

## OVERVIEW

When a child is in imminent danger and supports and services cannot be put in place to ensure child safety, Children's Protective Services (CPS) must take prompt action to protect the child. Efforts should first be made to enable the child to remain in the home or with their own family, if at all possible. Efforts to create child safety within their own home include:

- Temporary voluntary arrangements.
- Family supports.
- Services such as, Families First, Families Together Building Solutions, etc.
- Safety planning.
- Filing a petition for removal of the perpetrator from the home and/or in home jurisdiction.

When CPS identifies safety concerns which do not rise to the level of court involvement, the [MDHHS-5433, Temporary Voluntary Arrangement](#), can be utilized. The MDHHS-5433 documents a temporary voluntary arrangement between the caregiver(s) and an individual who agrees to care for the child(ren) until identified safety issues can be resolved; see [PSM 713-01, CPS Investigation - General Instructions](#).

## CONSIDERING COURT INTERVENTION

Temporary voluntary arrangements, supports, services and safety planning should be considered to prevent the removal of the child from the home. If the child is removed from the home, efforts must be made to reunify children with their siblings and families as soon as safely possible.

**When filing a petition, a request for removal may not be necessary. Relief requested should be the least intrusive necessary for protection of the child or resolution of the emergency.**

A worker, in consultation with his/her supervisor, should discuss those cases in which it is not reasonable to provide services for reunification. A mandated petition for termination of parental rights is not a reason for not providing services to reunify the family. The DHS-154, Investigation Report, and the DHS-152, Updated

Services Plan, must contain clear documentation of the reasons why the department believes that providing services towards reunification is not reasonable.

***Exception:*** The local office may, but is not required to, make reasonable efforts to reunify the child with a parent who is required by court order to register under the sex offenders registration act.

## Reasonable Efforts

While reasonable efforts are a legal standard, the department requires that CPS caseworkers attempt to engage with families to enable children to remain safe in their homes. When filing a petition, reasonable efforts must be documented in the petition. Examples of reasonable efforts include the following, among other efforts:

- Holding a family team meeting.
- Safety planning to address concerns.
- Offering services to allow the child to remain in the home.

If unable to provide reasonable efforts to the family to prevent the removal of the child, the CPS worker must document why it was not possible to provide reasonable efforts.

### ***Family Team Meetings (FTM)***

Family Team Meetings (FTM) will occur at multiple stages throughout the life of a CPS case. A FTM must occur no later than seven days after a preliminary hearing.

## Emergency Removal

Emergency removal and placement, sometimes referred to as ex parte orders, must only occur in rare and extreme circumstances and must be based on conditions which present immediate danger to a child. A preliminary hearing is the preferred venue for the court to decide on removal and placement of children.

The need for emergency removal must be evaluated prior to contacting the court. A judge or referee may issue a written ex parte order upon receipt, electronically or otherwise, of a petition or affidavit of facts and the court finds all of the following:

- Reasonable cause to believe that the child is at imminent risk of harm and emergency removal is the only option to protect the child.
- The circumstances warrant an ex parte order pending the preliminary hearing.
- Consistent with the circumstances, reasonable efforts were made to prevent or eliminate the need for removal of the child.
- No remedy other than protective custody is reasonably available to protect the child.
- Continuing to reside in the home is contrary to the child's welfare.

### American Indian Child

Active efforts must be made to prevent removal for American Indian children; see [NAA 205, Indian Child Welfare Case Management](#), and see [NAA 235, Emergency Placement](#), for information on safety planning and removal of American Indian children.

### Child Hospitalization

In the absence of a court order, CPS must not request that a hospital detain a child.

### LAW ENFORCEMENT

Law enforcement may remove a child with or without a court order based upon their own statutory requirements. CPS cannot take custody of a child from law enforcement or remove a child from his/her home or arrange emergency placement without a **written** court order, electronically or otherwise, authorizing the specific action. When the Michigan Department of Health and Human Services (MDHHS) is contacted by law enforcement seeking the assistance of CPS in the removal of a child, CPS must immediately contact the designated judge or referee.

Caseworkers can request law enforcement assistance in the removal of children. Assistance from law enforcement must be requested when:

- A written court order has been obtained and the parents refuse to allow the child to be removed.
- A child's life or safety is in immediate danger because of the parent's condition or because a young child is alone and no parent or other responsible person can be located.
- A crime is being committed (for example, methamphetamine production, or domestic violence).
- A child or worker may need protection against bodily harm.

### COURT ORDERED REMOVAL OF CHILD FROM HOME

When the only available option to protect a child from danger is removal from his/her home, the Family Division of Circuit Court must be contacted immediately for written authorization of removal and to arrange placement or authorize the department to arrange for placement. The legal module of MiSACWIS CPS must be completed. Under *removal reasons*, the worker must document why it is contrary to the welfare of the child to remain in the home and what reasonable efforts were made to prevent removal.

When court involvement is necessary to protect a child, a petition or affidavit of facts must be submitted, electronically or otherwise, to the Family Division of Circuit Court. Before requesting removal of children caseworkers should consider alternate home conditions including removal of the perpetrator from the home or other creative options that achieve safety for the children.

**Note:** Consider requesting the court to order the alleged perpetrator out of the home; see [PSM 715-1, Removal of the Alleged Perpetrator from the Home](#).

See [PSM 713-08, Special Investigative Situations, Coordination with Friend of the Court](#), for requirements on determining if the family has an open Friend of the Court (FOC) case when a petition is filed and notifying FOC when there is a change in a child's placement.

The Family Division of Circuit Court in each county should designate an official of the court to be available after hours (nights, weekends, and/or holidays) to provide written authorization for removal and placement of a child in out-of-home care in emergency

situations. If the designated official is not available, contact local law enforcement and request assistance in taking the child into custody. Law enforcement may remove a child temporarily without court authorization; see Michigan Court Rule 3.963(A) and the Probate Code of 1939, MCL 712A.14(1).

**Note:** Do not take any child into custody or arrange emergency placement without a **written** court order authorizing the specific action even when law enforcement takes the child into custody without court authorization.

The local office must have formal written agreements with the Family Division of Circuit Court, local law enforcement, and with shelter care resources, so that written emergency authorization of removal and placement can be completed without delay.

### Case Record Documentation When Child Removed

The following should be documented in the DHS 154 or DHS 152, USP, when a child is removed:

- In an emergency removal with no services provided it must indicate why no services were provided to the family prior to removal of the child which would make it possible for the child to remain home. Specifically identify the facts which indicate imminent risk of harm to the child.
- If services were provided prior to the removal, identify the services provided by the department 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.

### NOTIFICATION TO PARENTS WHO ARE INCARCERATED

The CPS worker must provide notice to the parent who is incarcerated by mail or telephone.

The caseworker must do the following to ensure the parent who is incarcerated participates in the FTM:

- Provide prior notice of a scheduled FTM to a parent who is incarcerated only in the case of a considered removal. The worker must document this notification in the DHS 154 and DHS-152.
- If time allows, send a copy of the DHS-1107, Family Team Meeting Attendance Report, and ask the parent to sign and return it.
- Notify the parent's attorney of the FTM and the attorney must be allowed to attend the FTM.
- Ensure that the parent receives copies of the DHS-1105, Family Team Meeting Activity Report, and the DHS-1107, Family Team Meeting Attendance Report, after all FTM's.

The caseworker must do the following to ensure the incarcerated parent participates in court proceedings:

Notify the court that a parent is under Michigan Department of Corrections jurisdiction by including the statement: "a telephonic hearing is required pursuant to MCR 2.004," near the top of the petition. The clause must also contain the parent's prisoner number and location.

**Note:** For information on how to locate parents who are incarcerated see [PSM 713-01, CPS Investigation - General Instructions](#).

## PLACEMENT

When a child cannot remain safely in their family home, the child should be placed in the most family-like and least restrictive setting required to meet their unique needs. Siblings should be placed together whenever possible. MDHHS must strive to make the first placement the best and only placement.

### Placement with Non-Custodial Parents

Every removal must consider and evaluate placement with the non-custodial parent, and other relatives. When CPS evaluates placement with the non-custodial parent, CPS must complete the following as soon as possible but within 24 hours or the next business day:

- Central registry clearance on all members of the household who are age 18 or older.
- Criminal history checks on all household members.
- A home visit.
- Risk Assessment and Family Assessment of Needs and Strengths on the non-custodial parent's household; see [PSM 713-11, Risk Assessment](#), and [PSM 713-12, Family and Child Assessments of Needs and Strengths](#), sections for more information on completing these assessments.

Unless ordered by the court, children must not be placed in the home of the non-custodial parent if:

- Any adult household member has a felony conviction for any of the following:
  - Child abuse or neglect.
  - Spousal abuse.
  - A crime against a child or children, including pornography.
  - A crime involving violence, including rape, sexual assault, or homicide.
  - Physical assault or battery for which there is a felony conviction in the last five years.
  - A drug-related offense for which there is a felony conviction in the last five years.
- An adjudicated sex offender (adult or juvenile) resides in the home.

If a member of the household has a felony conviction for physical assault, battery or a drug-related offense from more than five years ago, evaluate this information to determine whether there are safety issues that must be addressed. Document the rationale and obtain signature approval from a county director or district manager before allowing a child to be placed in the non-custodial parent's home. This documentation must describe and support the basis for the approval, and why the child is safe in the non-custodial parent's home.

If a member of the household is listed on central registry, evaluate this information to determine whether there are safety issues that must be addressed. Document the rationale and obtain signature approval from a supervisor before allowing a child to be placed in the non-custodial parent's home.

The results of the clearances and assessments outlined above must be documented in the DHS-154, or the current DHS-152, Updated Services Plan.

### Relatives

See [FOM 722-03B](#) for requirements to search and evaluate placement with a relative.

### Limitations on Number of Children in Foster home

Limitations exist to placing a child in a foster home. See [FOM 722-3, Foster Care - Placement Selection and Standards](#), for more information about these limitations.

Exceptions to these limitations may be made when it is determined to be in the best interest of the child being placed. Exceptions cannot be given for increases to licensing capacity or other licensing rules for licensed foster homes except as outlined in foster home licensing rules.

When an exception to the limitation on the number of children in a home is needed, see [FOM 722-03E, Foster Care- Placement Exception Requests and Approvals](#), for more information on the exception request and approval process.

**Note:** Placement cannot be made until the exception approval process is complete.

### Placement With Siblings

Every effort must always be made to place siblings together, including requesting an exception to the limitation on the number of children in a foster or relative home can, as outlined above. All siblings who enter foster care at or near the same time must be placed together, unless:



- One of the siblings has exceptional needs that can be met only in a specialized program or facility.
- Such placement is harmful to one or more of the siblings.
- The size of the sibling group makes a joint placement impractical, notwithstanding diligent efforts to make a joint placement.

If the sibling group is not placed into the same out-of-home placement, the efforts made must be documented in Question 4 of the *Transfer Needs/Services* tab of the *Transfer to Foster Care* module.

***Children Are In Out-Of-Home Care, But Siblings Remain At Home Or Are New To The Home***

See [PSM 713-08, Special Investigative Situations](#), New Child to Parent with Child(ren) in Out-Of-Home Placement, for policy information on children being in care while their siblings remain at home or are new to the home.

**MEDICAL NEEDS OF  
CHILDREN IN  
FOSTER CARE**

A child's health status must be assessed, and medical needs must be identified and documented in the health profile screens in MiSACWIS, located in person overview under the health profile link, prior to the child's placement into foster care. CPS must make every effort to obtain this medical information, including names of medical provider(s), the child's last medical visit, current medications, and current mental health status before the removal of a child. This information must be provided to the foster care worker and the foster placement. CPS should contact their designated health liaison officer health liaison officer (HLO) before the removal occurs. CPS must contact the HLO within 24 hours of the child's removal and provide the name and contact information for the foster care home or relative caregiver and any known medical information for the child. CPS must also provide the placement with a completed DHS-3762, Medical Authorization Card, and the DHS-Pub-268, Guidelines for Foster Parents and Relatives Caregivers for Health Care and Behavioral/Mental Health Services.

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**CITIZENSHIP AND  
NOTIFICATION OF  
CONSULATE**

The CPS worker must inquire and attempt to verify citizenship status at the time of removal. Any child who is not a United States citizen, regardless of immigration status, is considered a foreign national. When a foreign national is taken into protective custody, or placed with the department for care and supervision, the Vienna Convention on Consular Relations requires that the appropriate consulate receive notification within 48 hours. The department is required to complete and submit a DHS-914, Notice to Foreign Consul/Embassy, to the appropriate consulate. A listing of foreign consular offices in the United States may be found at:

<https://travel.state.gov/content/travel.html>

After entering the U.S. State Department Foreign Consular Offices website, click on the box on the left side of the page to access consular offices by country.

The CPS worker must document and share this information with the assigned foster care worker.

Refer to [FOM 722-6K](#) for more information.

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**ASSISTANCE CASES**

When out-of-home placement has occurred and the family has an open assistance case, contact the family's assistance worker immediately to inform them that out-of-home placement has occurred.