
OVERVIEW

Children's services program records and information to entities outside of the Michigan Department of Health and Human Services (MDHHS) must be appropriately released. Children's services program records include:

- Children's Protective Services (CPS).
- Foster Care (FC).
- Guardianship.
- Juvenile Justice (JJ).
- Adoption.

For confidentiality policy and procedures concerning financial assistance programs, see [BAM 310, Confidentiality and Public Access to Case Records](#).

Information Sharing Within MDHHS

Access to case file information by entities within the department is limited to those whose roles and responsibilities require such access to respond to child welfare matters. MCL 722.627(6), 722.120(4).

Information Sharing Outside MDHHS

MDHHS can only share case file information with individuals or entities outside of MDHHS to the extent permitted by law.

When sharing confidential information with individuals or entities outside MDHHS, precautions must be taken to protect the information; see [APL 68D-102](#).

Marking Cases Confidential in MiSACWIS

Only mark a case confidential when it involves:

- MDHHS employees.
- Relative of an MDHHS employee.

Otherwise, cases should only be marked confidential when advised to do so by the Children's Services Administration (CSA).

If a case needs to be confidential (only the assigned supervisor and worker can access the case), select the confidential complaint box in MiSACWIS.

Social Media

Employees must comply with all confidentiality laws and provisions in this policy when using social media sites. Employees **must never** post client/children's identifying information or pictures on social media sites or websites.

Exception: Pictures and information regarding foster children may be shared with the Michigan Adoption Resource Exchange (MARE) for the purpose of adoption.

Note: Employees should be mindful when posting personal information to social media sites as the information is public and can be viewed and used by clients and others.

Court Orders and Subpoenas

MDHHS must respond timely and appropriately to all court orders and subpoenas. Any questions or concerns relating to court orders or subpoenas must be sent to Children's Services Administration Legal Division at CSARequestforLegalResearch@michigan.gov.

All subpoenas for CPS investigative reports, CPS updated service plans, CPS closing reports, or CPS documents must be sent to the Redaction Unit using the following procedure:

- Send the subpoena for a CPS record to the Redaction Unit at DHHS-Redaction-Unit@michigan.gov and attach a completed [Professional Child Protective Services \(CPS\) Redaction Request Checklist](#).
- Upload the requested records for redaction within the *documents* tab of the electronic case record within three business days (five business days for those counties with offsite storage).
- Allow at least 14 calendar days for the Redaction Unit to process and complete the request.

All non-CPS subpoenas must be sent to the subpoena mailbox, MDHHS-Subpoena@michigan.gov.

Lawyer-Guardian ad Litem

A Lawyer-Guardian ad Litem (L-GAL) or other attorney appointed to represent the child must be given access to case file information regarding the child and that child's parents. The reporting person and any other confidential records regarding other children or adults, not represented by the L-GAL, must be redacted. MCL 712A.17d(1)(a-d); 722.627(1)(j).

Disabilities Rights Michigan (DRM)

Upon receipt of a request from DRM, immediately forward the request to MDHHS-MPAS@michigan.gov. Bureau of Legal Affairs staff will review the request and advise MDHHS staff on what records, if any, should be released.

Native American Tribes

CPS records regarding an Indian child must be provided at the earliest point to a tribal representative, agency, or organization, including a multidisciplinary team, authorized by the Indian's child's tribe to care for, diagnose, treat, review, evaluate, or monitor active efforts regarding an Indian child, parent, or Indian custodian. MCL 722.627(2)(x); see [NAA 200, Identification of an Indian Child](#).

In addition to tribal authorization under MCL 722.627(2)(x), a tribe may also receive records under other Child Protection Law (CPL) exceptions including but not limited to tribal law enforcement, child protective agency, and tribal child death review. Refer to the relevant exception under Children's Protective Services Records, *Release of CPS Case Information* in this policy. MCL 722.627(2)(a-x). See [MDHHS Redaction Unit Tribal Protocol](#) for further requirements on redaction for CPS records regarding an Indian child.

In cases where the tribe is recognized or has formally intervened as a party in a child custody proceeding, the Indian child's tribe has a

right to any report provided to the court and the right to examine all reports. MDHHS must provide a tribe that has formally intervened any report that is being provided to the court in the same form; for example, if information in the report provided to the court is not redacted, do not redact the report provided to the tribe. 25 USC 1912(c); 25 CFR 23.134; MCL 712B.11. See

For any questions, please contact Children's Services Legal Division at CSARequestforLegalResearch@michigan.gov.

Discovery in Child Protective Proceedings

If the court authorizes a petition in a child protective proceeding, MDHHS **must** work with its legal counsel to provide an attorney representing a respondent (a parent, guardian, legal custodian, or non-parent adult alleged to have abused or neglected a child) or an Indian child's tribe who has intervened with the following information:

- All written or recorded statements and notes of statements made by the respondent that are in possession or control of the department, including transcribed oral statements.
- All written or recorded non-confidential statements made by any person with knowledge of the events in possession or control of petitioner or a law enforcement agency.
- The names of prospective witnesses.
- A list of all prospective exhibits.
- A list of all physical or tangible objects that are prospective evidence and that are in the possession or control of the department.
- The results of all scientific, medical, or other expert tests or experiments, including the reports or findings of all experts, that are relevant to the subject matter of the petition.

Note: This does not include federally assisted alcohol and substance abuse treatment records; see *alcohol and substance abuse treatment records* in this item. This also does not include mental health treatment records, HIV, or

communicable disease information unless records pertain to the respondent or their legal children.

The court may order MDHHS to provide discovery of other information.

CPS COURT PETITIONS AND LAW ENFORCEMENT REFERRALS

CPS may release a summary of a parent's mental health treatment and history or a child's mental health and/or medical treatment and history to a federal, tribal, state, or local law enforcement agency investigating alleged child abuse/neglect, a prosecuting or private attorney consulting with MDHHS, an Indian child's tribe, and a court. Information released to the court must be relevant to the allegations in a petition submitted to the court.

Example: The department may state that a parent suffers from depression and was treated for this illness in a petition alleging child abuse or neglect.

Similarly, the petition may include relevant facts from CPS investigations that resulted in a finding of child abuse or child neglect to establish jurisdictional grounds and that it is contrary to the child's welfare to remain in the home. CPS may also provide to the court a description of services provided to a family that target the risk issues identified in the petition to establish that the department made reasonable efforts, or active efforts if the child is an Indian child, to avoid removal. However, the petition may not include a parent's or family's entire CPS history or that an individual is listed on the central registry.

Children's Services Court Reports

If the court has ordered a parent to participate in services as part of the parent/agency treatment plan, MDHHS or the Private Agency Foster Care (PAFC) provider must provide the court, the L-GAL, respondent's attorney, or an intervening Indian child's tribe (if applicable) all reports regarding the parent's progress in the treatment for use at a review or permanency planning hearing at least 10 business days prior to the scheduled court hearing. Follow

local practice for providing respondents' attorney or an intervening Indian child's tribe (if applicable) with these reports.

If a judge **orders** a client to complete drug treatment and/or screens as part of a case service plan, MDHHS **must disclose** the results of that treatment and/or screens to the court. For other substance abuse treatment records, see *alcohol and substance abuse treatment records* in this item.

FILING DOCUMENTS WITH THE COURT (PII)

Protected personal identifying information (PII) must not be included in any public document that is filed with the court (MCR 1.109 and 8.119). The following PII must be redacted:

- Date of Birth (chronological age of the child does not need to be redacted).
- Social Security Number (SSN) or national identification number. If the SSN is required to be filed with the court only the last four digits are to remain.
- Driver's license number or state issued personal identification card number.
- Passport number.
- Financial account numbers.

MDHHS must file the MC 97, Protected Personal Identifying Information form identifying the protected personal identifying information and include it with every redacted document being submitted to the court.

Redaction

Consult the information in this policy to determine if information contained in a department file must be redacted. If confidential information must be redacted before releasing a record, use the following instructions:

- Manual redaction requires editing text by using an editing device (such as a black marker, redacting tape, etc.), to block out identifying and confidential information and copying edited

records as many times as necessary to ensure the confidential information cannot be seen through the marker.

- Electronically edit by using Microsoft Word to highlight confidential information using the color black and then printing the document. If the electronically redacted records are to be sent electronically, they must be scanned and sent as a PDF.

MENTAL HEALTH TREATMENT RECORDS

Any mental health treatment records contained in a case file or report are confidential and are not open to public inspection. MCL 330.1748; 722.627(5). Mental health treatment records may only be released to the following:

- A legally mandated public or private child protective agency investigating a report of known or suspected child abuse or neglect. MCL 330.1748a(1); 722.627(1)(a).
- A police or other law enforcement agency investigating a report of known or suspected child abuse or neglect. MCL 330.1748(7)(d); 722.627(1)(b).
- A person, agency, or organization, including a multidisciplinary case consultation team authorized to diagnose, care for, treat, or supervise a child or family that is the subject of a report or record under this act. MCL 330.1748(7)(d); 330.1748(6)(a); 722.627(1)(e).
- A physician who is treating a child whom the physician reasonably suspects may be abused or neglected. MCL 330.1748a(1); 722.627(1)(c).
- A person legally authorized to place a child in protective custody when the person is confronted with a child whom the person reasonably suspects may be abused or neglected, and the confidential record is necessary to determine whether to place the child in protective custody. MCL 330.1748(7)(d); 722.627(1)(d).
- A Lawyer-Guardian ad Litem or another attorney appointed to represent the child. The L-GAL may only receive confidential mental health treatment records of the child the L-GAL is

appointed to represent and that child's parents. MCL 712A.17d(1)(a-d); 722.627(1)(j).

- The Office of Children's Ombudsman (OCO). MCL 722.921-935; 722.627(1)(n).
- A county medical examiner or deputy county medical examiner for the purpose of carrying out their duties under this act. MCL 722.627(1)(p).
- A tribal representative, agency, or organization, including a multidisciplinary team, authorized by the Indian child's tribe to care for, diagnose, treat, review, evaluate, or monitor active efforts regarding an Indian child, parent, or Indian custodian. MCL 722.627(1)(x).
- An individual to whom the mental health records pertain, unless the information is determined by the service provider to be dangerous to the individual. Individuals seeking information may request it in person or in writing to the local DHHS office. All written requests should include a copy of the individuals picture ID. MCL 330.1748(6)(b).

Note: Mental health information obtained from a source other than a treatment provider (a client's self-report, a child's statement, observed information, etc.) **may be released** to any of the exceptions listed in the *release of CPS case information or records* in this item.

In all other cases, mental health treatment records and information may be released only in response to the client's consent, a judge signed subpoena, or court order.

Redaction Example:

Unredacted: Ms. Smith reported participating in counseling with Dr. Brown and having a diagnosis of schizophrenia. Dr. Brown confirmed "Ms. Smith has been participating in weekly counseling and is diagnosed with schizophrenia".

Redacted: Ms. Smith reported participating in counseling with Dr. Brown and having a diagnosis of schizophrenia. Dr. Brown

ALCOHOL AND SUBSTANCE ABUSE TREATMENT RECORDS

Other than the exceptions listed in the section below, the confidentiality of **federally assisted** alcohol and substance abuse treatment information and records is governed by federal regulations (42 CFR Part 2). This includes information about treatment services provided, client progress in treatment, diagnoses, assessments, results of alcohol or drug screening, etc. received from the provider.

The restrictions outlined in this policy apply even if MDHHS believes that the person or agency seeking the information:

- Already has the information or record.
- Has other means of obtaining the information or record.
- Has obtained a subpoena or warrant.
- Asserts any other justification for a disclosure or use which is not permitted by federal regulations.

Release of Alcohol and Substance Abuse Treatment Records

When **federally assisted substance abuse treatment records** (under 42 CFR Part 2) are part of a children's service case record, the substance abuse treatment records must only be released under the following circumstances:

- A DHS-1555-CS, Authorization to Release Confidential Information, that specially denotes approval for the release of substance abuse treatment records has been signed by the client, client's guardian with authority to consent, parent with legal custody of a child, court-appointed personal representative, or executor of the estate of a deceased client. General release of information forms or other forms that do not contain specific approval for the release of substance abuse treatment provider information of records are insufficient to permit release.
- If no DHS-1555-CS that specifically denotes approval for the release of substance abuse treatment records exists, the records may only be released under the following circumstances:

- A court issues an order authorizing but not compelling MDHHS to release substance abuse treatment provider information or records to one or more parties or their representatives. A subpoena must be issued to compel disclosure. The subpoena may be issued by the court or any attorney for the respective parties.
- A court issues an order compelling MDHHS to release substance abuse treatment provider information or records to one or more parties or their representatives. A subpoena is not required and MDHHS shall release the records pursuant to the court order alone.
- MDHHS may disclose the following substance abuse information **without** a court order and subpoena:
 - Verified alcohol or substance abuse-related criminal history.
 - Results of a newborn's drug screen obtained from a hospital maternity ward or laboratory.
 - Self-reported substance abuse or treatment, regardless of the source.
 - Observed information.
 - Drug screens completed by MDHHS or supervising private agency.

Note: Confidential substance abuse treatment records may be provided to the attorney representing the agency.

Redaction Example:

Unredacted: Ms. Smith admitted to participating in an inpatient substance abuse treatment program. Records received confirmed Ms. Smith was a patient at the facility.

Redacted: Ms. Smith admitted to participating in an inpatient substance abuse treatment program. [REDACTED]

Notice to Accompany Release

Attach the DHS-2014, Notice of Prohibition on Re-release of Substance Abuse Information, to any release of federally assisted

alcohol or substance abuse treatment provider information or records made from a children's services record (even with the client's written consent). The DHS-2014 includes the following written statement:

This information has been disclosed to you from records protected by federal confidentiality rules (42 CFR part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR part 2. A general authorization for the release of medical or other information is not sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

MEDICAL RECORDS

Any medical records contained in a case file or report are confidential and are not available for public inspection. MCL 722.627(5). Medical records may be released to the following, even without the client's consent:

- A legally mandated public, private, or tribal child protective agency investigating a report of known or suspected child abuse or neglect. MCL 722.627(1)(a).
- A law enforcement agency investigating alleged child abuse or neglect. MCL 722.627(1)(b).
- A prosecuting attorney involved in a child abuse and neglect case. MCL 722.627(1)(b).
- A physician who is treating a child whom the physician reasonably suspects may be abused or neglected. MCL 722.627(1)(c).
- A person legally authorized to place a child in protective custody when confronted with a child whom the person reasonably suspects may be abused or neglected and the confidential record is necessary to determine whether to place the child in protective custody. MCL 722.627(1)(d).
- A parent or guardian of a child who is subject of the medical record. MCL 722.627(1)(e).

- A person, agency, or organization, including a multidisciplinary case consultation team, authorized to diagnose, care for, treat, or supervise a child or family who is the subject of a report or records, or who is responsible the child's health or welfare. MCL 722.627(1)(e).
- A court. Information released to a court must be relevant to allegations in a petition submitted to the court. MCL 722.627(1)(g).
- A grand jury that has determined the information is necessary. MCL 722.627(1)(h).
- Lawyer Guardian ad Litem or another attorney appointed to represent the child appointed during a child protection proceeding. MCL 712A.17d(1)(a-d); 722.627(1)(j).
- An attorney for parent(s), legal guardian(s) or alleged perpetrator(s) appointed by the court.
- A non-court appointed attorney retained by parent(s), legal guardian(s), or alleged perpetrator(s) if one of the following is provided:
 - A copy of the attorney's appearance filed with the court.
 - A statement on the attorney's letterhead and signed by the attorney stating that they have been retained.
 - Written and signed verification from the parent(s), legal guardian(s), or alleged perpetrator that the attorney has been retained as legal counsel.
- A child placing agency or family division circuit court staff to investigate an applicant for adoption, FC applicant or licensee or their employee, an adult member of an applicant's or licensee's household, or other persons in a FC or adoptive home who are responsible for the care and welfare of children, to determine suitability of a home for adoption or FC. The child placing agency or court must disclose the information to a FC applicant or licensee or to an applicant for adoption. MCL 722.627(1)(k)(l).
- The Office of Children's Ombudsman. MCL 722.627(1)(n).

- A Child Death Review (CDR) Team to investigate and review a child death. Contact CPS program office. MCL 722.627(1)(o).
- A county medical examiner or deputy county medical examiner appointed under 1953 PS 181, MCL 52.201 to 52.216, for the purpose of carrying out their duties under this act. MCL 722.627(1)(p).
- The Citizen's Review Panel (CRP) as established by MDHHS. Access is limited to information MDHHS determines is necessary for the CRP to carry out its duties. For further information, contact CPS program office. MCL 722.627(1)(q).
- Division of Child Welfare Licensing (DCWL). MCL 722.627(1)(r).
- Foster Care Review Board (FCRB). Upon receipt of a written request on agency letterhead, CPS records must be properly redacted and sent to the FCRB. Please refer to the Release of Records to the FCRB in this policy to determine what information is required to be redacted. MCL 722.627(1)(s).
- Child Advocacy Center (CAC) in the course of providing services to a child alleged to have been the victim of child abuse or child neglect or to that child's family. MCL 722.627(1)(w).
- A tribal representative, agency, or organization, including a multidisciplinary team, authorized by the Indian's child's tribe to care for, diagnose, treat, review, evaluate, or monitor active efforts regarding an Indian child, parent, or Indian custodian. MCL 722.627(1)(x).
- The Department of Licensing and Regulatory Affairs (LARA) with written justification of the need for the information. MCL 722.627(6).
- Office of Inspector General (OIG) with written justification of the need for the information. MCL 722.627(6).
- An individual to whom the medical records pertain. MCL 333.2639(1).

See [PSM 713-6](#) for additional information.

Note: Medical information obtained from other sources (for example: a client's self-report, a child or witness statement, etc.) that are not medical providers may be released.

In all other cases, confidential medical records and information may be released only in response to the client's consent, judge-signed subpoena, or court order.

Redaction Example:

Unredacted: Ms. Smith reported being admitted to the hospital on two separate occasions due to overdosing on prescription medication. Medical records confirmed Ms. Smith was treated on two separate occasions due to overdosing on prescription medication.

Redacted: Ms. Smith reported being admitted to the hospital on two separate occasions due to overdosing on prescription medication. Medical records [REDACTED]

**Release of
HIV/AIDS
Records**

Any HIV/AIDS related information contained in a case file or report is confidential. MCL 333.5131; 722.627(10). HIV/AIDS information may be released to the following without the client's consent:

- In response to a court order or judge signed subpoena. MCL 333.5131(3).
- To a physician who is treating a child whom the physician reasonably suspect may be abused or neglected, or a health department or health care provider to protect the health of an individual, prevent further transmission of HIV, or diagnose and care for a client. MCL 333.5131(5)(a); 722.627(1)(c).
- A county medical examiner or deputy county medical examiner appointed under 1953 PS 181, MCL 52.201 to 52.216, for the purpose of carrying out their duties under this act. Under MCL 722.627(1)(p).
- To a legally mandated public or private child protective agency investigating a report of known or suspected child abuse or child neglect. MCL 333.5131(5)(f); 722.627(1)(a).

- Police or other law enforcement agency investigating a report of known or suspected child abuse or child neglect. MCL 722.627(1)(b).
- A person legally authorized to place a child in protective custody when the person is confronted with a child whom the person reasonably suspects may be abused or neglected. MCL 722.627(1)(d).
- A person, agency, or organization, including a multidisciplinary case consultation team authorized to diagnose, care for, treat, or supervise a child or family that is the subject of a report or record under this act. MCL 722.627(1)(e).
- The Office of Children's Ombudsman. MCL 722.627(1)(n).
- A Lawyer Guardian ad Litem or other attorney appointed to represent the child. MCL 722.627(1)(j).
- A tribal representative, agency, or organization, including a multidisciplinary team, authorized by the Indian's child's tribe to care for, diagnose, treat, review, evaluate, or monitor active efforts regarding an Indian child, parent, or Indian custodian. MCL 722.627(1)(x).
- To any requestor with proper written consent. The release must outline the specific information or record(s) to be released. If the client is a minor or incapacitated, the release must be signed by the parent or legal guardian, the FC worker for a Michigan Children's Institute (MCI) ward or the court of authority for a permanent court ward. Use the DHS-1555-CS to obtain proper written consent to obtain or release HIV/AIDS/ARC or serious communicable disease information or records.
- To a licensed placement provider director or licensee.

When placing a child, MDHHS, the Family Division of the Circuit Court, and licensed child placing agencies may release information regarding **the child** who has HIV/AIDS to the **director (or licensee)** of a family foster home, family foster group home, child caring institution, or child placing agency. MCL 333.5131(5)(g).

- To licensed foster parents and child caring organization staff. The director of the child caring organization is responsible for

handling information pertaining to an individual with HIV/AIDS with the highest standard of confidentiality. The information released to staff must be limited to explicit instructions to those within the organization that have a need to know to care for and protect the child, or a need to prevent a reasonably foreseeable risk of transmission of the disease to other children or staff. Foster parents and child caring organization staff with whom information is shared are also bound by the confidentiality standards. MCL 333.5131(5)(g).

LAW ENFORCEMENT RECORDS

MDHHS must not release any federal, state, tribal, or local law enforcement report related to an ongoing law enforcement case. Requestors of law enforcement information should be referred to the law enforcement agency to request the information directly. MDHHS must not release any information obtained directly from the Law Enforcement Information Network (LEIN). MCL 722.627(3). See [SRM 700, Law Enforcement Information Network \(LEIN\)](#) for information on verifying LEIN information.

MDHHS **may directly release** federal, state, tribal, or local law enforcement reports/information regarding **closed investigations or convictions** of crimes obtained from the Internet Criminal History Access Tool (ICHAT), a law enforcement agency, a court, or other public venues such as the Offender Tracking Information System (OTIS) to those whose roles and responsibilities require such access to respond to child welfare and JJ matters. However, fingerprints may not be released; see [SRM 200, Fingerprints](#).

EDUCATIONAL RECORDS

The confidentiality of any educational records contained in a case file or report is governed by the Family Educational Rights and Privacy Act (FERPA), and related federal regulations at 34 CFR Part 99 and the Individuals with Disabilities Education Act (IDEA), 34 CFR 300.402 et seq., and related federal regulations at 34 CFR 300.610 et seq.

Proper Written Consent for Release of Educational Information

Information from a school official (teacher, principle, counselor, secretary, etc.) with information obtained through personal knowledge, observation, or heard from others is not confidential.

Educational records may be obtained through a proper written consent using the DHS-1555-CS. The consent must:

- Specify the records that may be released.
- State the purpose of the disclosure.
- Identify to whom the release may be made.

Schools must have a written release from the parent or FC worker of MCI state wards, or the court of authority for permanent court wards, to release the information from a student's education record.

Note: Education records may be released without client consent to a tribal representative under MCL 722.627(1); 25 USC 3205.

DOMESTIC VIOLENCE AND SEXUAL ASSAULT

If MDHHS believes or there are any reports/disclosures of domestic violence (police reports or self-disclosed reports), staff shall not disclose any personal information regarding victims or minor children (such as address, phone number, name of doctor, workplace, or other information that may identify the location of the victim/minor) that has been collected in connection with an investigation or other services without the informed, written, reasonably time-limited consent of the person about whom information is sought. In the case of an unemancipated minor, obtain consent from the minor and the parent or guardian. Additionally, the consent for release may not be given by the alleged or convicted domestic violence offender.

If the release of information is compelled through court order or judge signed subpoena, the local office shall send the order or subpoena to Children's Services Administration Legal Division at CSARequestforLegalResearch@michigan.gov for legal review.

**MALTREATMENT
IN CARE**

If MDHHS believes or there are any reports/disclosures of safety concerns regarding children in FC or the families they are placed with, the address and other location information of the placement family may be redacted when providing reports to the family being serviced.

If the release of information is compelled through court order or judge signed subpoena, the local office shall send the order or subpoena to Children's Services Administration Legal Division at CSARequestforLegalResearch@michigan.gov for legal review.

**SOCIAL
SECURITY
NUMBERS**

Full social security numbers must not be released by MDHHS unless listed as an exception below. In addition, more than four sequential digits of a social security number must not be released or used as identifying information. Any documentation containing a social security number must be shredded after use. Social security numbers may be released to the following:

- Child's parents.
- Legal guardian.
- Foster parent.
- Relative caregiver.
- Unrelated caregiver.
- Court with jurisdiction over the child.

**CHILDREN'S
PROTECTIVE
SERVICES
RECORDS****CPS Reporting
Person**

Information that identifies the reporting person is confidential and may only be released to:

- A law enforcement agency or legally mandated public or private child protective agency investigating a report of known or suspected child abuse or neglect. MCL 722.625.

- A legally mandated public, private, or tribal child protective agency investigating a report of known or suspected child abuse or neglect. MCL 722.625.
- A legally mandated public, tribal, or private child protective agency or FC agency prosecuting a disciplinary action against its own employee involving CPS or FC records. MCL 722.625.
- The Office of Children's Ombudsman. MCL 722.625.
- When the reporting person has provided written consent for release or by order of the court. MCL 722.625.
- Disabilities Rights Michigan. MCL 330.1931; 722.627(1)(a).
- The Department of Licensing and Regulatory Affairs with written justification of the need for the information. MCL 722.627(6).
- Office of Inspector General with written justification of the need for the information. MCL 722.627(6).

Notice to Accompany Release of CPS Reporting Person

If the identity of the CPS reporting person is released to any of entities listed above, the following statement, in addition to the Notice to Accompany Release of CPS Records, must be stamped on **each** document or be included on a cover sheet:

This document includes the identity of the reporting person in a Children's Protective Services case. The Michigan Child Protection Law, 1975 PA 238, allows sharing this information with anyone listed in section 7(2)(a), (b), (n), and section 7(11). Note: Section 5 of the law states the identity of a reporting person is CONFIDENTIAL, subject to release only with the consent of that person or by judicial process.

Release of CPS Case Information or Records

CPS case information and records are confidential. Unless the case information or records are released to the public by the MDHHS director as specified information under MCL 722.627c through 627f, CPS case information or records may only be released **after proper redaction** to the following:

- Parents whose parental rights are intact (custodial, non-custodial, birth or adoptive) or legal guardians of children who are the subject of a CPS complaint. Individuals seeking information may request it in person or in writing to the local office. If a written request is from an individual regarding their own records, it must include a copy of the individual's picture identification.

Note: If a child is listed as a victim, the entire report after proper redaction may be provided to the custodial parent, non-custodial parent, or legal guardian. If the child is listed as a non-victim, only the child's and requestor's statements may be released to the custodial parent, non-custodial parent, or legal guardian.

- Legally mandated public, private, or tribal child protective agency to investigate a report of known or suspected child abuse or neglect. Out-of-state, military, and American Indian/Alaska Native (AI/AN) tribal agency requests should be directed to the local office. MCL 722.627(1)(a).
- Legally mandated public, private, or tribal FC agency to prosecute a disciplinary action against its own employee involving CPS or FC records. A child protective or FC agency includes a child caring institution. MCL 722.627(1)(a).
- Law enforcement agency to investigate a report of known or suspected child abuse or neglect. The department must also send a copy of the allegations, or any written report and the results of any CPS investigation related to the allegations to a law enforcement agency in the county or tribal land where the incident occurred in certain cases; see [PSM 712-3, Coordination with Prosecuting Attorney and Law Enforcement](#). MCL 722.627(1)(b).
- Physician to treat a child whom the physician reasonably suspects may be abused or neglected. MCL 722.627(1)(c).
- A person legally authorized to place a child in protective custody when confronted with a child whom the person reasonably suspects may be abused or neglected, and the confidential record is necessary to determine whether to place the child in protective custody. MCL 722.627(1)(d).
- An authorized person, agency, organization, or multidisciplinary case consultation team to diagnose, care for, treat or

supervise a child or family who is the subject of a report or record under the CPL. MCL 722.627(1)(e).

- A person named in a CPS investigation report as a perpetrator or alleged perpetrator of child abuse or neglect. MCL 722.627(1)(f).
- Victim who is now an adult at the time of the request. MCL 722.627(1)(f).
- Court that has determined the information is necessary to decide an issue before the court. If a child has died, CPS records and information may be released to a court that had jurisdiction over the child pursuant to MCL 712A.2(b) (child abuse/neglect). MCL 722.627(1)(g).
- Grand jury that has determined the information is necessary. MCL 722.627(1)(h).
- Research person, agency, or organization. For research or evaluation, contact the MDHHS Children's Services Administration at 517-335-3704. After consultation with other administrations, this office approves or denies the request and authorizes who may be contacted and what information may be released. The MDHHS director may authorize the release of information to a person, agency, or organization if the release contributes to the purposes of the CPL and the person, agency, or organization has appropriate controls to maintain the confidentiality of personally identifying information. MCL 722.627(1)(i).
- Lawyer Guardian ad Litem/attorney for child to represent a child during protective proceedings. MCL 722.627(1)(j).
- Attorney for parent(s), legal guardian(s) or alleged perpetrator(s) appointed by the court.
- A non-court appointed attorney retained by parent(s), legal guardian(s), or alleged perpetrator(s) if one of the following is provided:
 - A copy of the attorney's appearance filed with the court.
 - A statement on the attorney's letterhead and signed by the attorney stating that they have been retained.

- Written and signed verification from the parent(s), legal guardian(s), or alleged perpetrator that the attorney has been retained as legal counsel.
- A child placing agency or family division circuit court staff to investigate an applicant for adoption, FC applicant or licensee or their employee, an adult member of an applicant's or licensee's household, or other persons in a FC or adoptive home who are responsible for the care and welfare of children, to determine suitability of a home for adoption or FC. The child placing agency or court must disclose the information to a FC applicant or licensee or to an applicant for adoption. MCL 722.627(1)(k)(l).
- Legislative committee subject to MCL 722.627a, Section 7a, a standing or select committee or appropriations subcommittee of either house of the legislature having jurisdiction over CPS matters. Legislative committee requests received by any other office must be referred to MDHHS Office of Legislative Affairs at 517-241-1629. MCL 722.627(1)(m).
- The Office of Children's Ombudsman (OCO). Refer to the Release of Records to the Office of Children's Ombudsman in this policy and Services Requirements Manual (SRM 132) for procedures and timeframes to release information to the OCO. MCL 722.627(1)(n).
- Child Death Review (CDR) Team to investigate and review a child death. Contact CPS program office. MCL 722.627(1)(o).
- County Medical Examiner or Deputy County Medical Examiner to carry out their duties. MCL 722.627(1)(p).
- Citizen's Review Panel (CRP) as established by MDHHS. Access is limited to information MDHHS determines is necessary for the CRP to carry out its duties. Contact CPS program office. MCL 722.627(1)(q).
- Division of Child Welfare Licensing (DCWL). MCL 722.627(1)(r).
- Foster Care Review Board (FCRB). Upon receipt of a written request on agency letterhead, CPS records must be properly redacted and sent to the FCRB. Please refer to the Release of Records to the FCRB in this policy to determine what information needs to be redacted. MCL 722.627(1)(s).

- Local Friend of the Court (FOC). MCL 722.627(1)(t).
- A department employee actively representing themselves in a disciplinary action, or an arbitrator or administrative law judge conducting a hearing involving a department employee's dereliction, malfeasance, or misfeasance of duty, for use solely in connection with that action or hearing. Information disclosed under this subdivision shall be returned not later than 10 days after the conclusion of the action or hearing. A recipient shall not receive further disclosures under this subdivision while the individual retains disclosed information beyond the deadline specified for return. MCL 722.627(1)(u).
- A federal or state government agency that may by law, conduct an audit or similar review of the department's activities. MCL 722.627(1)(v).
- Child Advocacy Center (CAC) in the course of providing services to a child alleged to have been the victim of child abuse or child neglect or to that child's family. MCL 722.627(1)(w).
- A tribal representative, agency, or organization, including a multidisciplinary team, authorized by the Indian child's tribe, to care for, diagnose, treat, review, evaluate, or monitor active efforts regarding an Indian child, parent, or Indian custodian. MCL 722.627(1)(x).
- The Department of Licensing and Regulatory Affairs (LARA) with written justification of the need for the information. MCL 722.627(6).
- Office of Inspector General (OIG) with written justification of the need for the information. MCL 722.627(6).
- A child caring institution licensed under 1973 PA 116, MCL 722.111 to 722.128, for the purpose of investigating an applicant for employment or an employee of a child caring institution to determine suitability of the applicant or employee for initial or continued employment. The child caring institution must disclose the information to the applicant or employee. MCL 722.627(1)(y).

MDHHS may provide access to the CPS record during normal business hours. All inspections by a requestor must take place in

the presence of a MDHHS staff member. **Prior** to the inspection, the following steps must be taken:

1. Verify the identity of the requestor (driver's license, state ID).
2. Properly redact the record.

CPS information may also be sent to the requestor via mail. Follow steps 1 and 2 above, and mail properly redacted copies of case material within 15 days of receipt of the request. If the request is from an individual, mail the information to the address listed on the individual's picture identification. If the request is from an agency, mail or fax the information to the address listed on the agency's letterhead.

Note: CPS case records can only be released to the individuals listed above, or with a court order, or with a judge-signed subpoena. A DHS-1555-CS is not sufficient to release CPS case records.

Notice to Accompany Release of CPS Records

Copies of CPS records released to others must be clearly marked as confidential and have the following statement stamped on them or as a cover sheet:

The confidentiality of information in this document is protected by the Michigan Child Protection Law. Anyone who violates this protection is guilty of a misdemeanor and is civilly liable for damages (MCL 722.633(3), as amended, MCL 722.621 et seq.).

Faxed Release of CPS Records to Agencies

Include a request that anyone who might receive the documents in error place a collect call to the sender to arrange proper transmission of the document.

**RELEASE OF
CENTRAL REGISTRY
INFORMATION****Individual, Employment, and Volunteer Requests**

Upon completion of the DHS-1929, Central Registry Clearance Request, the department may provide confirmation of central registry placement to an individual, office, or agency authorized to receive it. MCL 722.627j(12). This may include:

- For the purpose of seeking employment or serving as a volunteer if that employment or volunteer work will include contact with children. MCL 722.627j(13).
- An individual or organization for whom a person is applying for employment, licensing for a childcare organization, or to act as a volunteer, if that employment or volunteer work includes contact with children. MCL 722.627j(14).
- A parent or other person responsible for a child, who has reason to believe another caregiver may place that child at risk, may receive confirmation of central registry placement of that parent, person responsible, or caregiver. If a family has an active friend of the court case the request must be made through the Office of the Friend of the Court. For individuals without a friend of the court case please see [the Central Registry page on the MDHHS website](#) for information on how to process the request.

Michigan Individual Request, Employer, and Volunteer Agencies

Individuals, employers, and volunteer agencies requesting a central registry clearance must complete the DHS-1929. Mail, fax, send via encrypted email, or hand-deliver the completed DHS-1929 and a copy of the individual's picture ID or other form of identification (for example, birth certificate, pay stub, utility bill) to the local MDHHS office.

Requests for Out-of-State Residents

Out-of-state residents requesting on themselves or via an agency (legal residents of other states only) must complete the DHS-1929. The person being cleared must sign this form indicating they are

aware of the central registry clearance request. A copy of their state's picture ID or other form of identification (for example, birth certificate, pay stub, utility bill) must be attached. Mail, fax or send via encrypted email, the completed DHS-1929 to the address, fax number, or email address provided on the last page of the form. Mail, fax or email all requests to:

Michigan Department of Health and Human Services
Children's Protective Services Program
P.O. Box 30037
Lansing, MI 48909
Phone: 517-241-9794
Fax: 517-763-0280
Email: MDHHS-Outofstate-Central-Registry@michigan.gov

Other Out-of-State Entities

CPS Program Office will conduct central registry clearances for any of the following out-of-state entities:

- Law enforcement agencies conducting a child abuse/neglect investigation. MCL 722.627(1)(b).
- Child welfare agencies conducting a child abuse/neglect investigation. MCL 722.627(1)(a).
- Physician who is treating a child whom the physician suspects may be abused or neglected. MCL 722.627(1)(c).
- Court or grand jury that determines the information is necessary to decide an issue before the court or grand jury. MCL 722.627(1)(h).
- Fatality review team, citizen review panel, or FCRB for the purposes of meeting the requirements and carrying out the duties of the group. MCL 722.627(1)(o)(q)(s).
- Agency charged with completing child custody/parenting time matters for divorced, separated, or unwed parents.
- L-GAL or other attorney for the child or parent(s). MCL 722.627(1)(j).
- A person/entity legally authorized to place a child in protective custody when the person/entity is confronted with a child whom they reasonably suspect may be abused or neglected and the

information is necessary to determine whether to place the child in protective custody. MCL 722.627(1)(d).

- A tribal representative, agency, or organization, including a multidisciplinary team, authorized by the Indian child's tribe, to care for, diagnosis, treat, review, evaluate, or monitor active efforts regarding an Indian child, parent, or Indian custodian. MCL 722.627(1)(x).

Mail, fax or send via encrypted email requests to:

Michigan Department of Health and Human Services
Children's Protective Services Program

P.O. Box 30037

Lansing, MI 48909

Phone: 517-241-9794

Fax: 517-763-0280

Email: MDHHS-Outofstate-Central-Registry@michigan.gov

Release of Central Registry Information

Central registry information is confidential; therefore, MDHHS cannot provide this information to anyone other than those listed in the CPL; see *Release of CPS Case Information or Records* in this section. MCL 722.627.

Directions for Release when Subject is on Central Registry

If the subject of the inquiry is listed on central registry, the person must be provided a copy of the DHS-1910, Child Abuse/Neglect Central Registry Check, indicating the person is listed on central registry and list the local MDHHS office that originated the listing. The results must be mailed to the address on the individual's picture ID within 10 business days, via certified mail and marked restricted (to be delivered to addressee only), **OR** via encrypted email to the requestor if they are authorized to receive the results.

An individual or organization for whom a person is applying for employment, licensing for a child care organization, or to act as a volunteer, may, with appropriate authorization and identification, request and receive confirmation of central registry placement, if that employment or volunteer work includes contact with children.

Directions for Release when Subject is not on Central Registry

If the subject of the inquiry makes an in-person request for the results of the central registry clearance, the local office must verify their identity through presentation of picture ID. The person receiving the results of the inquiry must be the subject of the inquiry.

If the individual of the inquiry is not listed on central registry, the subject of the inquiry must be sent the DHS-1910 via standard mail or via encrypted email if they are authorized to receive the results, within 10 business days, indicating the person is not listed on central registry as of the date the clearance was performed. If the subject of the inquiry requested in writing or by filling out section two of the DHS-1929 that the clearance results be sent to an agency, a copy of the DHS-1910 must be sent to the agency.

Out-of-State Adoption and Foster Home Screening

The MDHHS Department of Child Welfare Licensing will conduct central registry clearances for out-of-state agencies for the following purposes:

- Licensing foster homes.
- Adoption screening.

All requests must come from the child placing agency working with the foster or adoptive applicant. The request must be in writing on the requestor's letterhead stating the reason for the request and must include all of the following:

- Name and title of individual requesting the information.
- Contact information (phone number, fax number, email address, etc.).
- The following information on individuals for which central registry clearance is being requested:
 - Name(s) of individuals.
 - Any previous names.
 - Date of birth.
 - Social Security Number.
- A completed copy of the DHS-1929.
- A copy of the applicant(s) driver's license.

Mail or fax all requests to:

Michigan Department of Health and Human Services
Division of Child Welfare Licensing
235 S. Grand Ave, Suite 1305
PO Box 30650
Lansing, MI 48909-8150
Fax: 517-284-9719
Email: MDHHS-DCWL-OSCR@michigan.gov

**FOSTER
CARE/GUARDIAN
SHIP RECORDS*****Release of FC/Guardianship Information or Records***

FC records and information about children, their parents, and relatives are confidential. MCL 722.120(3) The confidentiality provisions of the CPL apply to any CPS information contained within a FC file.

FC case information or records may **only** be released after proper redaction to the following:

- Court with jurisdiction over the child. MCL 712A.13a; 712A.18f.
- Primary care or attending physician during the course of review if a physician has diagnosed the child's abuse or neglect as involving one or more of the following conditions, MCL 712A.18f(6):
 - Failure to thrive.
 - Medical child abuse.
 - Abusive head trauma (also called shaken baby syndrome or inflicted traumatic brain injury).
 - Bone fracture that is the result of child abuse or neglect.
 - Drug exposure (exposure in utero, child found in methamphetamine lab, etc.).
- Legislative Committee: A standing or select committee or appropriations subcommittee of either house of the legislature having jurisdiction over children's protective service matters. MCL 722.120(3)(a).

- Office of Children's Ombudsman: See Records Release to the Office of Children's Ombudsman in this policy. MCL 722.120(3)(b).
- Foster Care Review Board; see Records Release to the FCRB in this policy. MCL 722.136; 722.926.
- Foster Parent/Relative/Unrelated Caregiver. MCL 712A.13a.
- The Department of Licensing and Regulatory Affairs. MCL 722.120(4).
- Office of Inspector General. MCL 722.120(4).
- Legal parent, guardian, child who is now 18 or older and to whom the records pertain. MCL 712A.18f.
- Indian child's tribe who has intervened in a child protective proceeding. 25 CFR 23.2, 25CFR 23.11(d)(5); 25 CFR 23.134; MCL 712B.3(b); MCL 712B.11.
- A national accreditation program, only while on-site, for the purpose of review and accreditation of a child welfare program, agency, or organization. MCL 722.120(3)(d).
- An employee of an agency, bureau, division, or other entity within the department, or an employee of a child caring institution, or a child placing agency contracted with the department, but only to the extent necessary for the administration of child welfare services in each case. The director of the agency responsible for child welfare services, or their designee, is responsible for authorizing an employee to have access to the records according to this subdivision and for ensuring that access is given only to the extent necessary. MCL 722.120(3)(c).

Note: FC records may be released upon issue of a court order, or a judge signed subpoena. All court orders must be sent to CSARequestforLegalResearch@michigan.gov and all subpoenas must be sent to MDHHS-Subpoena@michigan.gov.

Prior to FC Placement

MDHHS or the private child placing agency must provide a foster parent or relative caregiver with the DHS-3307, Placement

Outline/Child and Family Social History, and all the following information before the child's placement:

- Child's name.
- Child's date of birth.
- Available information about the child's health, including the DHS-221, Medical Passport.
- Any known history of abuse or neglect of the child.
- All known emotional and psychological problems of the child.
- All known behavioral problems of the child.
- Circumstances necessitating placement of the child.
- Any other known information to enable the foster parent to provide a stable, safe and healthy environment for the foster child and the foster family.
- Name of assigned FC worker.
- DHS-3762, Authorization to Provide Routine and Emergency Medical Care.

MCL 722.954(2); Mich Admin Code, R 400.12417.

Emergency FC Placement

In cases of an emergency placement, if any of the information specified above is not available at the time of placement, the information must be provided to the foster parent within seven calendar days of placement.

Information Regarding Children in Foster Care

Within 10 days after receipt of a written request, the agency must provide the person providing FC with copies of all initial, updated, and revised case service plans and court orders relating to the child and all of the child's medical, mental health, and education reports, including reports compiled before the child was placed with that person. MCL 712A.13a(18).

When there is a DHS-1555-CS signed by the client, client's guardian with authority to consent, parent with legal custody of a

child, court-appointed personal representative, or executor of the estate of a deceased client **and** the checkbox in Section 2 is selected, MDHHS and the parties listed in Section 2 may release information regarding the youth's care, supervision, and treatment to law enforcement when law enforcement is responding to a call involving the child and/or their family that could impact the court-ordered case service plan.

Foster Parent Access to Information Regarding a Child's Parents

As outlined in this policy, all confidential information regarding the child's parent(s) must be redacted prior to release or review with the foster parents.

Foster Parent Sharing Information

Foster parents are held to the same confidentiality standards and laws in this policy. Foster parents should not release any information regarding the child's parents (names, date of birth, reason children came into care, etc.) or confidential information regarding the children to the public or on social media sites. Failure to comply with confidentiality laws could result in criminal prosecution and/or adverse licensing action.

JUVENILE JUSTICE RECORDS

If a juvenile is referred under MCL 400.55(h) or committed under 1974 PA 150 to MDHHS for supervision in a community placement, the confidentiality provisions governing FC information or records in this policy applies. MCL 722.120.

For a youth in residential placement, the JJ record is confidential and may only be released by consent, court order, or if an Act 150 public ward and release is in their best interest; see Best Interests section below. MCL 803.308.

Note: Other confidential information in a JJ record must be redacted per the confidentiality rules in this policy. Examples include law enforcement, educational, mental health, and substance abuse treatment records.

Note: If the Indian child's tribe is an intervening party the tribe is to receive the same information as the courts. MCL 712B.11.

**Act 150 Public
Ward Best
Interests**

Information requests from the following persons are in the youth's best interest unless determined otherwise:

- The youth.
- The youth's parent(s)/legal guardian(s).
- The youth's attorney.
- The court or tribal court when the youth is subject to court jurisdiction.
- Service providers, including the following:
 - Teacher.
 - Foster parent.
 - Counselor.
 - Physician.
 - Training and/or career development counselor, to the extent necessary to provide services.
- MDHHS staff who do any of the following:
 - Provide a service.
 - Provide a service-connected function.
 - Investigate criminal or civil laws.
 - Investigate violations in connection with MDHHS programs.
 - Audit MDHHS programs.
 - Conduct research in MDHHS programs.
 - Conduct hearings on services programs.
- Department of Corrections (DOC) staff when the youth comes under jurisdiction of the DOC.
- The victim or victim's relatives. These persons may receive information only when requested in compliance with the Crime Victim's Rights Act (MCL 780.751 et seq.).

After Jurisdiction is Terminated

Former Court Wards Referred Under MCL 400.55(h)

Documents filed with the court are public information unless the record was sealed by the court. MCR 3.925(D).

Former Act 150 Public Wards

If the former Act 150 public ward is under 18 years of age, MDHHS will determine if it is in the best interest of the youth to release the information; see *Best Interests* in this item.

If the former ward is 18 years of age or older, information may only be released with the former ward's consent or to the documented personal representative of their estate. MCL 803.308.

Assistance to Police Agencies

Apprehension requests to law enforcement agencies may include basic demographic data, identification information, and committing offense.

The DHS-1555-CS must be signed by any of the following:

- Youth's guardian with authority to consent.
- Parent with legal rights to the youth.
- Court-appointed personal representative.
- Executor of the estate of a deceased youth.

When the DHS-1555-CS is signed and the checkbox in Section 2 is selected, MDHHS and the parties listed in Section 2 may release information regarding the youth's care, supervision, and treatment to law enforcement when law enforcement is responding to a call involving the child or their family that could impact the court-ordered case service plan.

Video Surveillance

Video surveillance or other recording of a youth in residential placement in a non-private area may not be released without a court order or legal consent by all individuals depicted in the recording who are non-MDHHS employees.

Abuse/Neglect Records in JJ Proceedings

Child abuse and neglect records shall be shared with the court with jurisdiction of a JJ youth. 34 USC 11133(a)(26); MCL 722.627(g).

Automatic Expungement

See [JJM 441, Setting Aside an Adjudication](#) for information regarding 2020 PA 361, automatic expungement process.

Penalty for Release of Redacted or Expunged Adjudication

A person who divulges, uses, or publishes information concerning an adjudication or expunged adjudication is guilty of a misdemeanor under MCL 712a.18t(9).

ADOPTION RECORDS

The confidentiality provisions found in the CPL and Child Care Organization Act apply to CPS and FC information that may be included in the adoption case file. An adoption begins following the termination of all parental rights and the permanency goal is adoption.

Note: For an Indian child see [NAA 400, Indian Child Adoptions](#).

Release of Adoptive Family Evaluation

The written adoptive family evaluation must be released to the prospective adoptive family upon completion. Information about the prospective adoptive family may only be shared with others with the written consent of the adoptive family.

Exception: Information from the prospective adoptive family's record may be shared with MDHHS, the court, the child's tribe, and the L-GAL without written consent.

Redacting Adoption Records

Adoption records are confidential and can only be released with a court order. MCL 710.67. Upon the receipt of a court order directing release of adoption records, follow the confidentiality standards

outlined in previous sections and in the CPL. The following information must be redacted from adoption records:

- Any identifying information for the biological parents, former relatives, former foster placements, and siblings (first name, last name, address, phone number, date of birth, social security number, etc.). MCL 710.67(2).

Note: If the adoption involves a tribal child, see [NAA 400](#).

Release of Information to Prospective Adoptive Parent(s)

See [ADM 670, Required Information to be Shared](#).

Release of Juvenile Justice Records in an Adoption Case

JJ case information may include information from various areas including CPS, FC, mental health providers, substance abuse treatment providers, and medical treatment providers. When JJ case information is considered for release as part of an adoption case, the caseworker must review and ensure compliance with all confidentiality laws stated in this policy. A properly redacted copy of JJ case information may be released to prospective adoptive parents only when MDHHS or the court determines the release of information is in the youth's best interest.

Release of Closed/Sealed Adoption Records to the OCO

MDHHS, the court, or private child placing agency must allow the OCO to inspect closed/sealed adoption records in the course of an OCO investigation. Prior to inspection, the records must be reviewed and appropriately redacted per the OCO section in this policy. MCL 710.67; 710.68.

Closed Private Child Placing Agency Records

The MDHHS Adoption and Guardianship Assistance Office (AGAO) is responsible for releasing information from adoption records formerly retained by a private child placing agency that is no longer in business and/or where there was no parent organization/branch office to retain those records.

Release of Closed Adoption Records to Local Office

Local office staff may request closed adoption records directly from the adoption program office. The request must include the purpose

and identify the information requested (such as service plans, medical reports, psychological evaluations, etc.).

Local MDHHS offices should refer individuals requesting information from closed adoption records to:

Michigan Department of Health and Human Services
Adoption and Assistance Guardianship Office
Closed Adoption Records, Ste. 514
PO Box 30037
Lansing, Michigan 48909
Phone Number: 517-335-6075

**RECORD
RELEASE TO THE
OFFICE OF
CHILDREN'S
OMBUDSMAN
(OCO)**

The following provides a summary of MDHHS release of specific documents contained in CPS or FC files to the OCO:

- **Medical:** MDHHS and private child placing agencies **may release** to the OCO medical records and information of children involved in CPS, FC, and adult service cases. MDHHS may release an adult's or JJ youth's medical records to the OCO.
- **Mental Health:** MDHHS and private child placing agencies **may release** copies of mental health records and information of children involved in CPS, FC, and adult service cases to the OCO. MDHHS may release an adult's or JJ youth's mental health records to the OCO.
- **Educational:** MDHHS and private child placing agencies **may release** a child's educational records to the OCO.
- **Law Enforcement:** MDHHS **may release** to the OCO police reports contained in a case file involving a closed investigation. MDHHS **may not** release a law enforcement report related to an ongoing investigation of suspected child abuse or neglect and **may not** release LEIN information.
- **Substance Abuse:** MDHHS and private child placing agencies may release substance abuse treatment information, including diagnosis and screen results, **if the client has signed a valid**

consent. At the request of the OCO, MDHHS will assist in obtaining consent if consent is not contained in the case record.

MDHHS may provide service plans (Initial Service Plan, Updated Service Plan) to the OCO without redacting summarized confidential medical or mental health information regarding adults.

Exception: Social security numbers and federally assisted substance abuse treatment records must be redacted.

Prohibition of Release of OCO records

The release of OCO records is strictly prohibited. Only the OCO may release its records to certain individuals or entities by statute. MCL 722.929

The OCO report should never be uploaded to an electronic case management record. In the event an OCO report is inadvertently found in a CPS or FC file, it should be shredded, or deleted, if found on the electronic case management record.

If there is a request for the OCO records, please refer the requestor to the OCO contacts as follows:

- Within the Lansing Area: 517-241-0400.
- Outside the Lansing Area: 1-800-MICH-FAM (1-800-642-4326).
- Write: Office of Children's Ombudsman, P.O Box 30026, Lansing, MI 48909.

RECORD RELEASE TO THE FOSTER CARE REVIEW BOARD (FCRB)

The following provides a summary of MDHHS release of specific documents contained in a CPS or FC file to the FCRB. MCL 722.926(1).

- **Medical:** MDHHS and private child placing agencies **may not release** to the FCRB medical records or medical information of

children/parents involved in CPS or FC without a properly executed client release.

- **Mental Health:** MDHHS and private child placing agencies **may not release** to the FCRB mental health records or information transcribed from mental health records of children/parents involved in CPS or FC cases without a properly executed client release.
- **Substance Abuse:** MDHHS and private child placing agencies **may not release** to the FCRB substance abuse treatment records or information transcribed from substance abuse treatment records of children/parents involved in CPS or FC cases without a properly executed client release.
- **Educational:** MDHHS and private child placing agencies **may not release** to the FCRB educational records of children/parents involved in CPS or FC cases without parental consent.
- **Law Enforcement:** MDHHS and private child placing agencies **may release** police reports contained in a case file involving a closed law enforcement investigation. MDHHS and/or private child placing agencies **may not release** a law enforcement report related to an ongoing investigation of suspected child abuse or neglect or information obtained from LEIN.
- **Reporting Person:** MDHHS and private child placing agencies **may not release** the identity of the reporting person to the FCRB.
- **Social Security Number:** MDHHS and private child placing agencies **may not release** social security numbers of children/parents to the FCRB.

Note: Self-disclosed and observed information regarding medical, mental health, and substance abuse may be released without client consent, a valid court issues subpoena, or court order.

**RECORD RELEASE
TO THE STATE
CHILD DEATH
REVIEW TEAM (CDR)**

The following provides a summary of MDHHS release of specific documents contained in a CPS or FC file to the CDR.

- **Medical:** MDHHS and private child placing agencies **may not release** to the CDR medical records or medical information of children/parents involved in CPS, FC, or adult service cases without a properly executed client release.
- **Mental Health:** MDHHS and private child placing agencies **may not release** to the CDR mental health records of children/parents involved in CPS, FC, or adult service cases without a properly executed client release.
- **Substance Abuse:** MDHHS and private child placing agencies **may not release** to the CDR substance abuse treatment records or information transcribed from substance abuse treatment records without a properly executed client release.

Note: Self-disclosed and observed information regarding medical, mental health, and substance abuse may be released without client release, a valid court issued subpoena, or court order.

The CDR is a confidential team and notes should not be taken during meetings.

PUBLIC RELEASE OF SPECIFIED CPS INFORMATION

MCL 722.627c through 627i govern the MDHHS director's, or designee's, decision to release specified information from CPS records. The release may be at the Director's initiative or upon written request.

Issues related to or requests for public release of specified information contact the Office of Family Advocate, 517-241-9894.