

**EFFECTIVE**

December 1, 2012.

**Subject**

Children's Protective Services, Maltreatment-in-Care (CPS-MIC) investigations of child abuse and neglect (CA/N) in child care facilities (CCF).

**Responsibility to  
Investigate  
Complaints**

CPS-MIC workers will conduct investigations of CA/N in the following types of CCFs:

- Registered family child care homes.
- Licensed group child care homes.
- Licensed child care centers.

These complaints were previously investigated by the Bureau of Child and Adult Licensing (BCAL).

**Note:** When the alleged perpetrator is a parent/guardian or household member to the alleged victim, the complaint will be investigated by CPS, not CPS-MIC.

**Responsibility to  
Receive  
Complaints**

When a complaint is received alleging CA/N or a licensing rule violation at a child care facility, CPS-MIC must notify BCAL as soon as possible, but no later than 24 hours after the complaint is received. Contact the BCAL complaint line at (866) 856-0126. Complaints can be faxed to (517) 335-6121.

**Note:** Centralized Intake (CI) will make a complaint to local law enforcement and forward the information to BCAL when it is believed that CA/N has occurred in an unlicensed/unregistered child care facility.

CI will make a complaint to local law enforcement if the CA/N has occurred in child care programs not required to be licensed, such as:

- Teen parent programs with parents and children on-site.
- Indian tribal programs.
- Enrolled providers
  - Day care aide (through the Child Development and Care program).
  - Relative care provider (through the Child Development and Care program).

CI will follow the established protocols for contacting CPS-MIC supervisors for assignments and rejections.

### **Coordination with BCAL**

BCAL may conduct a special investigation regarding possible rule violations at the same time that CPS-MIC is investigating allegations of CA/N. The licensing consultant and CPS-MIC worker must coordinate their investigations or document in the DHS-154, Investigation Report, why they did not.

If there is imminent risk (impending harm likely to occur) during any point of the investigation, CPS-MIC must contact BCAL immediately.

### **Law Enforcement Involvement**

CPS-MIC must notify law enforcement within 24 hours after becoming aware that one or more of the following conditions exists:

- The alleged CA/N is the suspected cause of death of a child.
- A child is the victim of suspected sexual abuse or sexual exploitation.
- CA/N is suspected in the severe physical injury to a child.
- Law enforcement intervention is necessary for the protection of the child, the licensing consultant, or other persons involved in the investigation.
- The alleged perpetrator is not a person responsible for the child's health or welfare.
- The child has been exposed to or had contact with methamphetamine production.

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## Investigation Procedures

Investigations into child care facilities will require the investigator to follow the standard policy and procedures established for all CA/N investigations outlined in the Protective Services Manual and through Child Welfare Field Operations.

**Note:** When the victim is a non-household member, the risk assessment, safety assessment, and the family assessment of needs and strengths are not required.

Contact with the CCF administrator, licensee or designee must occur before any contact is made with a child located at the facility.

## Completion of the Field Investigation

A preponderance of evidence finding on a licensed/registered provider or on an owner/operator, employee or a volunteer of a child care facility requires their name to be placed on central registry. When a preponderance of evidence finding exists, the CPS worker must override a low/moderate risk level to a high-risk level.

The results of a CPS investigation on a licensed/registered child care home or an employee of a child care facility regarding abuse/neglect of their own children **cannot** be shared with their employer.

The CPS-MIC investigator must conduct a case conference with BCAL before final disposition of the case.

CPS and CPS-MIC must forward (by fax or e-mail) a copy of the DHS-154, Investigation Report, to the BCAL licensing consultant within five business days of completion.

Upon completion of the BCAL investigation, the licensing consultant must send a copy of their report to the CPS-MIC investigator. This information **must** be maintained within the client's file.

The open CPS-MIC case on a child care facility can be closed without monitoring. Prior to case closure, the CPS-MIC investigator must make appropriate referrals for services and notify any ongoing CPS worker of the referrals. If the perpetrator is responsible for CA/N for their own child(ren), CPS or CPS-MIC can maintain the case for supervision and the provision of services.

**Required  
Notifications to  
Child Care  
Facilities**

1973 Public Act 116 as amended, MCL 722.113f (7), defines a high-risk investigation as an investigation involving 1 or more of the following:

- CA/N is the suspected cause of a child's death.
- Suspected sexual abuse or sexual exploitation.
- CA/N resulting in severe physical injury requiring medical treatment or hospitalization.

During a high-risk investigation, investigators must inform the child care facility of facility's requirement to:

- Verbally notify (within 24 hours) the parents of children who were in care at the CCF at the time the alleged incident occurred that a high risk investigation is being conducted.
- Provide written notification, within one business day after the verbal notification, to parents of children who were in care at the CCF at the time the alleged incident occurred that a high risk investigation is being conducted.
- Provide both oral and written notification to parents of children who have or will come into contact with the individual being investigated, if the individual being investigated is still present at the child care facility. Verbal notification must be completed within 24 hours. The written communication must occur within one business day after the verbal notification to the parents was made.

This notification must be documented in the DHS-154 narrative. Two forms have been established to assist the CPS-MIC worker to notify the child care facility of their reporting requirements.

- DHS-216, High Risk PA 116 Special Investigation Instructions for Notifying Parents, explains the facility's responsibility to notify.
- DHS-217, Notification to Parents of a High Risk PA 116 Special Investigation, is used by the facility to notify the parents of the investigation.

**Note:** Failure of a CCF to notify the parents as outlined above, may result in a suspension of their child care registration or license through BCAL.

CCFs must keep a record of these notifications.

### **Required Notifications to Parents/Guardians**

#### **Alleged Child Victim**

It is the department's responsibility to notify the parent/guardian of an alleged or potential child victim that was interviewed at school or another institution. The department may temporarily delay the notice if that notice would compromise the safety of a child or the integrity of the investigation. In most situations, notification to the parent/guardian should occur before the child is interviewed.

The investigator can share the nature of the allegations with the alleged victim's parents/guardians.

#### **Child Witness**

CPS-MIC must always receive permission from the parent/guardian before the investigator can interview a child who is or may have been a witness.

The investigator cannot share the nature of the allegations with the parent/guardian of a child who is only a witness to the events.

### **Expunction Requests and Administrative Hearings**

The office that places a perpetrator on central registry is responsible for responding to expunction requests. CPS workers will utilize the steps and procedures outlined in PSM 717-2 and PSM 717-3.

#### **Legal Authority**

Child Care Organizations, 1973 PA 116, as amended, MCL 722.111 et seq.

Child Protection Law, 1975 PA 238, as amended, MCL 722.638 et seq.

**MANUAL  
MAINTENANCE  
INSTRUCTIONS**