

## 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 fatalities, and human trafficking.

## NEW CHILD BORN TO PARENT WITH CHILDREN IN OUT OF HOME PLACEMENT

Case managers must assess the 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 safety and risk factors that resulted in the previous court action(s) have been resolved.

Case managers 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 case manager 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 must be approved by the Children's Protective Services (CPS) supervisor, foster care supervisor and second line supervisor. The DHS-3 must document how the children remaining in the home are safe and any service provision and/or safety

planning to ensure the continued safety of the child(ren) 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 (POA) for care of their child during an investigation. If a preponderance of evidence of abuse and/or neglect exists, appropriate services should still be referred/recommended to address the needs of the family.

A guardianship or POA does not replace a thorough and complete CPS investigation.

## **Intent to Adopt**

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

- 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, case managers 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 them at risk when home alone?

- Is the child involved with the juvenile justice system or does the child display behavior that may lead to involvement in the juvenile justice system?
- The situation in which the child is left alone.
  - Is the child vulnerable because of the time of day they are 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 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 their safety or the safety of others?
- The child's emotional response to being left alone.
  - Is the child fearful, anxious, or emotionally distressed?

Case managers cannot enter a home without an adult present. See [PSM 713-01, CPS Investigation - General Instructions](#), for more information.

## **SIBLING-ON-SIBLING OR CHILD-ON-CHILD VIOLENCE**

For investigations involving sibling-on-sibling or child-on-child violence or sexual activity, case managers must determine:

- If the parent/caregiver is aware the alleged violence or sexual activity is occurring.

- If the parent/caregiver is responding appropriately to protect all children.

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

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

- Assuring appropriate sleeping arrangements for all household members.
- 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 themselves.
- 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.

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

## CHILD DEATH

Case managers must seek the assistance of and cooperate with law enforcement when a referral includes allegations that abuse and/or neglect may be the cause of the child's death or in referrals 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 case managers to use when investigating a child fatality.

In conjunction with law enforcement, case managers 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.

Case managers should be aware of services or supports 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 parent(s)/caregiver's knowledge of the tenants of infant safe sleep and lack of following them does not, in and of itself, constitute child abuse and/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 their behavior or judgment was severely impaired and adversely affected their ability to safely care for the infant. Decision making for investigations involving substances is outlined in [PSM 716-7, Case Involving Substances](#).
- **Placing a child at unreasonable risk of harm** - person responsible knowingly left the child in the care of a person known to abuse and/or neglect a child, a person whose known violence, alcohol or drug use, or serious mental health concern impacted their ability to care for the child, or a person responsible allowed or failed to prevent access to the child by perpetrator(s) of crimes involving injuries against children when the person responsible knows or should have known of the crime(s).

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

## DOMESTIC VIOLENCE

The presence of domestic violence in a home does not support confirmation of abuse and/or neglect without identified harm or likely harm to the child. The factors below, in addition to all other information and evidence, must be considered prior to reaching a disposition.

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

## Investigation Requirements

When domestic violence is a factor, the case manager must interview the alleged domestic violence offender, the non-offending parent/partner, and alleged child victim(s) separately.

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

- Engage and consult with the non-offending parent/partner to develop a safety plan, which may include the following and will vary based on the severity of the domestic violence incident.
  - Identifying formal and informal supports.
  - Accessing relevant services.
  - Identifying a code word with the child(ren) or support person to signal when there may be an incident of domestic violence.
  - Having a plan in place for what the child(ren) are to do when the code word is used. For example, going to the neighbor's home or calling 911.

- Suggest compiling an emergency resource bag with important documents and personal belongings to have ready in case the family needs to leave the home quickly.
- 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.

### ***Domestic Violence Assessment***

Assessment of the following applicable factors should be considered and documented throughout the investigation to determine impact on child safety as a result of domestic violence and what services should be provided to the family:

- 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 their actions on child safety and well-being.
- The ability of the non-offending parent to keep the children safe.

## Reaching a Disposition

Case managers will need to determine if harm has occurred or highly probable to occur without intervention, outside of whether the child was present during the domestic violence incident. When determining the disposition in cases where domestic violence is a factor, the following can be considered:

- Was the child injured during the domestic violence incident? Or has the alleged perpetrator made any threats toward the child?
- Did the child attempt to intervene during the domestic violence incident?
- Does the child express fear or concern about the domestic violence in the home, if able to be interviewed?
- Has the child experienced any significant changes in social or emotional behavior consistent with the incidents of domestic violence? Does the child seem withdrawn or have a regression in functioning?
- Is there a consistent pattern of coercive control or physical violence in which the child(ren) are harmed or likely to be harmed? Or is the pattern of control or violence escalating?
- Is the non-offending parent able to describe or utilize strategies to keep the children safe?
- What efforts has the non-offending parent made to strengthen family functioning?
- Have any weapons been used during incidents of domestic violence or to threaten members of the household?

## 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):
  - Abandonment of a young child.
  - Criminal sexual conduct involving penetration, or assault with intent to penetrate.
  - Battering, torture, or other serious physical harm.
  - Loss or serious impairment of organ or limb.
  - Life threatening injury.
  - Murder or attempted murder.
- A parent is the perpetrator of child abuse/neglect, and the abuse/neglect includes any of the factors under MCL 722.638(1)(a) 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 the following information to [Child-Welfare-Policy@michigan.gov](mailto:Child-Welfare-Policy@michigan.gov):

- Name of individual to be placed.
- Date of birth of individual to be placed.
- Associated investigation ID.
- Specific reason for the request, including the concern for future risk to children.
- CPS policy 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, residential treatment). 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. Case managers must inquire with parents if there is a Friend of the Court case regarding a child who is suspected of being abused or neglected.

When it is determined there is an open Friend of the Court case, the [DHS-1450, How to Change a Custody or Parenting Time Order](#), must be provided to the non-custodial parent of a child who is suspected of being abused or neglected. If the DHS-1450 was not provided when required, the case manager must document the reason why in the social work contacts.

Case managers must complete the [DHS-729, Confidential Notice to Friend of the Court of CPS Disposition and Court Action](#), when there is an open Friend of the Court case regarding a child victim if an investigation of child abuse and child neglect allegations result in any of the following:

- A preponderance finding.
- Emergency removal of the child from the home due to child abuse and/or neglect, prior to completion of the investigation.
- The family court takes jurisdiction on a petition and a child is maintained in their own home under the supervision of the department.
- If one or more children residing in the home are removed and one or more children remain in the home.
- Any other circumstances that are applicable and relate to child safety.

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

## ACCEPT AND LINK

When a new referral containing allegations meeting screen in criteria that are not essentially the same instance of child abuse or neglect already screened in for investigation, or already known to the investigator, the investigation may be screened in as accept and link. Centralized Intake staff will accept and link intakes that are received within the first fifteen days of the active investigation. **All policy requirements must be completed for both the initial investigation, and the accept and link referral.**

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

- Commencement.
- Face-to-face contact with the alleged victim(s) identified in the accept and link referral.
- 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](#) 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 referral for children, parents or caregivers, case managers must complete these activities again for the accept and link referral to address the new allegations and safety plan, if necessary.

### ***Notification and Assignment***

If a referral is screened in through accept and link, the assigning case manager, the case manager assigned to the initial investigation and their supervisor will be notified by email from CI. If the assigned case manager is not available to complete commencement or face-to-face contact with the victim, the

supervisor notified of the assign and link referral must complete them or delegate these activities to an available case manager.

The on-call case manager will be notified of the assignment for completion of required case activities including commencement and face-to-face contact with the alleged child victim(s), according to priority response criteria. The on-call case manager is responsible for additional action as needed to assess and address child safety.

### ***Accept and Link Steps***

Case managers must add accept and link alleged maltreatments and findings to the allegation/finding tab in electronic case record, and include a summary of the following in the disposition narrative:

- Allegations for the initial and the accept and link referral(s).
- 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 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**

When an accommodation is not readily available during an emergency situation, case managers 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).

Case managers must assess the safety of any alleged child victims and safety plan in investigations involving person(s) who need accommodation. Follow-up must occur as soon as possible utilizing an effective means of communication.

## HUMAN TRAFFICKING

### Definitions

#### Sex Trafficking

Sex trafficking is the action of subjecting a child to the recruitment, harboring, transportation, provision, patronizing, or soliciting for the purposes of a commercial sex act. Trafficking may involve an exchange of goods or psychological responses. Offenders may exchange love, friendship, protection, or attention to a child while an exchange of goods could include money, drugs, jewelry, clothing, food, shelter, or transportation.

#### Labor trafficking

The recruitment, harboring, transportation, provision, or obtaining of a person for labor as a result of force, fraud, coercion, or manipulation. Labor trafficking can include, but is not limited to, domestic servitude, forced labor in restaurants or salons, forced agricultural labor or debt bondage.

The alleged perpetrator of the trafficking does not need to meet criteria for person responsible for assignment. The department can investigate trafficking conditions regardless of role or status of the alleged perpetrator when law enforcement requests assistance to respond to the youth's trauma.

**Note:** In order to make a finding, the perpetrator must be found to be a person responsible.

## Overview

The [MDHHS' Human Trafficking of Children Protocol](#) was developed to guide case managers 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 referral alleging human trafficking is screened in 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 assignment or confirmation:

- A trafficking event does not need to occur. Offenders may behave in a way that creates a substantial likelihood that the child will be sexually exploited.
- The alleged perpetrator of the trafficking does not need to meet criteria for person responsible for assignment. When law enforcement requests assistance, the department can investigate trafficking conditions regardless of role or status of the alleged perpetrator.

## Authority

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

Trafficking Victims' Protection Act.