as a result of child abuse/neglect court action.

DHS-3, SIBLING PLACEMENT EVALUATION

The following situations require completion of the DHS-3, Sibling Placement Evaluation:

- When a caseworker files a petition with the Family Division of Circuit Court requesting the removal of one or more child(ren), but one or more child(ren) will remain in the home.
- A new child is born into a home where one or more of the siblings are currently in foster care and the new child will remain in the home.

The DHS-3 should be approved by the CPS supervisor, foster care supervisor and second line supervisor. The DHS 3 should document how the children remaining in the home are safe and the plan of services for the family to maintain safety of children in the home.

GUARDIANSHIPS/ POWER OF ATTORNEY

During a CPS investigation, another caregiver may obtain a guardianship for a child under investigation as a victim of abuse and/or neglect. A parent may also arrange a Power of Attorney for care of his or her child during an investigation. If a preponderance of evidence of abuse and/or neglect exists, appropriate services should still be referred/recommended to address needs of the family.

A guardianship or a power of attorney does not replace a thorough and complete CPS investigation.

Intent to Adopt

When a caseworker is informed of a parents' intent to have a new child adopted, the caseworker must document and verify:

- That the adoption process has commenced.
- The child's prospective adoptive placement.

WHEN A CHILD IS HOME ALONE

When an investigation involves allegations that a child was inappropriately left home alone, caseworkers should assess and consider the following:

- The child's level of functioning.
 - What is the child's maturity level?

- Does the child exhibit developmentally appropriate decision making?
- Does the child have special needs?
- Does the child have physical, emotional or mental limitations that place him/her at risk when home alone?
- Does the child exhibit antisocial behavior or delinquency/incorrigibility?
- The situation in which the child is left alone.
 - Is the child vulnerable because of the time of day that he/she is left alone?
 - Is the length of time a factor?
 - Is the child left alone often, every day or occasionally?
 - Have the persons responsible for the child's health and welfare developed a safety plan and appropriate procedures for emergency situations that the child understands and can carry out?
 - Is the child responsible for caring for other children? If so, can the child do so appropriately?
 - Does the child have access to an adult, and is that adult aware of this and able to assist as necessary?
 - Has the child been given responsibilities that will compromise his/her safety or the safety of others?
- The child's emotional response to being left alone.
 - Is the child fearful, anxious or emotionally distressed?

Caseworkers are not able to enter a home when a child is home without an adult. See [PSM 713-01, CPS General Instructions](#), for more information.

SIBLING-ON-SIBLING OR CHILD-ON-CHILD VIOLENCE

In complaints alleging sibling-on-sibling or child-on-child violence, or sexual activity, caseworkers must determine:

- If the parent/caregiver is aware of the alleged violence or sexual activity occurring.
- If the parent/caregiver is responding appropriately to protect both children.

It is not appropriate to confirm child abuse or neglect when the parent is aware and is acting to protect or is willing to act but does not know what resources are available.

Caseworkers must document the steps the parents have agreed to take to ensure the safety of the children in the home, including but not limited to:

- Assuring appropriate sleeping arrangements for the parents and children.
- Parental understanding of the situation and willingness to believe that protection is needed.
- Adequacy of alternative care.
- Parental plans to respond to further incidents.
- Other community agency involvement, treatment, or informal/formal supports.
- Assessment of whether clinical intervention is needed for the family.
- Determination of whether the victim child can protect him/herself.
- Determination of whether the victim child is aware of what to do if threatened again.
- Assessment of family dynamics or prior trauma that needs to be professionally addressed.

Children may not be confirmed as the perpetrator of abuse or neglect, unless they are the parent to a child victim.

CHILD DEATH

Caseworkers must seek the assistance of and cooperate with law enforcement when a complaint includes allegations that abuse, or neglect may be the cause of the child's death or in complaints involving a sudden and unexplained infant death; see [PSM 712-3, Coordination With Prosecuting Attorney and Law Enforcement](#).

The DHS 2096, Child Death Investigation Checklist, is an optional but useful tool for caseworkers to use when investigating a child death.

In conjunction with law enforcement, caseworkers must observe the scene (at the home or the location other than the home) where the alleged abuse/neglect occurred or where the child was found unresponsive/deceased. Objects alleged to have been involved should also be observed and photographed.

Caseworkers should be aware of services or supports that the family may need including:

- Burial/financial assistance.
- Grief counseling.

See [SRM 172, Child/Ward Death Alert Procedures and Timeframes](#), for proper reporting of the death of a child who is subject to a current CPS case or is a court ward.

Sudden and Unexplained Infant Death Investigation

A parents/caregiver's knowledge of the tenants of infant safe sleep and lack of following them does not, in and of itself, constitute child abuse or neglect. When an investigation involves a sudden and unexplained infant death evidence of the following should be considered and may affect the case disposition:

- **Substance use** - the parent/caregiver was under the influence of alcohol or substances, and his/her behavior or judgment was severely impaired and adversely affected his/her ability to safely care for the infant.
- **Supervision** - the parent/caregiver did not respond to the child's medical or developmental needs, or the parent left the

infant with a person he/she knew or should have known was incapable of safely caring for the infant.

- **Hazardous environment** - the environmental conditions in the home were hazardous or unsanitary and met criteria for neglect.

DOMESTIC VIOLENCE

For guidance regarding cases involving incidents of alleged or previously confirmed domestic violence, caseworkers should refer to the [MiTEAM Manual Appendix A: Domestic Violence Guide for Caseworkers](#).

The existence of domestic violence alone is not sufficient evidence of child abuse or neglect. The factors below, in addition to all other information and evidence, must be considered prior to reaching a disposition.

When domestic violence is a factor, the caseworker must interview the alleged domestic violence offender, the non-offending parent/partner, and alleged child victim(s) separately. Assessment of the following applicable factors should be considered and documented:

- The domestic violence offender's pattern of coercive control, including specific behaviors (violent and non-violent) and their frequency, severity, and impact on child safety.
- The domestic violence offender's history of domestic violence, including interventions or services to address and status of such interventions (such as successfully completed, did not participate, etc.).
- The role of substance use, mental health, culture, and other socio-economic factors on child safety.
- Strengths and protective strategies/interventions that the non-offending parent/partner uses to promote the safety and well-being of the child(ren).
- Adverse impacts, including trauma, on the child(ren) due to the domestic violence offender's behavior.
- Is an effective safety plan in place?

- Engagement with social supports (family, community members, neighbors, etc.).
- The extent to which the offender takes responsibility for and understands the impact of his/her actions on child safety and wellbeing.
- The ability of the non-offending parent to keep the children safe.

Regardless of the disposition, in all cases where domestic violence is a factor, caseworkers must:

- Engage and consult with the non-offending parent/partner to develop a safety plan to ensure all potential household victims are safe if future incidents of domestic violence occur.
- Provide the non-offending parent/partner with information about local domestic violence shelters and other local services, supports, or resources that may assist the family.

BIRTH MATCH

The automated birth match system that notifies Centralized Intake (CI) when a child is born to a parent who previously had parental rights terminated in a child protective proceeding, caused the death of a child due to confirmed abuse and/or neglect or had been manually added to the birth match list. A person's name must be manually added to the birth match list in serious child abuse/neglect cases when termination of parental rights will not be requested or ordered. Examples of when this may occur include, but are not limited to:

- A nonparent adult is the perpetrator of child abuse/neglect and the abuse/neglect includes any of the factors under MCL 722.638(1)(a) (murder, severe physical abuse, sexual abuse, etc.).
- A parent is the perpetrator of child abuse/neglect and the abuse/neglect includes any of the factors under MCL 722.638(1)(a) (murder, severe physical abuse, sexual abuse, etc.), and the actions did not result in termination of parental rights.

To request manual addition of person's name to the birth match list, email Child-Welfare-Policy@michigan.gov. CPS program office will

review the information and determine whether the person should be added to the birth match list.

VOLUNTARY FOSTER CARE

Voluntary foster care placement may be used as a service for families when the regular caregivers must be absent on a short-term basis from the childcare role for reasons beyond their control (e.g., hospitalization, incarceration, etc.). Voluntary foster care must not be used as an alternative/substitute for court ordered foster care placement when out-of-home care is needed for protection. For more information on voluntary foster care, see [FOM 722-1 Foster Care-Entry Into Foster Care, Voluntary Foster Care Placement](#), and [NAA 230, Voluntary Placement](#) if the child is an Indian child.

COORDINATION WITH FRIEND OF THE COURT

MCL 722.628(18-21) details required cooperation between the department and Friend of the Court in child abuse/neglect cases. Caseworkers must inquire with parents if there is a Friend of the Court case. The DHS 1450, How to Change a Custody or Parenting Time Order, must be provided to parents indicating that there is a Friend of the Court case. If the DHS 1450 was not provided when required, the caseworker must document the reason why it was not provided.

Caseworkers must also complete the DHS 729, Confidential Notice to Friend of the Court of CPS Disposition and Court Action, when there is a Friend of the Court case for the following situations:

- Disposition of a case with a finding for a preponderance of evidence of abuse and/or neglect.
- A petition has been filed with the Family Division of Circuit Court.
- There is a change in placement for a child.

The DHS 729 must be sent within 5 business days of any of the above actions.

ACCEPT AND LINK

When a new complaint containing allegations meeting assignment criteria that are not essentially the same instance of child abuse or neglect already assigned for investigation, the investigation may be assigned as *accept and link*. Accept and link complaints combine with the investigation already in process. **All policy requirements must be completed for both the initial investigation, and the assign and link complaint.**

The following policy requirements for the accept and link complaint must be completed within the designated timeframes:

- Commencement.
- Face-to-face contact with the victim(s) identified in the accept and link complaint.
- Contact with parent(s)/guardian(s), identified perpetrator(s) and any other adults required by policy.
- Any other policy required contacts or activities, dependent upon investigation details (for example medical professional, medical exam, law enforcement, etc.).

See [PSM 713-01, CPS-General Instructions and Checklist](#) for more information on required face-to-face contact with children and adults in an investigation.

If face-to-face contact has already been completed under the initial complaint for children, parents or caregivers, caseworkers must complete these activities again for the accept and link complaint.

Notification and Assignment

If a complaint is assigned through accept and link, the caseworker assigned to the initial investigation and his/her supervisor will be notified by email from CI. If the assigned caseworker is not available to complete commencement or face-to-face contact with the victim, the supervisor notified of the assign and link complaint must complete them or delegate these activities to an available worker.

If the accept and link complaint is generated after-hours, the on-call caseworker will be notified of the assignment for completion of required case action including commencement, face-to-face contact with victim(s), according to priority response criteria. The on-call

caseworker is responsible for taking additional action needed to assist with child safety.

Accept and Link Steps

Caseworkers must add accept and link alleged maltreatments and findings to the allegation/finding tab in MiSACWIS, and include a summary of the following in the disposition narrative:

- Allegations for the initial and the accept and link complaints.
- Findings and dispositions for each alleged maltreatment.
- A summary of investigation activities for the initial and accept and linked allegations.

ACCOMMODATION FOR DEAF/HARD OF HEARING AND NON- ENGLISH-SPEAKING CLIENTS

MDHHS is responsible for providing information and assistance to applicants and recipients of department programs who are deaf and/or hard of hearing. See the [SRM 401, Effective Communication for Persons Who are Deaf, Deaf/Blind, or Hard of Hearing](#).

Applicants and recipients of department programs are to be informed that the department will arrange and pay for the cost of a bilingual interpreter to be present at all interviews and situations where an interpreter is necessary and appropriate. See [SRM 402, Limited English Proficiency and Bilingual Interpreter Services](#), for more information on how to arrange and pay for a bilingual interpreter.

Accommodation in Emergency Situations

For emergency situations, when an accommodation is not readily available, caseworkers should consider the following options:

- Seek assistance of a support person who can communicate with the individual.
- Utilize any available communication (such as writing or telephone-based interpretation).

Caseworkers must assess safety of any alleged child victims and safety plan in investigations involving person(s) who are in need of

accommodation. Follow-up must be completed as soon as possible with effective communication in the appropriate mode.

HUMAN TRAFFICKING

The [MDHHS' Human Trafficking of Children Protocol](#) was developed to guide caseworkers in assisting children who are victims of human trafficking. The protocol focuses on protecting children and maintaining their safety in the community. The protocol has the following goals:

- Provide a coordinated investigative team approach while minimizing trauma to the victim.
- Provide protection and the delivery of specialized services to the child victim and family members.
- Provide cross-professional training to promote understanding of the unique dynamics and challenges of child sex trafficking and labor trafficking.
- Provide options for responding when a child has been identified as the victim of human trafficking.

Note: Whenever a complaint alleging human trafficking is assigned for investigation or identified after case assignment, coordination with law enforcement is required; see [PSM 712-3, Coordination With Prosecuting Attorney and Law Enforcement, for more information](#).

Authority

The Preventing Sex Trafficking and Strengthening Families Act,
P.L. 113-183

Trafficking Victims' Protection Act