
AMENDMENT OR EXPUNCTION

The Child Protection Law, MCL 722.621 et seq., contains the provisions for amending a CPS report or expunging central registry information. "Amendment" means correcting specific information:

- In the CPS case record, including the DHS-154, CPS Investigation Report.
- On central registry, including deleting names of individuals.

"Expunction" means deleting the entire complaint from central registry; it is not the destruction of the local case record.

Amendment to the CPS record or central registry, or expunction of information on central registry, must occur:

- To correct inaccurate information;
- When the perpetrator requests an administrative hearing for amendment or expunction and the local office agrees that amendment or expunction is warranted; or
- When ordered by an administrative law judge after administrative hearing or rehearing, or circuit court order.

Removal by the Department

The Department may remove the name of an individual listed on the central registry after 10 years, without a hearing request for amendment or expunction. If placement on central registry was the result of abuse that included one or more of the circumstances listed in MCL 722.637(1) or MCL 722.638(1), part of the CPL, the Department must maintain the information in central registry until it receives reliable information that the perpetrator of the child abuse or child neglect is dead.

Note: The circumstances listed in the CPL are known as Egregious Acts; see [PSM 715-3, Mandatory Termination Petitions](#).

**Petitioner
Requests for
Amendment or
Expunction**

The alleged perpetrator in a CPS case or an attorney representing that person may request the case record be amended or central registry be amended or expunged. This request must be in the form of a written request for hearing and submitted to the local office within 180 days from the date of service of the DHS-847, Notice of Placement on the Central Registry.

Note: A person's right to an administrative hearing under the CPL is not automatic or tied to the Department's determination not to amend or expunge. Rather, a person must submit a written request for hearing within 180 days from the date of service found on the DHS-847. For good cause, an administrative hearing may be held if the written request for hearing is submitted within 60 days after the 180-day notice period expired.

Within 30 days of receiving the written request for hearing, the local office may review the case record and determine the appropriate action. If the Department chooses to review the case and determines that the perpetrator should be removed from central registry it must inform the petitioner of that decision by mailing them the DHS-1200, Child Abuse/Neglect Central Registry Expunction Action. The decision to amend or expunge must be made by a children's services supervisor. A copy of the completed DHS-1200 must be filed in the case record to document the local office's actions.

In determining whether to amend or expunge, the local office should consider:

- Errors in fact or missing information that can be corrected.
- The strength of supporting evidence, and whether the evidence likely to meet the evidentiary standards of an administrative hearing.
- The availability of witnesses or case records are unavailable.

If the children's services supervisor determines that amendment or expunction is not supported, a program manager or county director must complete a review to verify the decision. If the determination is not to amend or expunge, the petitioner's request for hearing,

along with a completed DHS-3050 must be mailed to the Michigan Administrative Hearing Systems (MAHS).

Michigan Administrative Hearing Systems (MAHS)
Benefit Services Division
P.O. Box 30763
Lansing, Michigan 48909-8139
Tel.: (517) 335-7519
Fax: (517) 763-0155

Note: The DHS-847 explains the petitioner's right to an administrative hearing; see [PSM 717-3, Administrative Hearing Procedures](#), for more information on administrative hearings.

Authorizing and Documenting Changes to Central Registry

When amendment or expunction of a central registry record is warranted or required, the action must be documented and processed in MiSACWIS through the Central Registry module. Changes to central registry must be completed by a CPS supervisor, and receive the second-line review of a program manager or county director.

Authorizing and Documenting Changes to the CPS Record

Local office records are subject to amendment as are central registry records. However, local office records are not subject to expunction. When amending a CPS record, CPS must create an addendum to the corresponding DHS-154, Investigation Report, or DHS-152, Updated Services Plan, in MiSACWIS. Local offices must not destroy local office records, whatever the disposition of the investigation, unless:

1. Destruction is considered to be in the best interests of the child. This may include, but is not limited to:
 - a. Complaints, which upon investigation, are completely spurious and unfounded, and the expunction has been requested and granted.

- b. Complaints, which are a result of mistaken identity, but an investigation is conducted and the expunction has been requested and granted.
2. Ordered as a result of an administrative hearing or by court order.
3. In accordance with regular record disposal policy; see [PSM 712-8-CPS Intake Completion](#), CPS Case Record Retention section.