STATE OF MICHIGAN

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DEPARTMENT OF HEALTH & HUMAN SERVICES
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Services Requirements Manual

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STATE OF MICHIGAN

DEPARTMENT OF HEALTH & HUMAN SERVICES

PROGRAM OVERVIEW

The Department serves the collective best interests of the entire state through our services to those clients who need our help. The client may be an individual child, adult or an entire family. Regardless of the make up of the client group our philosophy of service is the same.

The Family

Individually, and as a Department, we recognize that the family is the cornerstone of our society. As such the family develops and maintains within its members the beliefs and actions that make up society. No other institution can carry out this responsibility as well as the family. However, when the family's ability to carry out its responsibility fails or when the family does not exist, the Department assumes a role which seeks to reestablish or strengthen the old or newly established family. The mission of our services programs is to do just that.

Mission of Services Programs

The mission of our services programs is:

1. whenever possible, to help our clients help themselves; and when that is not possible,
2. to arrange or provide reliable care and protection of those who are unable to help themselves; and
3. to ensure that all clients receive sound efficiently delivered services regardless of their county of residence.

This means we must help all clients make the fullest use of their strengths to break down barriers that prevent them from solving their own problems. This is true whether clients come for our services voluntarily or are mandatory referrals.

Principles

Whether our intervention is voluntary or non-voluntary, certain principles should be adhered to. They are:

- the grounds for intervention must be rooted in law and the reasons for intervention must be compelling;
- the need for coercive intervention should be reduced through the provision of voluntary remedial and support services to families and communities;
- when intervention is necessary, the intervention must be made in the least intrusive manner and in the shortest time span which is appropriate to meet the needs and solve the problems of the individual or family.

Resources

In spite of overwhelmingly complex issues, we must remain aware that our clients are not the problem, but only individuals and families **with** problems. As we look for resources to assist clients, we must recognize that they and their own support systems are their own most important resource. They have not only the problems but also many of the solutions. This means we must recognize the individuality of all clients and their needs, as well as the extent of their capacities for self-determination. The mutual trust and respect that is so critical between clients and workers can only be developed in this atmosphere.

Client's Welfare

We are committed to the concept that the client's welfare is our most important concern. This means that services are tailored to meet each client's needs and to recognize the unique aspects of each case. It also means the provision of those intervention services which are closest to the natural support systems that already exist for the client.

Results

Intervention in our clients lives should always be directed toward the accomplishment of specified results. These results may be some change in client behavior, the identification and solution to a client's problem, or the maintenance of some behavior that enables the client to cope with an unsolvable problem.

Services Plan

The identification of specified results is accomplished during the joint (client and specialist) development of a services plan. To the fullest extent possible, all services plans should be directed toward

more independent functioning in the least restrictive setting consistent with the clients' needs.

The development and carrying out of this plan should involve the highest level of client participation and decision making. This should be done while recognizing any limitations in the client's capacity for self-determination. Client involvement in the services plan and an emphasis on the least restrictive setting will optimize the success of the Department's efforts.

Philosophy

The Department's philosophy is also that decisions are made at the lowest appropriate level. The Services Requirements Manual is intended to provide an abbreviated definition and explanation of Department responsibilities and an improved framework for more flexible decision making by the local office staff.

Program Requirements

The program requirements list only the minimum that **must** be done. Policy is written with only the minimum requirements identified so that there can be local adaptation, above and beyond state requirements, based upon local needs. As with any policy, the purpose of these program requirements are to effect the implementation of the laws governing the programs and to ensure consistent and fair implementation across the state. They were also written to expand the freedom that is needed to respond to locally specific situations.

Decision Making

Given the program requirements, there are numerous decisions that must be based on the specific circumstance of each individual client and case. The local office specialists have established the closest relationships with the clients, have the most extensive knowledge about the problems and their causes, and have the best knowledge of local resources.

Therefore, the local office specialists, with the support of the Department's technical resources, are in the best position to help clients make necessary decisions. The Department's philosophy is not only to allow, but to **insist**, that first line staff make these decisions. The program requirements and suggested guidelines contained in the Services Requirements Manual are written to

support that decision making approach. The material in this manual is intended to provide guidance with that process.

Specialist Expertise

The services material and the decision making philosophy put a premium on the expertise of the local office specialists when interacting with their clients. This expertise can be obtained through:

- years of experience,
- consultation with managers or other DHS staff,
- information provided by program offices, and
- training.

With this expertise, specialists will recognize the need to provide prompt and courteous services, to treat all clients with respect and dignity and to be an effective listener. This means communicating to clients an accepting, empathetic and non-judgemental attitude. Such expertise is critical in obtaining the cooperation from clients that is needed in order to make the decisions that will mean the successful resolution of the client's problem(s).

LEGAL REQUIREMENTS

None.

PROGRAM OVERVIEW

The organizational structure of the Department of Human Services (DHS) is available for review at the DHS website. The function of each of its organizational units as they relate to the administration of the title IV-E foster care maintenance, adoption assistance and guardianship assistance programs is outlined below.

Offices of Director and Chief Deputy Director

These offices oversee all programs administered by the department. The director and chief deputy director review and approve the title IV-E State Plan.

Financial and Administrative Services

Chief Administrative Officer

This administration is responsible for the development of the annual budget, for research, evaluation, and analysis of agency policy in all program areas, for the financial management of the agency, for managing all contracts into which the agency enters, and for general business services procured for and provided by the agency.

This administration includes the Accounting Division where the cost allocation process and federal claim activities are performed. Additionally, all contracts with private providers for foster care services are within this administration in the Division of Contracts and Rate Setting. The DHS Budget Division is also found within this administration and has a role in providing consultation to other administrative units within DHS related to budget development and the proper use of federal funding streams.

CHILDREN'S SERVICES ADMINISTRATION

This office provides policy development and direction for departmental programs directed primarily at children and their families. Administration of the title IV-E program for the state is the direct responsibility of this administration. The deputy director for Children's Services serves as the director of Children's Services

Administration and in that role supervises all child welfare programs, including title IV-E, for the department.

Bureau of Child Welfare

This bureau is responsible for all child welfare policy and program development for the state. There are distinct offices within the bureau that implement all federal regulations related to child welfare. They include:

- Children's Protective Services and Family Preservation

This office provides policy development and direction for family preservation programs and children's protective services. The programs focus on preventing child abuse and neglect, protecting children who are abused and neglected, providing safety, well-being and permanency for children removed from their homes and reunifying and supporting families in their community.

- Permanency Division

This office provides policy development and direction for the adoption program, the guardianship assistance program and for Chafee and the education and training vouchers. This office ensures compliance with federal title IV-E regulations in the management of these programs.

- Children's Foster Care

This office is responsible for the administration of title IV-E funded activities related to case planning, judicial system compliance with federal regulations related to state foster care policy and the full range of activities related to policy and program operation for title IV-E.

Bureau of Juvenile Justice

This bureau provides executive policy and procedural direction to all juvenile justice services administered by the agency. Costs are charged to benefiting programs based upon the activities performed by staff.

Child Welfare Training Institute

The institute provides or contracts for training opportunities to children and youth services workers who administer programs for children and youth for whom the DHS is responsible. The child welfare

training program comports with title IV-E regulations and ensures that staff are trained adequately to perform their required duties.

Child Welfare Improvement Bureau

Within this bureau, which reports to the director for Children's Services, four offices are located that each play a role in the administration of the title IV-E program. Those offices and activities are:

- Federal Compliance Division

The function of this office is the overall management of the state title IV-E plan and assurances of federal compliance to the regulations of that plan. The office is responsible for ensuring other bureaus and offices within DHS follow established policy and program directions and that federal claim practices comply with federal regulations.

- Child Welfare Contract Compliance Unit

This division monitors contracts with private child placing agencies for the quality of services provided to children, youth and juvenile justice programs. This office is responsible for ensuring the contractors' activities conform with all regulations applicable to title IV-E for both maintenance and administrative claims.

- Child Welfare Data Management Office

This office is responsible for the State Automated Child Welfare Information System (SACWIS) and for all activities related to the delivery of the Adoption, Foster Care Analysis Reporting System (AFCARS) and National Child Abuse and Neglect Data System (NCANDS) data to the federal government. This office also provides management data on the title IV-E program and on all other child welfare activities from the SACWIS system.

- Child Welfare Quality Assurance Office

This office is responsible for monitoring performance expectations internally and with contracted providers using performance indicators. This office makes recommendations to the Child Welfare Improvement Bureau and Field Operations for improving the child welfare system.

Bureau of Child Welfare Urban Field Operations

This bureau is responsible for the monitoring and oversight of all Children's Services functions within the 6 urban counties (Wayne, Oakland, Genesee, Macomb, Kent and Ingham). This bureau oversees the compliance of all consent decree requirements and expectations for the urban counties, such as approval of exceptions to place and caseload standards. This bureau is also responsible for the approval of all hiring/personnel related issues within the urban counties.

Bureau of Children and Adult Licensing

The mission of this bureau is to ensure protection of vulnerable adults and children who are receiving care from licensed agencies, facilities, and homes. BCAL licensing consultants conduct onsite evaluations to determine compliance with state law and licensing rules, consult with child welfare organizations to improve the quality of service, and investigate complaints alleging administrative rule or statute violations. BCAL also ensures that the homes and facilities where children will be placed and which are eligible for title IV-E maintenance and administrative payments are appropriately licensed to conform with title IV-E regulations.

BCAL is organized in three distinct divisions:

- Adult foster care is responsible for licensing and the regulation of family, small, large and congregate adult foster care homes, homes for the aged, and specialized programs for developmentally disabled and/or mentally ill individuals who reside in adult foster care homes.

- Child day care is responsible for the licensing and regulation of day care family and group homes and child day care centers. Child day care licensing consultants are charged directly to the child care development fund.

- Child welfare is responsible for the licensing and regulation of child caring institutions, child placing agencies, children's camps, adult foster care camps, and inspecting juvenile court-operated facilities.

Office of Legal Affairs

Legal affairs is responsible for all activities related to legal and administrative management of the department. Legal affairs will conduct research and provide guidance to program and policy staff throughout the department with respect to departmental compliance with state and federal laws and regulations. The Office of Legal Affairs also assists the Federal Compliance Division in the proper appeal of court orders that may violate title IV-E regulations. The Office of Legal Affairs is also the department's liaison to State Office of Administrative Hearings and Rules located in the Department of Energy, Labor and Economic Growth, which handles administrative hearings on behalf of the DHS.

Office of Inspector General and Internal Control

This office conducts investigations to determine whether fraud has occurred. It prepares evidence for referral to county prosecutors, conducts computer tape matches with governmental and private organizations to reveal unreported client assets, and conducts special surveys to identify the nature of fraud in the state. The office recommends policy and procedural changes to help reduce fraud and administrative error. The activities noted above benefit all programs administered by the DHS.

Michigan Domestic Violence Prevention and Treatment Board

This office provides policy and procedural direction to the agency's efforts to reduce domestic and sexual violence and to provide services to survivors. This office provides for the administration of grants to communities and state agencies to improve local awareness of and response to domestic and sexual violence. This office also collaborates on policy development on matters related to domestic and sexual violence at it affects families and children involved in the child welfare system. This office is not supported by title IV-E funds.

Bureau of Child Support

This office administers the child support program for the department. This office works in conjunction with Children's Services Administration to ensure federal regulations related to parent locator services and other administrative activities supporting the title IV-E program are implemented statewide and supported in policy application.

Office of Internal Audit

This office conducts fiscal reviews and audits of local and central offices, of providers under contract with the agency, and other special programs. It coordinates audits and program reviews conducted by entities external to the agency and coordinates agency responses to the findings of such audits and reviews. The office recommends policy and procedural changes to improve administrative practices and strengthen internal controls. This office ensures corrective action is taken when audits reveal issues in the administration of programs, including the title IV-E program. Follow-up audits are completed to ensure that the administration of programs are compliant with federal and state regulations and that the cited corrective action has had the desired impact.

Office of Legislative and Liaison Services

This office performs liaison activities with the Michigan Legislature. This office works with the Children's Services Administration to ensure that state legislation comports with federal regulations particularly in the area of title IV-E.

Office of Communications

This office controls the external and internal communications for the department. This office receives citizen and news outlet inquiries about Michigan's program operation and works with the Children's Services Administration to publicly comment on the administration of the title IV-E program.

Office of Family Advocate (OFA)

This office serves as the agency's liaison to the Office of Children's Ombudsman (OCO). As such, the office director coordinates the timely transfer of case records requested by the OCO and coordinates the DHS's official response to the OCO's reports of findings and recommendations and requests for action. This office provides quality assurance functions related to all aspects of child welfare from programmatic and policy concerns to payment issues.

This office strives to ensure that Michigan's children and families receive the most up-to-date and professional services possible. This office is responsible for providing an objective review and assessment of agency practice, policy and law to identify areas that need to be enhanced, or where additional training might assist DHS workers in the challenging job of protecting Michigan's children. This office advises the DHS director on issues related to child and family services, policy and law. This office provides objective case reviews of DHS/private agency efforts on behalf of children and families. In this capacity, this office reviews select high profile cases, as well as cases brought to the agency's attention by the OCO and legislators.

Head Start

This office performs liaison activities with the state's Head Start program.

Interagency and Community Services

This office coordinates with programs and services provided to department clients by other state and local agencies and entities. This office also oversees the department's activities with respect to the 12 federally recognized Native American Tribes in Michigan. This office is the liaison with the Children's Services Administration to ensure compliance with the Indian Child Welfare Act.

Migrant Affairs

This office provides policy development and direction to the provision of assistance and services provided to migrants. This office also works with the Children's Services Administration to ensure all federal regulations related to child welfare are implemented for the migrant population.

Native American Affairs

This office provides policy development and direction to the provision of assistance and services to American Indian clients.

Refugee Services

This office provides policy development and direction for the Refugee Assistance Program.

Division of Adult and Family Services

This office provides policy and procedural direction to the financial assistance programs administered by the agency. This office implements the Medicaid policy and program requirements for children in foster care and adoption settings. This office also works closely with the Children's Services Administration in all aspects of assuring health care is provided to all children in the child welfare system.

Field Operations Administration Child Welfare Office

The Field Operations Administration (FOA) provides executive direction to all local DHS offices with the exception of child welfare offices in bifurcated counties that report to the Bureau of Child Welfare Urban Field Operations. FOA is responsible for the local office implementation of all DHS programs and services, as well as for policy and program development for field operations. As part of its mission, FOA develops formulas and allocations for local office staffing, travel and Contractual Services, Supplies and Materials (CSS&M) funds. FOA also develops formulas and allocates funds to local offices for contract allocations including but not limited to Strong Families Safe Children (SFSC), Youth in Transition (YIT), and Adoption Foster Parent Recruitment and Retention (AFPRR).

The Field Operations Administration includes the FOA - Child Welfare Office, which is responsible for the implementation of Children's Protective Services (CPS), Foster Care, Adoption and Juvenile Justice (JJ) in the non-bifurcated counties. The FOA - Child Welfare Office also reviews and approves exception requests

required by policy and for hiring child welfare workers. The FOA - Child Welfare Office is responsible for the administration of the Adoption Subsidy, Subsidized Guardianship and Medical Subsidy programs.

Availability of State Plans

The Federal Compliance Division will ensure any approved revisions to the Michigan title IV-B and title IV-E state plans will be provided to the Office of Communications and published on the DHS website. The Federal Compliance Division will also ensure all statewide assessments, reports of findings, and program improvement plans developed as a result of a child and family services review are available for public inspection on the DHS website. The timeline for completion will be within 30 days of the Administration of Children and Families notification.

Negotiation with Native American Tribes

The Department of Human Services negotiates in good faith with any Indian tribe, tribal organization or tribal consortium in the state that requests assistance. DHS will develop an agreement to administer all or part of the title IV-E program on behalf of Indian children who are under the authority of the tribe, organization, or consortium. This includes foster care maintenance payments on behalf of children who are placed in state or tribally licensed foster family homes, adoption assistance payments, or guardianship assistance payments. The department will also provide tribal access to resources for administration, training, and data collection for title IV-E.

OVERVIEW

Initial and ongoing training is essential for Michigan Department of Human Services (MDHHS) and private agency child welfare staff and supervisors to provide quality services to children and families while ensuring safety, permanency, and well-being. This policy addresses qualifications, initial and in-service training requirements, and documentation requirements for completed training for caseload-carrying staff, specialized support staff, and supervisors. These requirements apply to public and private child welfare staff and supervisors.

DEFINITIONS

Definitions below apply to this policy item.

Caseload-carrying staff - A staff person identified as having primary responsibility for management of program-specific cases. The responsibilities of case management exist as long as the case is assigned to the staff person, regardless of their work or action on those cases as of the day of a caseload count. Examples of caseload carrying staff include:

- Children's protective services (CPS) investigator.
- CPS ongoing caseworker.
- CPS - maltreatment in care (MIC) investigator.
- Foster care caseworker.
- Unaccompanied refugee minor caseworker.
- Supervised independent living (SIL) caseworker.
- Juvenile justice specialist.
- Adoption caseworker.
- MDHHS monitoring caseworker.
- Foster home certification caseworker.

Specialized support staff - A staff person who does not have primary responsibility for management of program-specific cases, but whose position provides event-based or specialized functions to support caseload-carrying staff on a variety of cases. Examples include:

- Centralized intake specialist.
- Child welfare funding specialist (CWFS).
- Permanency resource monitor (PRM).
- MiTEAM specialist.
- Education planner.
- Health liaison officer (HLO).

- Michigan Youth Opportunities Initiative (MYOI) coordinator.

STAFF QUALIFICATIONS

MDHHS and private agency caseload-carrying staff and MDHHS specialized support staff must have at minimum a bachelor's degree in social work or a related human services field.

Exception: Health liaison officers (HLO) may have at minimum a bachelor's degree in any major.

MDHHS and private agency child welfare supervisors must meet one of the following criteria:

- A master's degree from an accredited college or university in social work or a related human services field and **three years** of experience in a child welfare agency, a child caring institution, or in an agency performing a child welfare function.
- A bachelor's degree from an accredited college or university in social work or a related human services field and **four years** of experience in a child welfare agency, a child caring institution, or in an agency performing a child welfare function.

Verification of Qualifications

Prior to beginning training, all new private agency caseload-carrying staff and supervisors must verify their qualifications.

Email verification of qualifications to the MDHHS staff qualifications mailbox.

The following information must be included:

- The new hire's name and position (caseworker or supervisor).
- The agency name.
- An official transcript from an accredited college or university. The transcript must include:
  - Name of the college or university.
  - The new hire's name.
  - Degree.
  - Degree conferred date.
  - Coursework taken.

- **For supervisors only**, a resume showing the required experience.

Note: If submitting one email to the mailbox with multiple individuals' documentation, separate the scanned documents for each individual. The new hire's resume and transcript(s) may be combined into one scanned document.

Exceptions

MDHHS and private agencies must recruit and hire child welfare caseworkers and supervisors that satisfy all established degree and experience qualifications. MDHHS or a private agency may request an exception to the degree and experience qualification if unable to acquire a suitable, qualified candidate who meets the degree and experience qualifications.

If the proposed candidate for hire/promotion does not possess the degree and experience qualifications, MDHHS or the private agency must submit an exception request **prior to** hiring/promoting the individual. **Employees hired or promoted without the required qualifications are not eligible for an exception after hire or promotion.** The MDHHS Division of Child Welfare Licensing (DCWL) will investigate the hiring of an employee who does not meet the degree and experience requirements and does not have an approved exception as a contract and/or licensing rule violation.

MDHHS will convene a qualifications committee to review the exception request. The committee will consist of representatives from the Children's Services Agency (CSA), Office of Human Resources, Bureau of Organizational Services, and DCWL. The qualifications committee must return a written determination to the agency, with a copy to DCWL and MDHHS' Office of Human Resources, within 10 business days of receipt of a complete exception request. **The committee's decisions are final.**

MDHHS and private agencies seeking exception must submit the following documentation to the MDHHS staff qualifications mailbox:

- The diligent efforts made to hire fully qualified candidates.
  - Diligent efforts include no less than three employment postings that resulted in no qualified and acceptable candidates.
  - The number and location of the postings.

- Information on the resulting pool of candidates, including degree and experience, summarizing why each candidate was not qualified and/or acceptable for hire/promotion.
- The proposed candidate's degree requirements.
  - Documentation must include transcripts that contain all coursework the committee could consider in assessing applicable human behavioral science coursework.
  - The coursework must minimally satisfy Child Placing Agency Rule 400.12205, allowing the committee to consider a degree qualified if the individual has at least 25 percent of course credits earned towards the degree in human behavioral sciences; see CWL-Pub-11, Licensing Rules for Child Placing Agencies.
- The proposed candidate's child welfare experience, including a current employment history detailed by month/year.

TRAINING REQUIREMENTS

MiSACWIS Security Training

All MDHHS and private child placing agency employees with access to the Michigan Statewide Automated Child Welfare Information System (MiSACWIS) must complete the MiSACWIS Security computer-based training (CBT) and pass the associated exam with a score of 90 percent or higher prior to accessing MiSACWIS.

Pre-Service Institute

The following positions must complete the pre-service institute (PSI) within 112 days of hire, if not previously completed:

- Caseload-carrying staff.
- Centralized intake specialists.
- Permanency resource monitors.
- MiTEAM specialists.
- Education planners.
- MYOI coordinators.

Exception: Foster home certification caseworkers are not required to completed PSI; see Foster Home Certification in this item for training requirements.

There are progressive caseload restrictions during PSI training for caseload-carrying staff.

Exception: Juvenile justice specialists do not have progressive caseload restrictions.

Caseload Progression for CPS

MDHHS must not assign cases to CPS caseworkers prior to:

- Completion of four weeks of PSI training,
- Completion of forensic interviewing training, **and**
- A score of 70 percent or higher on the first competency exam.

After the caseworker completes the above requirements, MDHHS may assign up to five cases to a CPS caseworker in PSI training. The cases assigned must **not** include:

- Children under eight years of age.
- Children who are unable to communicate.

Caseload Progression for Foster Care and Adoption

Foster care caseworkers under caseload progression requirements include MDHHS monitoring caseworkers, unaccompanied refugee minor program caseworkers, and supervised independent living caseworkers.

MDHHS and private agencies may assign up to three cases for foster care and adoption staff **on or after** the first day of PSI training. Case assignment must not occur prior to the first day of PSI training.

MDHHS and private agencies may assign up to five total cases to foster care and adoption caseworkers after:

- Completion of three weeks of PSI training, **and**
- A score of 70 percent or higher on the first competency exam.

Eligibility for a Full Caseload

MDHHS and private child placing agencies must not assign a full caseload to CPS, foster care, and adoption caseworkers until the caseworker meets **all** the following requirements:

- Completed all scheduled weeks of PSI training.
- Passed all written examinations with a score of 70 percent or higher.
- Received a competency-based evaluation, completed by the caseworker's trainer and supervisor.

Pre-Service Training from Other States

Pre-service training completions from other states may be considered. The content must be comparable to Michigan's PSI. The hiring supervisor must contact the Office of Workforce Development and Training (OWDT) training help desk for an equivalency review. Documentation must include:

- Transcript or other verification that includes number of hours of pre-service training completed, name of state, and date of completion.
- Curriculum agenda and outlines.
- Any assessments of competency.

If the training completed in another state is determined to be equivalent to Michigan's PSI training, OWDT will document successful completion of PSI training for the appropriate program on the LMS.

Program Specific Transfer Training

Caseload-carrying staff who complete PSI and change programs must attend the program-specific transfer training (PSTT). Caseload-carrying staff transferring into CPS, foster care, or adoption must complete PSTT within 112 days of assuming the new role. To receive credit for completing PSTT, trainees must pass a competency-based evaluation.

Note: For PSTT requirements specific to juvenile justice specialists, see the Juvenile Justice section in this item.

Caseload Progression for PSTT

Caseload-carrying staff who previously completed PSI training do not have any caseload restrictions while attending PSTT. For caseload progression for child welfare certificate holders attending PSTT, see Child Welfare Certificate (CWC) in this item.

Child Welfare Certificate (CWC)

Staff who possess a child welfare certificate (CWC) from an endorsed university are not required to complete PSI training.

CWC holders must complete PSTT for the appropriate program within 112 days of hire.

Caseload Progression for CWC Holders in CPS

MDHHS must not assign cases to CWC holders attending CPS PSTT until **after** completion of forensic interviewing training. After completion of forensic interviewing training, MDHHS may assign CWC holders attending CPS PSTT up to five cases while in training. The cases assigned must not include:

- Children under eight years of age.
- Children who are unable to communicate.

Caseload Progression for CWC Holders in Foster Care and Adoption

MDHHS and private child placing agencies may assign up to five cases to CWC holders attending PSTT for foster care or adoption **on or after** the first day of PSTT training.

Eligibility for a Full Caseload

MDHHS and private child placing agencies must not assign a full caseload to CPS, foster care, and adoption caseworkers until the caseworker meets **all** the following requirements:

- Completed all scheduled weeks of PSTT training.
- Passed all written examinations with a score of 70 percent or higher.
- Received a competency-based evaluation, completed by the caseworker's trainer and supervisor.

Returning Caseworkers

Caseload-carrying staff who complete PSI training, leave a caseload-carrying position for a non-caseload-carrying position (such as a specialized support position), and return to a caseload-carrying position must complete the following training within 112 days:

- If returning **less than six months** after leaving a caseload-carrying position, there is no specific training curriculum. The supervisor must identify in-service or computer-based training.
- If returning **over six months** after leaving a caseload-carrying position, the caseworker must complete PSTT for the appropriate program.

Caseload-carrying staff who complete a PSI, leave child welfare entirely (for example, work at a day care or are out on medical leave), and return to a caseload-carrying position must complete the following training within 112 days:

- If returning **less than six months** after leaving child welfare, there is no specific training curriculum. The supervisor must identify in-service or computer-based training.
- If returning **between six months and two years** after leaving child welfare, the caseworker must complete PSTT for the appropriate program.
- If returning **more than two years** after leaving child welfare, the caseworker must repeat PSI.

Progressive caseload restrictions apply when a person is repeating PSI; see Pre-Service Institute in this item for caseload progression requirements. There are no caseload restrictions for staff returning to caseload-carrying positions while attending PSTT. Supervisors must closely monitor the number and types of cases assigned to caseworkers while in training.

New Supervisor Institute

MDHHS and private agency supervisors must complete new supervisor institute (NSI) training within 112 days of hire/promotion. This requirement applies to all supervisors who oversee any caseload-carrying staff in CPS, foster care, unaccompanied

refugee minor, supervised independent living, adoption, and MDHHS monitor positions, including permanent, working out of class (WOC), and limited-term supervisor appointments.

- Supervisors must pass the written examination with a score of 70 percent or higher.
- Supervisors without prior experience in the program they are managing must also complete PSTT in the new program within six months of hire or promotion. For requirements specific to juvenile justice supervisors, see the Juvenile Justice section in this item.
- Supervisors who previously completed NSI and change programs or employers must complete any NSI topics required in their new position that were not completed during their prior attendance at NSI within 112 days of changing positions.
  - Attendance at previously completed topics is not required.
  - OWDT will determine which topics are required based on the requirements for the supervisor's new program area/employer and the topics the supervisor completed during any prior session(s) of NSI.

Juvenile Justice

Michigan Juvenile Justice Assessment System (MJJAS)

All juvenile justice specialists and supervisors must complete certification in the Michigan Juvenile Justice Assessment System (MJJAS). Juvenile justice specialists must complete certification in MJJAS prior to assignment of a juvenile justice case. Juvenile justice supervisors must complete certification in MJJAS prior to supervising the juvenile justice program.

Juvenile Justice Specialists

All juvenile justice specialists who previously completed a PSI training must complete juvenile justice PSTT within 90 days after their first case assignment.

Note: Juvenile justice specialists who previously completed PSI training for CPS or adoption must complete foster care PSTT prior to attending juvenile justice PSTT.

Juvenile justice specialists who have not completed a PSI training must attend PSI for foster care prior to attending juvenile justice PSTT. Juvenile justice specialists who must attend PSI prior to

completing juvenile justice PSTT must complete juvenile justice PSTT within 90 days of completing PSI for foster care.

Juvenile Justice Supervisors

Juvenile justice supervisors must complete:

- NSI training for foster care within 112 days of hire/promotion.
- Juvenile justice PSTT within 90 days of completion of NSI training for foster care.

Juvenile justice supervisors who previously completed NSI training for foster care, but have not previously completed juvenile justice PSTT, must complete juvenile justice PSTT within 90 days of assignment to supervise a juvenile justice specialist.

Juvenile justice supervisors who previously completed NSI training for CPS or adoption must complete:

- The foster care program specific portion of NSI training within 112 days of assignment to supervise a juvenile justice specialist.

- Juvenile justice PSTT within 90 days of assignment to supervise a juvenile justice specialist.

Juvenile justice supervisors who previously completed juvenile justice PSTT as a juvenile justice specialist must complete NSI training for foster care within 112 days of hire/promotion.

CPS - Maltreatment in Care (MIC)

CPS - Maltreatment in Care Caseworkers

CPS - maltreatment in care (MIC) caseworkers must have two years of CPS experience within the last five years of employment. CPS - MIC caseworkers, including back-up caseworkers, **must** complete CPS - MIC and Day Care computer-based training (CBT) prior to assignment to a CPS - MIC investigation.

CPS - Maltreatment in Care Supervisors

CPS - MIC supervisors must have two years of CPS experience within the last five years of employment. CPS - MIC supervisors must complete NSI training for CPS within 112 days of hire/promotion if not previously completed. A CPS - MIC supervisor

who has not previously managed in the CPS program must complete CPS PSTT within six months. Prior to approving any CPS - MIC Investigation Reports, CPS - MIC supervisors **must** complete the CPS - MIC and Day Care computer-based training (CBT).

Centralized Intake (CI)

Centralized Intake Specialists

Centralized intake (CI) specialists who have not previously completed a PSI must complete PSI for CPS.

CI specialists who have previously completed PSI but have not worked in CPS must attend centralized intake PSTT with OWDT and CI Local Office Experts (LOE).

CI specialists with prior CPS experience must attend training with CI LOEs.

Centralized Intake Supervisors

CI supervisors must attend NSI training for CPS within 112 days of hire/promotion if not previously completed. All will receive on-the-job training from CI LOEs.

Foster Home Certification

Foster home certification specialists must complete certification and complaint training. Certification specialists must complete training within six months of assignment to the certification function and must pass the written exam with a score of 70 percent or higher.

Supervisors who have not attended certification and complaint training as a certification specialist must complete training prior to supervising the certification of foster homes and must pass the written exam with a score of 70 percent or higher.

Child Welfare Funding Specialists (CWFS)

Child welfare funding specialists (CWFS) must attend the first available CWFS training after assignment to a CWFS position. If training is not available within six months of beginning the position, the CWFS must contact the Federal Compliance Division mailbox

to arrange alternate training opportunities. CWFS must attend CWFS refresher sessions annually.

Permanency Resource Monitors (PRM)

Permanency resource monitors (PRM) must complete PSI training. An individual hired as a PRM who has not completed PSI training must do so within 112 days of hire. PRMs may complete PSI for CPS, foster care, or adoption. There is no PSTT requirement for PRMs who have previously completed PSI.

PRM unit supervision must individually assess PRMs for specialized training needs. All PRMs must complete specialized training within 90 days of promotion or transfer. Unit supervision will select specialized training topics.

MiTEAM Specialists

MiTEAM specialists must complete PSI training. An individual hired as a MiTEAM specialist who has not completed PSI training must do so within 112 days of hire. MiTEAM specialists may complete PSI for CPS, foster care, or adoption.

MiTEAM specialists must complete trainings as required by the MiTEAM program office. MiTEAM specialists must meet with their assigned Business Service Center (BSC) MiTEAM analyst to discuss additional training needs.

Education Planners

Education planners must complete PSI training. An individual hired as an education planner who has not completed PSI training must do so within 112 days of hire. Education planners who have not previously completed PSI training must complete PSI for foster care.

Education planners who previously completed PSI for CPS or adoption, but who have not previously worked in foster care, must complete foster care PSTT within 6 months of hire or transfer.

All education planners must complete Initial Education Planner training. Education planners must contact the Education and Youth Services Unit mailbox within 30 days of hire or transfer to arrange

orientation and training. Within 90 days of assignment as an education planner, education planners must also complete an IEP/school advocacy course, or another special education training offered in the community.

Health Liaison Officers (HLO)

The Child Welfare Medical Unit (CWMU) health analyst provides specialized health liaison officer (HLO) training and technical assistance. The CWMU determines specialized HLO training topics.

Michigan Youth Opportunities Initiative (MYOI)

Michigan Youth Opportunities Initiative (MYOI) coordinators must complete PSI training. An individual hired as an MYOI coordinator who has not completed PSI training must do so within 112 days of hire. MYOI coordinators who have not previously completed PSI training must complete PSI for foster care.

MYOI coordinators who previously completed PSI for CPS or adoption, but who have not previously worked in foster care, must complete foster care PSTT within 6 months of hire or transfer.

MYOI coordinators receive individual training and technical assistance regarding MYOI-specific training needs. The Education and Youth Services Unit provides training for youth in transition (YIT) funding and services available to older youth in foster care. Specialized topics include the MYOI data management system and the Opportunity Passport Data System. MYOI staff must contact the Education and Youth Services Unit mailbox to coordinate orientation and training with the MYOI analyst within 30 days of hire or transfer.

Child Caring Institutions

Abuse and Neglect Residential Facilities

Staff training for private contracted residential facilities must satisfy Child Caring Institution Rule 400.4128; see BCAL-Pub-452, Licensing Rules for Child Caring Institutions. Contracted facilities must also meet training requirements outlined in their contract.

Short Term Assessment Residential Facilities

Staff training for private contracted residential facilities must satisfy Child Caring Institution Rule 400.4128; see BCAL-Pub-452, Licensing Rules for Child Caring Institutions. Contracted facilities must also meet training requirements outlined in their contract.

Juvenile Justice Residential Facilities

Juvenile justice public and private, contracted residential treatment facility staff training must satisfy Child Caring Institution Rule 400.4128; see BCAL-Pub-452, Licensing Rules for Child Caring Institutions. Training requirements for juvenile justice residential facility staff are also contained in policy; see JR1 170, Staff Development and Training. Private, contracted juvenile justice facilities also have training requirements outlined in their contract.

Certification in the Michigan Juvenile Justice Assessment System (MJJAS) is required for juvenile justice residential facility staff prior to completing or approving residential treatment plans. Prior to working in MiSACWIS, the MiSACWIS Security CBT must be completed and passed with a 90 percent or higher.

In-Service Training

Supervisors and staff must select in-service training topics related to their position. In-service training topics must enhance their current skills.

MDHHS and private caseload-carrying staff and specialized support staff must complete 32 hours of in-service training each calendar year.

First line supervisors who manage caseload-carrying staff or specialized support staff must complete 16 hours of in-service training each calendar year.

New caseworkers are not required to complete in-service training hours until the calendar year following completion of PSI training.

DOCUMENTATION OF TRAINING

Staff and supervisors must document training hours in Learning Management System (LMS) in order for those hours to count toward training requirements.

Exception: CCI staff who are unable to document training hours in the LMS must document training hours in accordance with Child Caring Institution Rule 400.4128; see BCAL-Pub-452, Licensing Rules for Child Caring Institutions.

Trainings within the LMS

Computer-Based Trainings

The LMS will automatically record completion of computer-based trainings (CBTs) completed in the LMS to the LMS user's transcript once the user meets the requirements for the CBT. Some online trainings accessed via LMS have an associated exam. Passing the exam will automatically add hours to the user's total in-service training hours and individual transcript. Only by passing the exam does credit go onto a person's transcript. Some online trainings accessed via LMS do not have an exam. The LMS will automatically record completion of these trainings upon completion of the training module.

Classroom trainings

When registration for classroom training occurs via LMS, the trainer must provide a sign-in sheet. The participant must sign in each day to receive credit for completion. OWDT must document completion for these trainings in the LMS within two weeks of the completion of training. If the user's transcript does not reflect documentation of completion within three weeks, contact the OWDT training help desk for resolution.

Note: Participants who complete CBTs and classroom trainings for which registration occurred within the LMS must **not** add those hours as an external training.

External and University-Based Trainings

Upon completion of a training that was not in LMS, such as a training presented by the participant's local office or through a university partnership, the participant enters the external activity manually in the LMS. The participant's supervisor will review the details of the training and approve or deny the external training on the participant's LMS transcript.

CONTACT

Staff Qualifications

Child welfare staff and supervisors can obtain the current list of accepted degrees by contacting the MDHHS staff qualifications mailbox.

Direct all other questions about qualifications for MDHHS caseworkers or supervisors to the local office's assigned BSC analyst.

Direct all other questions about qualifications for private agency caseworkers and supervisors to the agency's assigned Child Welfare Services and Support (CWSS) child welfare analyst.

Training Requirements and Documentation

Except as noted elsewhere in this item, direct questions about training requirements covered in this item to the child welfare policy mailbox.

Juvenile Justice

Direct questions about training requirements for juvenile justice specialists, supervisors, and residential facility staff to the juvenile justice policy mailbox.

Office of Workforce Development and Training

Direct questions about the LMS, as well as the following trainings administered by the OWDT to the OWDT training help desk:

- PSI training.
- PSTT.
- NSI training.

OVERVIEW

Mandated reporters must report suspected abuse and neglect of children and suspected abuse, neglect, and exploitation of adults.

CHILD ABUSE AND NEGLECT

Certain MDHHS employees and all employees of private child placing agencies and child caring institutions contracted by MDHHS must immediately report suspected abuse or neglect of a child; see APR 200, Mandated Reporter - Child for a complete list of MDHHS positions required to report and procedures for reporting. The procedures for reporting are the same for MDHHS, contracted private child placing agency, and child caring institution staff.

ADULT ABUSE, NEGLECT, AND EXPLOITATION

All MDHHS employees and employees of private child placing agencies and child caring institutions contracted by MDHHS must immediately report suspected abuse, neglect, or exploitation of an adult; see APR 201, Mandated Reporter - Adult for procedures for reporting. The procedures for reporting are the same for MDHHS, contracted private child placing agency, and child caring institution staff.

LEGAL AUTHORITY

Child Protection Law, 1975 PA 238, as amended, MCL 722.623

Social Welfare Act, 1939 PA 280, as amended, MCL 400.11a

OVERVIEW

This policy addresses appropriate release of services program records and information to entities outside of the department.

For confidentiality policy and procedures for financial assistance programs, see BAM 310, Confidentiality and Public Access to Case Records. For policies and procedures governing release of records and information under the Michigan Freedom of Information Act; see Employee Handbook EHP 410.

Information Sharing within DHS

As provided in the Child Protection Law, the 'department' is responsible for maintaining and releasing client information contained in its case files. Access to case file information by entities in the 'department' is limited to those whose roles and responsibilities require such access to respond to child welfare matters. Case file information can only be shared with other individuals or entities outside of the Department; to the extent they are currently allowed information under the child protection law.

Social Media

DHHS employees must comply with all confidentiality laws and policy noted in SRM 131 when using social media sites. Employees **should never** post client/children's identifying information or pictures on social media sites or websites. 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

All court orders and subpoenas must be responded to. Judge-signed subpoenas should be treated as court orders. Department employees must comply with court orders and judge-signed subpoenas compelling the release of confidential records and information. Laws governing release of certain types of records contain specific requirements for court orders and subpoenas; those specific requirements are addressed in this policy.

Attorney signed subpoenas, requesting copies of department records, shall be responded to as follows:

- Attorneys representing department clients shall be provided with a copy of all non-confidential records and all confidential records their client is entitled to. If the attorney is requesting records in addition to what is described above, please scan and email the subpoena, along with any accompanying documentation, to the Office of Legal Services and Policy at DHS-Subpoena-Lit@michigan.gov.
- Attorneys representing others shall be provided with a copy of all non-confidential records only. If the attorney is requesting records in addition to what is described above, please scan and email the subpoena, along with any accompanying documentation, to the Office of Legal Services and Policy at DHS-Subpoena-Lit@michigan.gov.

For general information on handling subpoenas, see the Employee Handbook, EHP 400.

Lawyer-Guardian ad Litem (LGAL)

A Lawyer Guardian ad Litem (LGAL) must be given access to the entire agency case file. Confidential information in the case file must not be redacted or removed.

Discovery Requests in Child Protective Proceedings

If the court has authorized a petition in a child protective proceeding, an attorney representing a respondent (a parent, guardian, legal custodian, or non-parent adult alleged to have abused or neglected a child) may request discovery of certain information from the department. Upon written request of an attorney representing a respondent, DHHS must provide the attorney 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 oral statements if they have been transcribed. When a Children's Protective Services (CPS)

worker interviews a respondent, the worker may take notes to assist in completing the investigation report. CPS workers must preserve notes of interviews of parents, guardians, legal custodians, or non-parent adults alleged to have abused or neglected a child and must preserve the notes in case of future litigation.

- All written or recorded non-confidential statements made by any person with knowledge of the events, including police reports.
- 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.

Respondents' attorneys are also entitled to CPS case files records and information. The court may order DHHS to provide discovery of other information, and DHHS must comply with such an order.

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 law enforcement agency investigating alleged child abuse/neglect, a prosecuting attorney, and a court. Information released to a 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, in a petition submitted to the court, CPS 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 to avoid removal. However, do not include a parent's or family's entire CPS history in a petition or state in a petition 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, DHHS or the Private Agency Foster Care provider must provide the court and LGAL all reports regarding the parent's progress in the treatment for use at a review or permanency planning hearing. Follow local practice regarding providing respondents' attorneys with these reports.

If a judge has **ordered** a client to complete drug treatment and/or screens as part of a case service plan, DHHS **must disclose** the results of that treatment and/or screens to the court.

Native American Tribes

If DHHS maintains a record of a children's services case involving an Indian child, the tribe must be given access to the entire agency case file and information, if the tribe requested the information and one of the following is true.

- The CPS records are regarding an Indian Child involved in a custody hearing.
- The tribe is investigating child abuse/neglect.

Client Consent

An adult client may consent to the release of confidential records and information regarding the client to an entity listed in the Child Protection Law, Section 7 (2). An adult parent may consent to the release of confidential records and information pertaining to the parent's child to an entity listed in the Child Protection Law, Section 7 (2) unless parental rights have been terminated. If parental rights have been terminated, the MCI superintendent or supervising agency may consent on behalf of the child. Use the DHS-1555-CS to obtain consent.

Redaction

Consult the information in this policy to determine if information contained in a departmental 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.

MENTAL HEALTH TREATMENT RECORDS

CPS obtains mental health records to determine whether child abuse or neglect has occurred, gauge risk to the children, and provide appropriate services. Thus, CPS may disclose mental health treatment records to the following:

- A legally mandated public or private child protective agency investigating a report of known or suspected child abuse or neglect.
- A police or other law enforcement agency investigating a report of known or suspected child abuse or neglect.
- 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.
- 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.
- An individual to whom the mental health records pertain, unless the information is determined 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.

Note: Mental Health information obtained from other sources (a client's self-report, a child's statement, observed information, etc.) that are not treatment providers **may be released**.

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

Redaction Example:

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".

Ms. Smith reported participating in counseling with Dr. Brown and having a diagnosis of schizophrenia. Dr. Brown [redacted]

ALCOHOL AND SUBSTANCE ABUSE TREATMENT RECORDS

The confidentiality of federally assisted alcohol and substance abuse treatment information and records is governed by federal regulations (42 CFR Part 2) and includes information about treatment services provided, client progress in treatment, diagnoses, assessments, results of alcohol or drug screening, etc.

The restrictions outlined in this policy apply even if the holder of the information 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, or 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 **substance abuse treatment records** are part of a children's services case record, the substance abuse treatment records must only be released under the following circumstances:

- 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. General release of information forms or other forms that do not contain the proper elements are not sufficient to release substance abuse treatment provider information or records.
- If no DHS-1555-CS exists, the records may only be released under the following circumstances..
    - A court issues an order authorizing-but not compelling DHHS 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 DHHS to release substance abuse treatment provider information or records to one or more parties or their representatives. A subpoena is not required and DHHS shall release the records pursuant to the court order alone.
- Alcohol and substance abuse information obtained from other sources that are not federally assisted alcohol or substance abuse treatment providers may be released. For example, DHHS may disclose the following 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.
- Observed information.

Redaction Example:

Ms. Smith admitted to smoking marijuana and voluntarily completed a drug screen. The results of the drug screen came back positive for cocaine.

Ms. Smith admitted to smoking marijuana and voluntarily completed a drug screen. The results of the drug screen came back [redacted]

NOTICE TO ACCOMPANY RELEASE

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

When confidential medical information has been obtained by children's protective services during an open investigation, a summary of the information may be released to the following, even without the client's consent:

- A law enforcement agency investigating alleged child abuse or neglect.

- A prosecuting attorney.
- A court. Information released to a court must be relevant to allegations in a petition submitted to the court.

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 or a valid court-issued subpoena or court order.

Redaction Example:

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.

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

HIV/AIDS information or records may only be released in the following instances:

- In response to a court order and subpoena when a court has determined that other ways of obtaining the information or record are not available or would not be effective and that the need for the release outweighs the potential harm to the client. A court order for release must:
  - Limit the release to information that is determined by the court to be essential to fulfill the purpose of the order.
  - Limit the release to the parties whose need for the information is the basis for the order.

- Include other limits deemed necessary by the court for the protection of the client.

- To 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.

- To CPS if the information is part of a report required under the Child Protection Law.

- 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 foster care worker for an 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, DHHS, 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.

- 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.

LAW ENFORCEMENT RECORDS

DHHS must not release any 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. DHHS must not release any information obtained directly from the Law Enforcement Information Network (LEIN); see PSM 713-2 and FOM 722-6A for information on verifying LEIN information.

DHHS **may directly release** law enforcement reports/information for **closed investigations or convictions** of crimes obtained from the Internet Criminal History Access Tool (ICHAT), a law enforcement agency, or other public venues such as the Offender Tracking Information System (OTIS).

EDUCATIONAL RECORDS

The confidentiality of educational records 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.). The law applies to all schools that receive funds from the U.S. Department of Education.

The FERPA gives parents certain rights to their children's educational records and the rights transfer to the student when he or she reaches the age of 18 or attends a school beyond high school. Students to whom the rights have transferred are eligible.

The IDEA provides the confidentiality requirements related to children with disabilities who receive evaluations, services or other such benefits. It also outlines the confidentiality requirements related to disabled infants and toddlers and their family who receive evaluations and/or services.

Proper Written Consent for Release of Educational Information

Educational records may be obtained through a proper written consent. The consent must:

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

Use the DHS-1555-CS to obtain proper written consent to obtain or release education information.

Release of Educational Information Without Consent

Schools must have a written release from the parent or foster care worker of MCI state wards or the court of authority for permanent court wards to release the information from a student's education record. However, **FERPA allows schools to release records, without consent, to the following parties or under the following conditions:**

- School officials with legitimate educational interest.
- Other schools to which a student is transferring.
- Specified officials for audit or evaluation purposes.
- Organizations conducting studies.
- Accrediting organizations.
- To comply with a judicial order or lawfully issued subpoena.
- Officials in cases of health and safety emergencies.
- State and local authorities within a juvenile justice system, pursuant to specific state law.
- Directory information such as a student's name, address, telephone number, date and place of birth, honors, awards and dates of attendance. Dates of attendance do not include daily attendance records. Schools must inform parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not release directory information about them.

DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROVIDER RECORDS

DHHS staff shall not disclose any personally identifying or individual information (such as address, phone number, name of doctor, etc.) related to domestic violence 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 or in the case of persons with disabilities, the guardian. Additionally, the consent for release may not be given by the abuser of the minor, person with disabilities, or the abuser of the other parent of the minor.

If the release of information is compelled through court order, DHHS should make reasonable attempts to provide notice to victims affected by the disclosure of information and take steps necessary to protect the privacy and safety of the persons affected by the release.

SOCIAL SECURITY NUMBERS

Social Security numbers must not be released by DHHS. 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.

Exception: Children's services workers may release a child's Social Security number to the child's parents, legal guardian, foster parent, relative caregiver, unrelated caregiver, or to a court with jurisdiction over the child.

For additional clarification, contact the Office of Legal Affairs at 517-241-0480.

CHILDREN'S PROTECTIVE SERVICES RECORDS

CPS Reporting Person

The identity of 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.

- A legally mandated public or private child protective agency or foster care (FC) agency prosecuting a disciplinary action against its own employee involving children's protective services or foster care records.
- The Office of Children's Ombudsman (OCO).
- When the reporting person has provided written consent for release or by order of the court.

Notice to Accompany Release of CPS Reporting Person

If the identity of the children's protective services 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) and (n). 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 DHS 3200 to Prosecuting Attorney and Court

DHHS may provide copies of the DHS 3200 Report of Actual or Suspected Child Abuse or Neglect, to the prosecuting attorney and court of the county in which the child resides and is found.

Release of CPS Case Information or Records

Children's protective services case information and records are confidential. Unless the case information or records are released to the public by the DHHS director as specified information, children's protective services 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) and legal guardians of children who are the subject of children's protective services complaints. 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 may be provided to the custodial parent, non-custodial parent, or legal guardian after proper redaction. 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 child protective agency to investigate a report of known or suspected child abuse or neglect. Out-of-state agencies, military and American Indian tribal children's protective services unit requests should be directed to the local office.

- Legally mandated foster care agency to prosecute a disciplinary action against its own employee involving children's protective services or foster care records. A "child protective or foster care agency" includes a child caring institution. The agency may seek an order from the court having jurisdiction over the child or from the Ingham County Family Division of the Circuit Court to allow the agency to release confidential children's protective services or foster care information to pursue sanctions for alleged dereliction, malfeasance or misfeasance of duty. The court can only order that the records be released to a recognized labor union representative of the employee's bargaining unit or to an arbitrator or administrative law judge who conducts a hearing involving the allegations and used solely in connection with that hearing. The information must be released in a manner that maintains the greatest degree of confidentiality while allowing review of employee performance.

- 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 children's protective services investigation related to the allegations to a law enforcement agency in the county where the incident occurred in certain cases; see PSM 712-3, Coordination with Prosecuting Attorney and Law Enforcement.

- Physician to treat a child whom the physician reasonably suspects may be abused or neglected; see PSM 717-5, Sharing Information with Medical Providers.
- 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.
- 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 Child Protection Law.
- A person named in a children's protective services investigation report as a perpetrator or alleged perpetrator of child abuse or neglect.
- Victim who is now an adult at the time of the request.
- 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).
- Grand jury that has determined the information is necessary.
- Research person, agency, or organization. For research or evaluation, contact the DHHS Children's Services Administration Directors Office at (517) 373-8626. This office, after consultation with other administrations, approves or denies the request and authorizes who may be contacted and what information may be released. The DHHS director may authorize the release of information to a person, agency, or organization if the release contributes to the purposes of the Child Protection Law and the person, agency, or organization has appropriate controls to maintain the confidentiality of personally identifying information.
- Lawyer-Guardian Ad Litem/attorney for child to represent a child during protective proceedings.
- Attorney for parent(s), legal guardian(s) or alleged perpetrator(s) appointed by the court.

Note: To allow a non-court-appointed attorney access, written and signed verification from the client is required to document that the attorney represents the client.

- A child placing agency or family division circuit court staff to investigate an applicant for adoption, foster care applicant or licensee or their employee, an adult member of an applicant's or licensee's household, or other persons in a foster care or adoptive home who are responsible for the care and welfare of children, to determine suitability of a home for adoption or foster care. The child placing agency or court must disclose the information to a foster care applicant or licensee or to an applicant for adoption.

- Legislative committee subject to Section 7a, a standing or select committee or appropriations subcommittee of either house of the legislature having jurisdiction over children's protective services matters. Legislative committee requests received by any other office must be referred to DHHS Office of Legislative Services at (517) 335-3482.

- 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.

- Child Death Review Team to investigate and review a child death. Contact children's protective services program office.

- County Medical Examiner or Deputy County Medical Examiner to carry out his or her duties.

- Citizen's Review Panel (CRP) as established by DHHS. Access is limited to information DHHS determines is necessary for the CRP to carry out its duties. Contact children's protective services program office.

- Child Care Regulatory Agency such as Bureau of Children and Adult Licensing (BCAL).

- Foster Care Review Board (FCRB). Upon receipt of a written request on agency letterhead, children's protective services records must be properly redacted and sent to the FCRB. Please refer to the Release of Records to the Foster Care Review Board in this policy to determine what information needs to be redacted.

- Local Friend of the Court (FOC).
- A department employee actively representing himself or herself 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 he or she retains disclosed information beyond the deadline specified for return.

DHHS may provide access to the children's protective services record during normal business hours. All inspections by a requestor must take place in the presence of a DHHS 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.

Children's protective service 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 the information to the address listed on the agency's letterhead.

Notice to Accompany Release of Children's Protective Services Records

Copies of children's protective service 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 (1975 PA 238, as amended, MCL 722.621 et seq.).*

Faxed Release of Children's Protective Service Records

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

In each of the situations listed below, if DHHS releases information about a perpetrator identified only on the historical registry with no due process date, and the address of the perpetrator is known, staff must notify the local children's protective services unit where the case was last entered on the central registry, using the DHS-835; see PSM 713-13. Staff must also provide proper notice when the form is received by the local children's protective service unit.

Central registry information is confidential; therefore, by law, DHHS cannot provide this information to anyone other than those listed in the Child Protection Law (MCL 722.627-722.627j). In addition, any information released under the Adam Walsh Child Protection and Safety Act (PL 109-248, 42 USC 16990) must not be used for any other purpose.

Directions for release of central registry information

Under all options below if the subject of the inquiry is listed on central registry, the subject of the inquiry must be provided a copy of the DHS-1910 indicating he/she is listed on central registry and the local DHHS office that originated the listing. The results must be mailed to the address on the individuals picture ID within 10 business days, via certified mail and marked restricted (to be delivered to addressee only).

The DHS-1910 directs the subject of the inquiry to contact the originating local office with any questions. If the subject of the inquiry requested the clearance be sent to an employer, potential employer, or volunteer agency, indicate on the DHS-1910 that the results will **not** be sent to the agency due to restrictions of the Child Protection Law.

If the subject of the inquiry returns to the local office to pick up 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, letter of response to central registry request, via standard mail within 10 working 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 entity requested.

Out-of-State Adoption and Foster Home Screening

Release of central registry information for the purpose of licensing an applicant as a foster or adoptive parent is also governed by the Adam Walsh Child Protection and Safety Act (PL 109-248, 42 USC 16990). Any information released under that act must not be used for any other purpose. The DHHS Bureau of Children and Adult 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 (for example: foster home licensing, adoptive placement, etc.) 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

Mail or fax all requests to:

Michigan Department of Health and Human Services
Bureau of Children and Adult Licensing
PO Box 30650
Lansing, MI 48909-8150

Phone: (517) 284-9709
Fax: (517) 284-9740

Michigan Individual Request, Employer and Volunteer Agencies

Individuals, employers, and volunteer agencies requesting central registry clearance must complete the DHS-1929, Central Registry Clearance Request. Mail or hand-deliver the completed DHS-1929 and a copy of the individuals picture ID to your Local DHHS Office (Click here for local office address, fax, and telephone number).

If the subject of the inquiry is not listed on central registry and provides written consent on the DHS-1929, a copy of the central registry clearance can be sent directly to any of the following individuals:

- Employer.
- Potential employer.
- Agency for which the individual is volunteering or applying to volunteer.

Out-of-State Requests Including Non-Michigan Residents, Employers, and Volunteer Agencies

Out-of-state employers, volunteer agencies, and non-Michigan residents must complete the DHS-1929, Central Registry Clearance Request. Each person being cleared must sign this form indicating he or she is aware of the central registry clearance request. A copy of the picture ID for each individual being cleared must be attached to the request.

Mail or fax all requests to:

Michigan Department of Health and Human Services
Children’s Protective Services Program
P.O. Box 30037
Lansing, MI 48909
Phone: (517) 373-6028
Fax: (517) 241-7047

Other Out-of-State Entities

Children's Protective Services 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.
- Child welfare agencies conducting a child abuse/neglect investigation.
- Physician who is treating a child whom the physician suspects may be abused or neglected.
- Court or grand jury that determines the information is necessary to decide an issue before the court or grand jury
- Fatality review team, citizen review panel, or foster care review board for the purposes of meeting the requirements and carrying out the duties of the group.
- Agency charged with completing child custody/parenting time matters for divorced, separated, or unwed parents.
- Lawyer-guardian ad litem or other attorney for the child or parent(s).
- 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.

Mail or fax all requests to:

Michigan Department of Health and Human Services
Children's Protective Services Program
P.O. Box 30037
Lansing, MI 48909
Phone: (517) 373-6028
Fax: (517) 241-7047

FOSTER CARE RECORDS

When children's protective services information is included as part of a Foster Care case record, the confidentiality standards set by the Child Protection Law apply. Foster care records of an adopted child become adoption records and must be treated as such when the final order of adoption is entered.

Except as otherwise stated in this section, any other confidential information in a foster care record (such as mental health,

substance abuse, medical, law enforcement, educational, Social Security numbers, etc.) must be treated as indicated in this item.

Release of Foster Care Information or Records

Records about children and their parents and relatives are confidential and release of this information must be safeguarded by the child placing agency, DHHS or other entity in possession of the information.

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

- The case service plan and any materials prepared by a service provider pursuant to the parent agency treatment plan must be submitted to the court prior to a dispositional review hearing or permanency planning hearing.
- Primary care or attending physician: As required by MCL 712A.18f(6), a worker must review a child's case with the child's attending physician of record during a hospitalization or with the child's primary care physician to ensure that the service plan addresses the child's medical needs in relation to the abuse or neglect, if a physician has diagnosed the child's abuse or neglect as involving one or more of the following conditions:
    - 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.

- Office of Children's Ombudsman: See Record Release to the Office of Children's Ombudsman in this policy.
- Foster Parent/Relative/Unrelated Caregiver.

Prior to Foster Care Placement

Child Placing Agency rule 400.12417 and MCL 722.954(2) require DHHS or the private child placing agency to provide a foster parent or relative caregiver with the DHS-90, Placement Outline/Child and Family Social History, and all of the following information before the placement of a child:

- 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 foster care worker.
- DHS-3762, Authorization to Provide Routine and Emergency Medical Care.

Emergency Foster Care 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 Foster Children

In accordance with MCL 712A.13a(15), if a child is placed in foster care, within 10 days after receipt of a written request, the agency

shall provide the person providing foster care 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.

In addition, when there is a DHS-1555-CS, Authorization to Release Confidential Information, 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, DHHS 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 his or her family that could impact the court-ordered case service plan.

Foster Parent Access to Information Regarding Biological Parents

All protected information regarding the child's parents must be properly redacted prior to release and/or review with the foster parents.

Foster parents are held to the same confidentiality standards and laws noted in SRM 131. Foster Parents should not release any information regarding the biological 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 prosecution.

JUVENILE JUSTICE RECORDS

The confidentiality of juvenile justice (JJ) records is governed by the Child Care Organization Act (MCL 722.120), the Youth Rehabilitation Services Act (MCL 803.308) and the Crime Victim's Rights Act (1985 PA 87, as amended, MCL 780.751 et seq.). When children's protective services information is included as part of a JJ case record, the confidentiality standards set by the Child Protection Law apply.

In addition, any other confidential information in a JJ record must be redacted before release. If a juvenile is in a community placement, the confidentiality provisions governing foster care

information or records applies. If the juvenile is in a residential placement, see JR1 120 for applicable law and policy.

When there is a DHS-1555-CS, Authorization to Release Confidential Information, 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, DHHS 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 his or her family that could impact the court-ordered case service plan.

ADOPTION RECORDS

When children's protective services information is included as part of an adoption case record, the confidentiality standards set by the Child Protection Law apply. Foster care records, including photographs, become adoption records and must be treated as such when the final order of adoption is entered. Except as stated in this section, any other confidential information in an adoption record must be treated as outlined above.

Release of Adoptive Family Evaluation

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

Redacting Adoption Records

Unless otherwise stated in the sections below please follow the confidentiality standards outlined in previous sections and in the Child Protection Law. The following is additional information that must be redacted from adoption records.

- Any identifying information for the biological parents (first name, last name, address, phone number, date of birth, social security number, etc.)
- Any identifying information of former relatives (first name, last name, address, phone number, date of birth, social security number, etc.)

- Any identifying information of former foster placements (first name, last name, address, phone number, etc.)
- The first name, last name, and date of birth of siblings.

Release of Information to Prospective Adoptive Parent(s)

After proper redaction, the worker must compile the following information and provide it to the prospective adoptive parent(s) in writing prior to placement of the child:

- The petition or petitions that resulted in each placement of the child.
- Initial and updated case service plans compiled during each foster care placement.
- The adoptee's non-identifying information. A copy of the non-identifying information section of the child adoption assessment and all addenda must be provided to the prospective adoptive parent(s). If the child adoption assessment does not contain the information listed below, then the missing information must be provided in a separate written document.
    - Date, time and place of birth of the child, including the hospital, city, county, and state.
    - Prenatal care.
    - Medical conditions at birth.
    - Any psychological evaluation of the child while under court jurisdiction.
    - A record of immunizations and health care received in foster care.
    - Any neglect or physical, sexual or emotional abuse suffered by the child.
    - Any drug or medication taken by the child's mother during pregnancy. Any subsequent medical, psychological, psychiatric or dental examination and diagnoses of the child.
    - Any known hereditary condition or disease.
    - The health of each parent at the child's birth.

- Cause of death and age at death if a parent is deceased.
- A summary of the findings of any medical, psychological or psychiatric evaluations of either parent at the time of placement.
- First name of the child at birth.
- The age and sex of siblings.
- School enrollment and performance, results of educational testing and any special education needs.
- The child's racial, ethnic and religious background.
- Age of the child's parents at the time parental rights were terminated.
- Length of time the parents had been married at the time of placement (if applicable).
- The child's past and current relationship with any relative, foster parent or other individual or facility (do not include names or addresses of individuals).
- Levels of education and occupational, professional, athletic or artistic achievement of the child's family.
- Hobbies, interests and school activities of the child's family.
- The circumstances of any court order terminating the parental rights of a parent for abuse, neglect or abandonment of the child.
- Length of time between the termination of parental rights and adoptive placement and whether the termination was voluntary or court-ordered.
- Information required to determine the child's eligibility for government benefits.

Release of Juvenile Justice Records in an Adoption Case

Juvenile justice case information may include information from various areas including CPS, foster care, mental health providers, substance abuse treatment providers, and medical treatment providers. When juvenile justice 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 SRM 131 for each type of information. A properly redacted copy of juvenile justice case information may be released to prospective adoptive parents only when DHHS or the court determines the release of information is in the youth's best interest.

Release of Closed/Sealed Adoption Records to the Office of Children's Ombudsman

DHHS, the court, or private child placing agency must allow the Office of Children's Ombudsman (OCO) to inspect closed/sealed adoption records in the course of an OCO investigation (MCL 710.67 and 710.68). Prior to inspection, the records must be reviewed and appropriately redacted.

Closed Private Child Placing Agency Records

DHHS Adoption program office is responsible for releasing information from adoption records formerly retained by a private child placing agency that is no longer in business, where there was no parent organization/branch office to retain those records. These records are maintained by Document Control, Department of Human Services, Lansing, Michigan.

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

Michigan Department of Health and Human Services
Adoption Program Office
Closed Adoption Records
PO Box 30037
Lansing, Michigan 48909

Informational Pamphlet

The Adoption Code (MCL 710.68a) requires the Adoption Program Office, the child placing agency, or the court to provide an informational pamphlet within 14 days after contact by an adoptee, adult former sibling, former parent or adoptive parent of a minor request-

ing information. Use publication DHS Pub 439, Release of Information from Michigan's Adoption Records.

Adoption Support Groups

The Adoption Code (MCL 710.68a) also requires the Adoption program office or the private child placing agency or the court to provide a list of adoption support groups within 14 days after contact by an adoptee, adult former sibling, former parent or adoptive parent requesting information.

Central Adoption Registry (CAR)

The DHHS Adoption program office maintains former parents' and adult former siblings' statements giving consent to, or denying release of, identifying information.

Definition of Former Family Member

A parent, grandparent or adult sibling related to the adult adoptee through birth or adoption by at least one common parent, regardless of whether the adult adoptee ever lived in the same household as the former family member.

CAR Forms

The following forms are available for former family members to use when registering with CAR and may be revoked or updated any time:

- DHS-1917, Adult Former Sibling Statement to Release Information.
- DHS-1918, Release of Information by Brother/Sister Proxy for Deceased Parent.
- DHS-1919, Parent's Consent/Denial to Release Information.

Family members requesting information from CAR may contact:

Adoption Program Office
Central Adoption Registry
Michigan Department of Health and Human Services
PO Box 30037
Lansing, Michigan 48909

or visit the adoption website.

Confidential Intermediary Services

A court-administered program available to the:

- Adult adoptee.
- Adult child of a deceased adopted person.
- Former family member.

The confidential intermediary program allows for search of any of the above named persons by any of the above named persons. It is a tool to gain more information about a party when information in the closed adoption record is not sufficient. Individuals should be referred to the court of adoption finalization for information, petition, fee schedules and processing procedures.

Upon receipt of a **written** request for release of information and verification of court appointment as confidential intermediary, the adoption program office must provide closed adoption record information directly to the confidential intermediary or the court that finalized the adoption within **63** days.

A written consent to release information is **not** required if the request is from the former parent or adult former sibling. The adoption program office must provide the adoptee's name and address and/or any other information in its possession to help the confidential intermediary locate the adult adoptee.

Release of Non-Identifying Information

Upon receipt of a request from the adoptive parent, adult adoptee, former parent or adult former sibling, the adoption program office or the private child placing agency or the court must provide all information outlined in Release of Information to Prospective Adoptive Family in writing within **63** days.

The adult adoptee may use the DHS-1925, Request by Adult Adoptee for Identifying Information, but it is not required.

Release of Identifying Information to an Adult Adoptee

Identifying information may be released to an adult adoptee in certain circumstances, see MCL 710.68. Upon receipt of an adult adoptee's death certificate, any of the adult adoptee's direct descendants must be provided with the same information which the adult adoptee would be provided. Identifying information includes the following:

- Name of the child before adoptive placement.
- Name(s) of biological parent(s) when parental rights were terminated.
- Most recent name and address of each biological parent.
- Name(s) of biological sibling(s) when parental rights were terminated.

Procedures for Release of Identifying Information to an Adult Adoptee

The following steps must be followed upon receipt of a written request for release of identifying information from an adult adoptee:

The adoptee may use the DHS-1925, Request by Adult Adoptee for Identifying Information, but it is not required.

The adoption program office or the private child placing agency or the court must complete the DHS-1921, Central Adoption Registry Clearance. The private child placing agency or the court must send the DHS-1921 to the adoption program office.

The adoption program office must search CAR to see if a former parent or former adult sibling has registered and document any findings on the DHS-1921.

The DHS-1921 must then be permanently maintained by the adoption program office. Within 28 days of receiving the CAR response, the adoption program office must send the adoptee the identifying information they are entitled to and release the information in writing or send notice of the reason why the information cannot be released, OR

The adoption program office must send the DHS-1921 to the private child placing agency or the court. Within 28 days of receiving the CAR response, the child placing agency or the court must send the adoptee the identifying information they are entitled to and release the information in writing or send notice of the reason why the information cannot be released.

A copy of the written notice to the adoptee must be filed in the case record maintained by the adoption program office or the private child placing agency or the court.

Both Former Parents Filed Consent to Release

Identifying information must be released to the adoptee.

One Former Parent Filed Consent to Release

Identifying information regarding only the former parent who filed the consent must be released to the adoptee.

One Former Parent Deceased

After receipt of the death certificate, identifying information regarding **only** the deceased former parent must be released to the adoptee.

Both Former Parents Deceased

After receipt of the death certificates, identifying information regarding both former parents must be released to the adoptee.

Notice of Release of Identifying Information

If the adoption program office or a child placing agency or court releases the name of one of the adoptee's former parents, the entity that released the information must notify DCH using the DHS-1924, Notice of Release of Identifying Information from Adoption Records.

Release of Medical or Genetic Information to Adoptee

Life-Threatening Condition

If the adoption program office, child placing agency, or court receives **written** information concerning a physician-verified medical or genetic condition of an individual biologically related to an adoptee, and a request that the information be transmitted to the adoptee because of the serious threat it may pose to the adoptee's life, adoption program office must send the adoptee a **written** copy of the information, by first class mail, within **seven** days after the request is received. If the adoptee is less than 18 years of age, the information must be sent to the adoptive parents at their last known address. A reasonable effort must be made to locate the most recent address of the adoptee or the adoptive parents of a minor adoptee.

Non-Life-Threatening Condition

If the adoption program office, child placing agency, or court receives **written** information concerning a physician-verified medical or genetic condition of a person biologically related to an adoptee and the condition is not life-threatening to the adoptee, the office must file the information in the adoption record. The information must be released if the adoptive parents of a minor child or the adult adoptee requests information from the adoption record.

Release of Medical or Genetic Information to the Former Family

If the adoption program office, child placing agency, or court receives written information concerning a physician-verified medical or genetic condition that threatens the life of an adoptee and for which a biologically related person could give life-saving aid, the office must send a **written** copy of information by first class mail within **seven** days after the information is received to the biological parents or adult biological siblings of the adoptee at their last known address. A reasonable search for the most current address of biological family members should be made.

Release of Identifying Information to a Former Parent or an Adult Former Sibling

With Adult Adoptee Written Consent

The adoption program office or the private child placing agency or court must provide the adoptee's most recent name and address in writing to the former parent or adult former sibling within 63 days.

Without Adult Adoptee Written Consent

If a request for identifying information is received from an adult adoptee, former parent or adult former sibling, Adoption program office or the private child placing agency or the court must provide the name of the court that completed the adoption within 28 days. The former parent or adult former sibling may also be eligible for confidential intermediary services.

Fees for Release of Adoption Information

Adoption program office, the private child placing agency or the court may require a fee to release copies of adoption information. The fee must be $60 or the actual cost of releasing the information,

whichever is less. All or part of the fee may be waived in case of hardship.

Documenting Release of Adoption Records

Adoption program office must send a written summary or copies of any correspondence to Document Control to be filed in the closed adoption record. Include copies of cover letters for information mutually agreed to be released between birth and adoptive families in cases where the adoption program office acted as the liaison.

Michigan Department of Health and Human Services
Document Control Section
PO BOX 30025
Lansing, MI 48909

RECORD RELEASE TO THE OFFICE OF CHILDREN'S OMBUDSMAN

The following provides a summary of DHHS release of specific documents to the Office of Children's Ombudsman:

- **Medical**: DHHS and/or private child placing agencies **may release** to the OCO medical records and information of children involved in children's protective services, foster care, and adult service cases. DHHS may release an adult's (or JJ youth's) medical records to the OCO whether a client has signed a consent form or not.
- **Mental Health**: DHHS and/or private child placing agencies **may release** copies of mental health records and information of children involved in children's protective services, foster care, and adult service cases to the OCO. DHHS may release an adult's (or JJ youth's) mental health records to the OCO whether a client has signed a consent form or not.
- **Substance Abuse**: DHHS and/or private child placing agencies may release substance abuse treatment information, including diagnosis and screen results, **only if the client has signed a valid consent**. At the request of the OCO, DHHS will assist in obtaining consent if consent is not contained in the case record.

- **Educational**: DHHS and/or private child placing agencies **may release** a child's educational records to the OCO regardless of whether the parent has signed a valid consent.

- **Law Enforcement**: DHHS **may release** to the OCO police reports contained in a case file involving a closed investigation. DHHS may not release a law enforcement report related to an ongoing investigation of suspected child abuse or neglect and cannot release LEIN information.

DHHS may provide service plans (ISP, USP) to the OCO without redacting summarized confidential medical or mental health information regarding adults. Exception: Social Security numbers, substance abuse treatment and HIV status is specifically protected by federal and state law and must be redacted.

RECORD RELEASE TO THE FOSTER CARE REVIEW BOARD

The following provides a summary of DHHS release of specific documents to the Foster Care Review Board (FCRB).

- **Medical:** DHHS and/or private child placing agencies **may not release** to the FCRB medical records or medical information of children/parents involved in children's protective services or foster care cases without a properly executed client release.

- **Mental Health:** DHHS and/or 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 children's protective services or foster care cases without a properly executed client release.

- **Substance Abuse:** DHHS and/or 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 children's protective services or foster care cases without a properly executed client release.

- **Educational:** DHHS and/or private child placing agencies **may not release** to the FCRB educational records of children/parents involved in children's protective services or foster care cases without parental consent.

- **Law Enforcement**: DHHS and/or private child placing agencies **may release** police reports contained in a case file involving a closed law enforcement investigation. DHHS and/or private child placing agencies **may not release** a law enforcement report related to an ongoing investigation of suspected child abuse or neglect and cannot release information obtained from LEIN.

- **Reporting Person:** DHHS and/or private child placing agencies **may not release** the identity of the reporting person to the FCRB.

- **Social Security Number:** DHHS and/or 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

The following provides a summary of DHHS release of specific documents to the State Child Death Review Team (CDR).

- **Medical:** DHHS and/or Private Child Placing agencies **may not release** to the CDR medical records or medical information of children/parents involved in children's protective services, foster care, and adult service cases without a properly executed client release.

- **Mental Health:** DHHS and/or private child placing agencies **may not release** to the CDR mental health records of children/parents involved in children's protective services, foster care, and adult service cases without a properly executed client release.

- **Substance Abuse**: DHHS and/or 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.

PUBLIC RELEASE OF SPECIFIED CPS INFORMATION

1998 PA 428 amended the Michigan Child Protection Law (MCL 722.621 et seq.) which governs the DHHS director's decisions to release specified information from children's protective services records. For the definition of specified information, see MCL 722.622(y).

Response to a Request for Specified Information

Upon receipt of a written request for specified information directed to DHHS, the request must be immediately forwarded to the Office of Family Advocate (OFA). OFA has one business day to determine if the:

- **Requesting individual is incarcerated**: When the request is from an incarcerated individual, OFA must notify the requestor that the request is denied pursuant to the Child Protection Law, Section 7e(2)(e).
- **Request contains insufficient information to identify the case for which information is being requested, as well as the specific information being requested**: When information is not sufficient to identify the case, OFA must return the request to the requester indicating that more information is needed.
- **Child victim is currently age 18 or older**: When the child victim is age 18 or older, OFA must return the request to the requester indicating that the information is not subject to public release, pursuant to the CPL, Section 7e(2)(f).

OFA must notify the local office when a request is returned to the requestor. When a valid request is received, OFA must assign a control number and send forms DHS-161, Local Office Review Form, and DHS-162, Prosecutor Review Form, to the local DHHS office. (These forms are controlled by OFA and are not available as Word templates.)

Local Office Review of Request

The local office has **five calendar days** from receipt to do all of the following:

- Review the DHS-161, Section I, to determine if the information can be released. If information cannot be released based on a prohibition listed in Section I, check the box indicating the reason. Attach the appropriate documentation and return to OFA.
- Fax the DHS-162 to the local prosecutor. The prosecutor has 72 hours to return the form to the local office director.
  - If the prosecutor determines that release would interfere with a criminal investigation, ensure that is indicated on the DHS-162 and return both the DHS-161 and the DHS-162 to OFA.
  - If the prosecutor determines that release is not prohibited, proceed to Section II of the DHS-161 and provide a brief narrative description of the case. Attach an **unredacted** copy of the case record within **six** business days and an outline of issues, supported by available documentation related to the child's best interests.
- Proceed to Section III of the DHS-161, and complete either section A or B.
- Upon completion of the DHS-161 and the DHS-162, send the original DHS-161, the DHS-162 and appropriate documentation to the OFA. Send a copy to Children's Services Administration Directors Office, as appropriate.

Director of Children's Services **Review of Request**

Within **48** hours of receipt from the local office, the Director of Children's Services must:

- Review the DHS-161 and the DHS-162.
- Make a recommendation using the DHS-160, Child Welfare Field Operations recommendation.
- Send the original DHS-160 to OFA.

OFA Recommendation

Within **four** days of receipt from the Children's Services Administration Directors Office, OFA must:

- Review the recommendation and supporting documentation.
- Request additional information, as needed.
- Provide a preliminary decision to the DHHS director for review.

The DHHS director or designee must make every effort, within two days, to inform OFA of the official preliminary decision. The MDHS director may request up to an additional 14 days to make the preliminary decision, provided the requesting party is notified.

Preliminary Decision to Deny the Release of Information

When the preliminary decision is to deny the release of information, OFA must provide written notice to the requestor with a copy to Child Welfare Field Operations and the local office.

OFA must send the preliminary notice to the requestor by registered or certified mail, return receipt requested or by personal service.

OFA must include the following information in the notice of preliminary decision to deny release:

- The basis for the denial,
- A statement that the decision becomes final unless information that could be the basis for a different decision is submitted to the DHHS director in writing within 14 days of the notice,
- A statement that the requestor has a right to appeal a final decision to circuit court, and
- Information on where to file the appeal, along with appellate procedures.

Preliminary Decision to Release Information

When the preliminary decision is to release the information, OFA must provide notice to:

- The perpetrator, unless he or she has been convicted in criminal court on the matter being requested and no appeal is pending,

- The parent(s) or legal guardian(s) of the child(ren) involved,
- The attorneys for the perpetrator, the child(ren), the parent(s) or legal guardian(s),
- The child(ren)'s guardian-ad litem,
- The local office and Field Operations Administration, and
- The requestor.

Final Decision Regarding Release of Information

When the DHHS director does not receive information that could be the basis for a different decision within **14** days of the requestor's receipt of the preliminary notice, the DHS director's decision becomes final.

When the DHHS director receives information in writing within **14** days after the preliminary notice is sent, the DHS director must make a final decision within **seven** days.

OFA must send written notice of the final decision and notification of the right to appeal the final decision to those identified in the Preliminary Decision to Release Information.

Appeal of Final Decision

When the DHHS director receives notice of an appeal to circuit court before the information is released, the specified information cannot be released unless the circuit court upholds the decision.

EPSDT RECORDS AND TITLE XIX FUNDED PERSONAL CARE SERVICES RECORDS

Information in these records is protected by federal regulations (42 CFR 431, Subpart F). The use or disclosure of information concerning these applicants or recipients is restricted to purposes directly connected with the Medical Assistance program. Purposes include establishing eligibility, determining the amount of assistance, and providing related services to applicants and recipients; see BAM 310.

ADULT PROTECTIVE SERVICES

The confidentiality of adult protective services (APS) case records is governed by the Social Welfare Act (MCL 400.11a-11f).

A release of information must be obtained when requesting documentation from confidential sources and/or sharing information from the agency record. See:

- Interagency Release of Mental Health Information.
- Proper Written Consent for Release of Mental Health Information.
- Proper Written Consent for Release of Substance Abuse Information.
- Proper Written Consent for Release of Medical Information.
- Proper Written Consent for Release of Educational Information.

A release is not required when mental health, substance abuse, medical or educational sources are filing reports of abuse, neglect, or exploitation. When sharing information from the case record with mental health, substance abuse, medical or educational professionals and DHHS does not have an interagency agreement with them, the department must have signed releases of information from the client or his/her responsible party.

APS Reporting Person

Pursuant to MCL 400.11c the identity of a person making a report of adult abuse or neglect is confidential, and may only be released with the written consent of that person or by judicial process.

In making a referral to the Medicaid Fraud Control Unit (MFCU), the local APS staff must include the name of the reporting person as this has been determined to not be in conflict with confidentiality requirements and is necessary for MFCU to conduct an investigation. If a record contains both exempt and non-exempt material, the local office staff must separate the exempt and non-exempt material and make the non-exempt material available for examination and copying.

APS Investigation Report

After review and appropriate redaction, the local DHHS office may release a copy of the written investigation report to the prosecuting attorney for the county in which the adult suspected of being or believed to be abused, neglected or exploited resides or is found. Records written to document the investigation of adult abuse or neglect may be accessed under the Freedom of Information Act (FOIA).

The identity of the person making a report of adult abuse or neglect cannot be accessed under FOIA and is subject to release only with the consent of that person or by judicial process.

Interagency Release of Mental Health Information

DHHS may need the assistance of other agencies to carry out its responsibilities to investigate and provide services to adults in need of protection. The Attorney General opinion, OAG, 1991, No 6700 (September 18, 1991) states:

“A Michigan Department of Human Services adult protective services worker may, in the course of carrying out an adult protective services investigation, obtain access to Community Mental Health recipient information regardless of the source of a report of information concerning suspected abuse, neglect, exploitation or endangerment that led to the investigation.”

Local offices must have signed agreements with their respective CMH boards and adult foster care licensing to cover roles and responsibilities for handling adult protective services investigations in mental health settings. Procedures in the agreement must be followed for:

- Reporting.
- Investigating.
- Sharing of information.

A copy of the protocol for joint operating agreements and the model agreement are in ASM 256

OFFICE OF CHILDREN'S OMBUDSMAN OVERVIEW

The Children's Ombudsman Act, 1994 PA 204 (MCL 722.923), effective January 1, 1995, established the Office of Children's Ombudsman (OCO). As an autonomous unit within the Department of Technology Management and Budget (DTMB) the OCO monitors and ensures compliance with relevant statutes, rules, and policies pertaining to children's protective services and the placement, supervision, treatment and improving delivery of care of children in foster care and adoptive homes.

The act requires the OCO to establish procedures for receiving and processing complaints, conducting investigations, holding hearings and reporting investigative findings and recommendations. The act also requires the Michigan Department of Health and Human Services (MDHHS) to provide information to and cooperate with the ombudsman in the carrying out of the responsibilities of the office.

The Child Care Organization Act, 1973, PA 116, MCL 722.115a says: "A child placing agency shall provide the Children's Ombudsman created in section 3 of the children's ombudsman act with those records requested by the ombudsman pertaining to a matter under investigation by the ombudsman." The Children's Ombudsman Act requires the MDHHS and child placing agencies to do all the following:

- Upon the ombudsman's request, grant the ombudsman or his or her designee access to all information, records, and documents in the possession of the department (MDHHS) or child placing agency that the ombudsman considers relevant and necessary in an investigation.
- Assist the ombudsman to obtain the necessary releases of those documents that are specifically restricted.
- Upon the ombudsman's request, provide the ombudsman with progress reports concerning the administrative processing of a complaint.
- Upon the ombudsman's request, provide the ombudsman information he or she requests under subdivision (a) within 10 business days after the request. If the department determines that release of the information would violate federal or state

law, notify the ombudsman of that determination within the same 10-day deadline.

Note: Due to statutory prohibitions, do not release certain confidential information from children's services case files to OCO; see SRM 131 for detailed information.

OFFICE OF THE FAMILY ADVOCATE (OFA) LIAISON DUTIES:

The OFA is the department liaison to the OCO. The OFA:

- Determines if MDHHS possesses or, in consultation with children's services legal division, has legal access to case information regarding the child(ren) and family with respect to adoption, foster care, juvenile justice and/or children's protective services.
- Assists the OCO to obtain requested documents, access to department and private child placing agency staff, or case status.
- Maintains a record of OCO cases including notations of subsequent action taken.
- Notifies the local office director, Child Welfare Field Operations, Children's Services Administration child welfare managers, and the Business Service Center of the OCO investigation conclusion.
- Forwards to the appropriate central office division the issues identified in findings or recommendations that require policy, statutory, and/or legal clarification.
- Performs MiSACWIS data checks upon OCO request.
- Coordinates and prepares the MDHHS response to the OCO.
- Facilitates meetings between the OCO and MDHHS or child placing agency staff.

OCO Requests for Records or Documents

OCO requests for records or documents regarding Children's Protective Services (CPS), Foster Care (FC), Adoption Services (AS), or Juvenile Justice (JJ) must be made in writing to the OFA. Each written request must contain:

General Information (if known).

- Name and date of birth of the child(ren) and the parent(s).
- Legal status and placement (if JJ).
- MDHHS county/district office and/or private child placing agency involved.

Exception: Private child placing agencies - Make all OCO requests for records or documents directly to the private child placing agency with a copy to the OFA. The OCO will contact the private child placing agency directly if the requested information is not received by the due date.

OCO Investigations

The OCO sends a notice of investigation letter to the complainant after the request for case files form has been sent to the OFA. A copy of this letter (with name and address redacted) must also be sent to the OFA, MDHHS local office, and/or the private child placing agencies involved.

Exception: When the OCO opens a case for investigation that involves only a private child placing agency, the OCO must forward a copy of the notice of investigation letter and subsequent closing letter to the OFA and the local office that monitors the private child placing agency with a notation that it is for informational purposes only.

OCO Requests for Additional Records or Documents

The OCO must contact the OFA and follow the procedures outlined in the protocol for *requesting records or documents* when requesting additional or updated records or documents.

Exception: When the local office has designated a contact person to whom requests for additional information can be directed, the OCO does not need to contact the OFA.

MDHHS must process the OCO request for additional or updated records relating to an ongoing investigation according to the time frames and methods as described in the protocol for *response to a request for records or documents*.

Exception: MDHHS and the OCO investigator agree to a modified time-frame or method.

Note: Due to statutory prohibitions, some information may not be released from children's services case files to the OCO; see SRM 131 for detailed information.

Protocol for the OCO Closing Investigations

The OFA distributes closing letters to Child Welfare Operations and/or the Children's Servies Administration child welfare manager and county director upon receipt from the OCO. The OCO must conclude each investigation via one of the following:

1. **Affirmation -** The OCO concludes that MDHHS and/or the private child placing agency complied with law and policy.

2. **Report of Findings and Recommendations -** The OCO finds one or more of the following:

   - A matter should be further considered by the MDHHS and/or the private child placing agency.

   - An administrative act should be modified, canceled or corrected.

   - Reasons should be given for an administrative act or omission.

   - Other actions should be taken by the MDHHS and/or the private child placing agency.

3. **Administrative Closing -** The OCO recommended and the MDHHS and/or private child placing agency, initiated actions that resolved the matter that was the subject of the OCO

investigation and no further action is required by the OCO, the MDHHS, and/or the private child placing agency.

LOCAL OFFICE PRIMARY CONTACT/ ALTERNATE DUTIES: CONTACT WITH THE OCO

Each local office shall ensure that OCO written requests for information are directed to the designated OCO local office primary contact or alternate. In addition to keeping local office management informed of OCO requests, the primary contact is also responsible for facilitating the OCO's access to specific local office staff and case information.

The OCO local office primary contact is responsible for:

- Reviewing the OCO's request for information and facilitating the transfer of information to the OCO.
- Notifying the OFA promptly if the local office has had no involvement, the subject of a complaint resides in another county, or if information on file cannot be provided and the reason it cannot be provided.
- Forwarding information to CPS and the Divison of Child Welfare Licensing (DCWL) when appropriate.
- Ensuring that the initial contact and all subsequent contacts with the OCO are noted in an administrative file separate from the children's services case file. When contact has been made and the identity of the OCO staff is uncertain, the local office contact person must verify the identity by return call to the OCO office.
- Notifying the OFA of the date that requested information is sent to the OCO.
- Facilitating contact between the OCO and local office staff (including in person, telephone, or e-mail contact) when requested by the OCO. A supervisor may participate in these interviews.

- Providing the OFA with updates to forward to the OCO when specifically requested (such as copies of updated service plans, court reports, or new CPS complaints).
- Notifying the OFA when the OCO requests the local office to participate in a meeting/hearing with the OCO.
- Notifying the OFA when there are concerns regarding the interaction between the local office and the OCO.

RESPONSE TO AN OCO REPORT OF FINDINGS AND RECOMMENDA-TIONS

MDHHS must provide a written response to an OCO report of findings and recommendations (F&R). The OFA prepares the final written response.

Note: When MDHHS fails to respond within 60 days, or requests an extension, the OCO may send a closing letter to the complainant that provides the OCO's findings and recommendations with no corresponding MDHHS response.

F & R Response Process

1. OFA receives the F&R from the OCO. The response is due to the OCO 60 days from receipt of the F&R.
2. OFA creates the F&R response template.
3. OFA sends the F&R and the response template electronically with high priority status to the appropriate local office and/or private child placing agency within 1 business day. At the same time, the OFA will send an electronic copy of the F&R and response template to Child Welfare Field Operations and/or the Children's Services Administration child welfare manager.
4. The local office and private child placing agency completes an objective review of the case file and department actions or omissions and drafts:
    - A clear response to each of the OCO's specific findings and recommendations, reflecting that the local office either agrees, agrees in part, or disagrees with the OCO. A

detailed rationale is required for each finding and recommendation with which the local office or private child placing agency agrees in part or disagrees.

- A clear corrective action plan (immediate and long-term) is required for each recommendation with which the local office agrees in part and/or fully agrees.

5. The local office and private child placing agency sends the draft response to the OFA, due 30 days from the date of receipt.

6. The OFA reviews the local office response to ensure that the findings and recommendations are accurately and completely addressed. The OFA will contact the local office when clarification is needed and/or if the OFA disagrees with the information as presented.

7. During the F&R response process, the OFA will notify and seek the assistance of Child Welfare Field Operations and/or Children's Services Administration, child welfare manager if:

   - The OFA and local office cannot resolve a significant disagreement with information presented.

   - The OFA has been unable to obtain accurate and complete responses to the findings and recommendations.

8. The OFA prepares the department’s final response to the OCO.

   - A clear response to each of the OCO’s specific findings and recommendations, reflecting that the agency either agrees, agrees in part or disagrees with the OCO. A detailed rationale is required for each finding and recommendation with which the agency agrees in part or disagrees.

   - A clear corrective action plan (immediate and long-term) is required for each recommendation with which the agency agrees in part or fully agrees.

RESPONSE TO AN OCO REQUEST FOR ACTION

Requests for Action

When the OCO forwards a request for action (RFA) to the OFA it must contain sufficient information for MDHHS to take immediate action when the OCO alleges:

- Immediate risk to a child or children.
- Inappropriate placement of a child or children.
- Employee misconduct.

RFA's may be made regardless of the status of the MDHHS case or the OCO investigation. The process is as follows:

1. The OCO submits an RFA to the OFA.

2. The OFA creates the RFA response template.

3. The OFA must forward the RFA and the RFA response template within 1 business day to the MDHHS local office and/or private child placing agency director with a copy to the county director, Child Welfare Field Operations and/or Children's Services Administration, child welfare manager.

4. The local office and/or private child placing agency completes an objective review of the case file and department actions or omissions and drafts:

    - A clear response to each of the OCO's specific requests for action, reflecting that the local office either agrees, agrees in part, or disagrees with the OCO. A detailed rationale is required for each request for action with which the local office agrees in part or disagrees.

    - A clear corrective action plan (immediate and long-term) is required for each request for action with which the local office agrees in part and/or fully agrees. The MDHHS response should include approximate time frames for completion of any action MDHHS agrees to take.

5. The MDHHS local office and/or private child placing agency must forward the draft response to the OFA within 3 business days of receiving the RFA.

6. The OFA must review the local office response to the RFA and prepare the official department response.

7. The OFA must forward the department's response to the OCO within 5 business days of the receipt of the RFA.

STAFF RESPONSE TO COMPLAINTS FILED WITH THE OCO

Section 11 of the Children's Ombudsman Act protects any person who has filed a complaint with the OCO or cooperated with the OCO during the investigation. The act also prohibits interference with the lawful actions of the OCO. A foster parent filing a complaint with the OCO, or cooperating with an OCO investigation, is **not** to be used as a basis for a licensing complaint against the foster parent.

Allegations of Section 11 violations brought to the department's attention must be investigated by supervisory staff. Corrective action must be implemented if an allegation is confirmed by such an investigation.

OVERVIEW

The Office of the Family Advocate (OFA) investigates child welfare-related complaints directed to the OFA, and all fatalities of children and wards who have had recent contact with child protective services or are under the care and supervision of the department. OFA will facilitate development of corrective action plans in cases where non-compliance is identified. This process applies only to those cases **accepted** for investigation by the OFA.

The investigation and case review process must:

- Reinforce practice standards.
- Improve coordination between the field and central office.
- Promote continuous quality improvement.
- Provide an independent, objective analysis of case facts.
- Provide a mechanism to facilitate immediate corrective action.

INVESTIGATION AND CASE REVIEW PROCESS

OFA takes the following steps when completing case reviews:

1. Reviews case facts conducts phone interviews, reviews law, policy, and/or practice standards in coordination with Child Welfare Field Operations, Children's Services Agency Administration (CSA), Division of Child Welfare Licensing (DCWL), local office management, and/or private child placing agencies.

2. When the OFA determines the local office and/or private child placing agency acted in compliance with law, policy and/or practice standards:

    - Advise the complainant of the outcome of the OFA investigation.

    - Notify the local office, Child Welfare Field Operations, and Children's Services Agency Administration of the outcome of the investigation.

    - Close the investigation.

3. If the OFA determines the local office and/or private child placing agency did not act in compliance with law, policy,

and/or practice standards and a corrective action plan is required, the following applies:

- When the local office and/or private child placing agency **agrees** with the OFA findings and/or recommendations:
  - The complainant may be advised of the outcome of the OFA investigation.
  - The local office and/or private child placing agency initiates appropriate corrective action.
  - Notify Child Welfare Field Operations and/or the Children's Services Agency Administration of response and corrective action taken.
  - Close the OFA investigation.
- When the local office and/or private child placing agency **disagrees** with the OFA findings and/or recommendations:
  - Advise the complainant of the outcome of the OFA investigation.
  - The OFA works with Child Welfare Field Operations and the Children's Services Agency Administration to develop and implement an appropriate corrective action plan.
  - Close the OFA investigation.

OFA REQUEST FOR CASE FILES

OFA puts in writing all OFA requests for documents and/or case files regarding children’s protective services, foster care, or adoption services and sends each written request electronically with high priority and contain the following information:

- Name of the child(ren).
- MDHHS county/district office and/or private child placing agency involved.
- Date case file/requested material is due.

Response to an OFA Request for Case File

The OFA completes reviews/investigations using reports and information located on the MiSACWIS system. However, at times the OFA must request an additional document or information not found on the system. The local office must provide the requested information as directed to the OFA within 10 business days.

The local office and/or private child placing agency must provide the OFA with access to information including, but not limited to:

- Department and/or private child placing agency staff.
- Case files.
- Personnel information.

When sending confidential information, via facsimile, electronically, or mail, mark the information as confidential as outlined in SRM 131, Confidentiality - Children's Services.

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PURPOSE

To establish the department's procedures and timeframes regarding death alerts of children and wards, including those ages 18 or over, who are under the care and supervision of the department.

For adult deaths refer to Services Requirements Manual, SRM 173, Adult Death Reporting Process.

REASONS FOR REPORTING

- To notify central office administrators of the child/ward death and the circumstances surrounding the death to monitor that required departmental procedures have been initiated.
- To notify the MDHHS Native American Affairs director of any American Indian child/ward death to ensure appropriate tribal notification has occurred.
- To notify legislators of the district where a court has jurisdiction over a foster care child/ward or juvenile justice child that has died.
- To respond to legislative, executive office and media inquiries.
- To identify trends in factors that contributed to the death and to address systemic issues that could prevent further deaths.
- To meet the personal and emotional needs of clients and staff at the time the death occurs.
- To ensure accuracy in reporting child abuse/neglect deaths to the National Child Abuse Neglect Data System.

TYPES OF DEATHS TO BE REPORTED AND BY WHOM

Centralized Intake must receive an immediate verbal complaint, with a written follow-up within 72 hours, regarding any child death occurring in the following circumstances:

1. The death occurs during an open CPS case or active CPS investigation.

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2. The death involves a child/ward under the care and supervision of MDHHS including:

   - Foster care (FC) (includes the death of wards ages 18 and over).
   - Juvenile Justice (JJ) (includes the death of wards ages 18 and over).
   - Adoption Services (AS) (includes the death of wards in a MDHHS supervised adoption placement prior to finalization).

   These deaths must also be reported to the Division of Child Welfare Licensing (DCWL) within 24 hours of notification that the death has occurred.

3. The death occurs in department-regulated child care homes, centers, facilities, camps, child caring institutions, or any child/ward supervised by a child placing agency (including MDHHS).

   These deaths must also be reported to the Division of Child Welfare Licensing (DCWL) within 24 hours of notification that the death has occurred.

For the death of a child who has been identified as American Indian, regardless of whether child abuse or neglect is suspected; see PSM 712-8, Transferred for Investigation.

For the death of a child who is pending verification of American Indian ancestry, regardless of whether child abuse or neglect is suspected; see NAA 200, Identification of a Native American Child and PSM 712-8, Transferred for Investigation.

PROCEDURES AND TIMEFRAMES

Upon receipt of a complaint regarding a child death, Centralized Intake must complete a child death alert, DHS 4712-M, Report of a Minor's Death, and save it in the MiSACWIS system.

Note: For all active and open child welfare and juvenile justice cases where a child death occurs, regardless of type, and where there is an assigned worker at the local county/private agency, the county/worker involved with the case must

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ADDITIONAL NOTIFICATIONS

MDHHS Alert System Unusual Incident

Instructions for the MDHHS Alert System Unusual Incident can be found at DHS Intranet.

1. From DHSNet Hot Topics, select DHS Alert System @ http://mdhsintranet/AgencyAlerts/.
2. Enter User Name and Password and then click Login.
3. Select System Intro and New User Info and then click Unusual Case/Incident.

For the MDHHS Alert System Unusual Incident to be sufficient for immediate reporting and to prevent unnecessary duplicative reporting, the following information must be provided by the local office or facility director or designee:

4. Date of Event. The date of death of the deceased child.
5. Customer Name. The name of the deceased child. Organizational Unit/County.
6. Customer Date of Birth. The date of birth of the deceased child.
7. Issue. Enter the:
   - MISACWIS Case or Intake number.
   - Name and phone number of MDHHS primary worker.
   - Name and phone number of MDHHS supervisor.
   - Name and phone number of any private child placing agency, child caring institution or camp involved.
   - Date and time agency was notified of the death.
   - Circumstances leading up to the death. Give as much detail as possible to tell what happened.

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- Law enforcement and/or emergency medical technicians that were called to the scene.
- If the child was transported to a hospital, include the name of the hospital.
- If the child was pronounced dead at the scene or at the hospital and identify the individual who pronounced the child/ward dead.
- Include information on media coverage and/or if media coverage is imminent.

8. Prior CPS history. Enter a summary of prior CPS history regarding the current caregiver(s), include the complaint date, a summary of the allegations and the disposition (rejected complaint or category).

If any required information is unavailable, indicate the specific information that is unavailable and the anticipated date for updating the MDHHS Alert Unusual Incident, as this will prevent follow-up from central office.

Local court and legislative notifications

When a child who is under court jurisdiction for abuse and neglect dies, the local MDHHS must notify the local court with jurisdiction no later than one business day after the child's death.

The Office of Family Advocate is responsible for notifying the state senator and state representative who represent the district in which the court is located. The OFA will also notify the Office of Children's Ombudsman no later than the next business day after notification of the child's death. The Office of Family Advocate must include in the notification to the Office of Children's Ombudsman any of the following that apply:

- The child died during an active child protective services investigation or an open CPS case.
- The department received a prior CPS complaint concerning the child's caretaker.
- The child's death may have resulted from child abuse or neglect.
- The child was under court jurisdiction at time of death.

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Other Unusual Child Deaths and Severe Injuries

Death

When the local MDHHS office receives information about the death of a former ward who is now an adult, or a child who is not under the care and supervision of MDHHS, but has prior family CPS, FC or juvenile justice history, the information must be reported by the **local MDHHS office or facility director or designee** using the **MDHHS Alert System Unusual Incident** format if:

- There were unusual circumstances surrounding the death which may have an impact on department policy, procedure or operation.
- The nature of the death may require the department to respond to legislative, public or media inquiry.

Severe Injury

Severe injury of a child/ward must also be reported by the **local MDHHS office or facility director or designee** using the **MDHHS Alert System Unusual Incident**. Instructions can be found at http://mdhsintranet/AgencyAlerts/. Select “System Intro and New User Info” and then “Unusual Case/Incident.”

Note: If a severe injury complaint is received by CPS and assigned for investigation and the injury later results in the death of the child/ward, a new CPS complaint intake must be completed using MISACWIS CPS to generate the MISACWIS CPS child death alert. If the circumstances of the severe injury which cause the death are being actively investigated, the new complaint documenting the death may be rejected as already assigned.

TRAUMATIC INCIDENT STRESS MANAGEMENT PROGRAM

In any of the death situations required to be reported and for any other traumatic incident, managers need to assess the impact on department staff and consider a referral to the Office of Human Resources for intervention by the Traumatic Incident Stress Management program.

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OVERVIEW

This policy outlines the process and requirements for obtaining and using fingerprint-based criminal histories for child welfare program purposes.

DEFINITIONS

Authorized Personnel - individuals who are approved to see Criminal History Record Information (CHRI) and are responsible for the licensing or approval of foster and adoptive parents. Authorized personnel are required to have a criminal history clearance completed that contains no felony record and successful completion of Security Awareness Training (SAT) prior to their access to CHRI.

Child Caring Institution (CCI) - a child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the child caring institution for that purpose and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home that is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than 4 but less than 13 minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under article 17 of the public health code.

Child Placing Agency (CPA) - a governmental organization or an agency organized under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192, for the purpose of receiving children for placement in private family homes for foster care or for adoption. The function of a CPA may include investigating applicants for adoption and investigating and certifying foster family homes and foster family group homes as provided in this act. The function of a CPA may also include supervising children who are at least 16 but less than 21 years of age and who are living in unlicensed residences as provided in section 5(4).

CJIS Systems Officer (CSO) - the individual located within Criminal Justice Information Services (CJIS) Systems Agency

responsible for the administration of the CJIS network on behalf of the CJIS Systems Agency. The CSO as referenced in this policy is employed with the Michigan State Police (MSP).

Criminal History Check - a fingerprint-based criminal history records information background check through the department of state police and the Federal Bureau of Investigation.

Criminal History Record Information as defined in the Child Care Organizations Act, 1973 PA 116 - includes name; date of birth; personal descriptions including identifying marks, scars, amputations, and tattoos; aliases and prior names; social security number, driver's license number, and other identifying numbers; and information on misdemeanor arrests and convictions and felony arrests and convictions.

Criminal History Records Information (CHRI) as defined in the Criminal Justice Information Services (CJIS) Security Policy - any notations or other written or electronic evidence of an arrest, detention, complaint, indictment, information, or other formal criminal charge relating to an identifiable person that includes identifying information regarding the individual as well as the disposition of any charges.

Conviction - the final conviction, payment of a fine, plea of guilty or nolo contrendere if accepted by the court, a finding of guilt for a criminal law violation or a juvenile adjudication or disposition by the juvenile division of probate court or family division of circuit court for a violation that if committed by an adult would be a crime, or a conviction in a tribal court or military court.

CHRI Media - any document, electronic file or database that contains Criminal History Record Information (CHRI) obtained through a State of Michigan and FBI fingerprint-based check.

Chief Administrator - the person designated by the licensee as having the day to day responsibility for the overall administration of a child placing agency and for assuring the care, safety, and protection of children and families served.

Licensee Designee - the individual designated in writing by the board of directors of the corporation or by the owner or person with legal authority to act on behalf of the company or organization on licensing matters.

Local Agency Security Officer (LASO) - The LASO serves as the primary point of contact between the local Non-Criminal Justice Agency (NCJA) and their respective CSO or Information Security Officer (ISO) at the MSP who interfaces with the CJIS Systems Agency Division. The LASO actively represents their agency in all matters pertaining to information security, disseminates information security alerts and other material to their constituents, maintains information security documentation (including system configuration data), assists with Information Security audits of hardware and procedures, and keeps the CSA (i.e. CSO or ISO within the Michigan State Police) informed as to any information security needs and problems.

It is the responsibility of the CSO to ensure that each agency having access to CHRI has an individual designated as the LASO.

The LASO as defined in this policy is identified as the DCWL-LASO who is designated to perform these functions in coordination with the Michigan State Police to ensure compliance with CJIS Security Policy.

Local Clearance - a criminal history completed by a specific jurisdiction only; for example, a court or local police station.

Secondary Dissemination - the transmission of CHRI from one authorized personnel to another authorized personnel for an approved purpose as defined within this policy.

REQUIREMENTS FOR FINGERPRINTING

Federal and State statute is required for the authorization and use of fingerprint based criminal history information for a specific purpose.

Fingerprints are required for all individuals applying to become licensed foster parents or adoptive parents in the state of Michigan, in addition to chief administrators and licensee designees of Child Placing Agencies (CPA) and Child Caring Institutions (CCI).

LiveScan Fingerprint Background Check Request

The RI-030, LiveScan Fingerprint Background Check Request, is required by the MSP for all individuals fingerprinted. By completing the RI-030, the applicant is consenting and authorizing the Non-Criminal Justice Agency (MDHHS) to review their fingerprint based criminal history information. When completing the RI-030 the following codes are required to be used dependent on the purpose of the fingerprints.

Fingerprint Codes

- **AWF** - to be used for foster home licensing with agency ID: 68465P
- **AWA** - to be used for adoption through foster care with agency ID: 68464J
- **AWP** - to be used for private domestic adoption with agency ID: 68466H
- **CCI**- to be used for chief administrators and licensee designees of CPAs or CCIs with agency ID: 88695H

Fingerprinting Forms

The Division of Child Welfare Licensing (DCWL) processes fingerprint-based clearances using the forms listed below for the identified purpose.

CWL-1326, Licensing Record Clearance Request

- Foster Home Licensing Applicants.
- Adoption Applicants (Domestic and Private).

CWL-1326-CCI/CPA, Licensing Record Clearance Request Child Caring Institution/Child Placing Agency

- Chief Administrators of a CPA or CCI.
- Licensee Designees of a CPA or CCI.

The CWL-1326, Licensing Record Clearance Request Foster Home/Adoptive Home form, and the CWL-1326-CCI/CPA, Licensing Record Clearance Request Child Care Institution/Child Placing Agency, are required documents for the fingerprint processing. The CWL-1326 is supporting documentation for the department to review and analyze the fingerprint based CHRI response. In addition, the CWL-1326 provides both authorization and consent by the applicant for the completion of the state-based clearances; Central Registry, MiSACWIS history, Secretary of State, and the Public Sex Offender Registry.

The CWL-1326, CWL-1326-CCI/CPA, and the RI-030 are not available on public websites. For MDHHS employees the CWL-1326 and CWI-1326-CCI/CPA is available through the DHHS intranet forms library. For all other contracted and non-contracted child welfare staff the above noted forms are only accessible through DCWL. Revisions and updates to these forms will be released by DCWL to field staff. To access the most updated version of these forms, contact the DCWL-LASO.

Fingerprinting Process

Foster Home Licensing Applicants

The fingerprinting process for an applicant(s) applying for foster home licensing must be completed as indicated below:

1. All applicant(s) must first complete, sign and date an application CWL-3889, Children's Foster Home License Application. The completion of the CWL-3889 authorizes and confirms the individual(s) as prospective foster parents under the authority of the Adam Walsh Child Protection and Safety Act.

2. The applicant(s) must then complete, sign, and date the RI-030. This document is required by the MSP to verify that authorization and consent has been given for collection and use of the applicant(s) fingerprints.

3. The applicant(s) must then complete, sign and date a CWL-1326, Licensing Record Clearance Request Foster Home/Adoptive Home form.

4. The foster home licensing application (CWL-3889), the Licensing Record Clearance Request Foster Home/Adoptive

Home (CWL-1326), and LiveScan Fingerprint Request (RI-030) must be dated in the sequence above with the application signed first or all forms signed prior to or the same date as the completion of the fingerprints.

Fingerprint-based criminal clearances cannot be processed if the forms are signed out of order or after the fingerprints are completed. DCWL is mandated by CJIS Security Policy to ensure the integrity of the CHRI. As defined in CJIS, CHRI data must be preserved in a consistent and correct state for its intended use.

5. Following the completion of the CWL-3889, the CWL-1326, and RI-030, an appointment for fingerprinting is scheduled by the Child Placing Agency (CPA) caseworker or the applicant through the fingerprint vendor contracted with the State of Michigan. The applicant will receive a registration number following enrollment online or by phone.

6. When scheduling a fingerprint appointment, the correct reason code must be used. The correct code must be indicated on the CWL-1326 and RI-030. Refer to the above noted fingerprint codes.

7. The applicant must take his/her registration number, the CWL-1326, and the RI-030 to the appointment for the completion of their fingerprints. Once the fingerprint process at the vendor location has been completed, the applicant will receive a receipt which includes a TCN# (unique identifier for the fingerprint). The TCN# is written on the CWL-1326 and the RI-030 by the vendor.

8. All required original documents (CWL-3889, CWL-1326 for all applicants, and RI-030 for all applicants) are sent to the Division of Child Welfare Licensing (DCWL) by the assigned CPA caseworker for processing of the enrollment. Please refer to the MiSACWIS DCWL Workflow document.

9. Enrollments must be sent via United States Postal Service mail to DCWL at:

   Division of Child Welfare Licensing
   235 S. Grand Ave, Suite 1305
   P.O. Box 30650
   Lansing, MI 48909

Adoption Applicants

The fingerprinting process for an applicant(s) applying for adoption must be completed as indicated below:

1. Prior to or the same day of collection of the fingerprints, the applicant must complete, sign, and date the RI-030, LiveScan Fingerprint Background Check Request. This document is required by the MSP to verify that authorization and consent has been given for the collection and use of the applicant(s) fingerprints.

2. The applicant(s) must then complete a Licensing Record Clearance Request Foster Home/Adoptive Home form, CWL-1326. The CWL-1326 is supporting documentation for the collection of fingerprints and provides both authorization and consent by the applicant for the completion of state-based clearances; Central Registry, MiSACWIS history, Secretary of State, and the Public Sex Offender Registry.

   Fingerprint-based criminal clearances cannot be processed if the forms are signed out of order or after the fingerprints are completed. DCWL is mandated by CJIS policy to ensure the integrity of the CHRI. As defined in CJIS, CHRI data must be preserved in a consistent and correct state for its intended use.

3. Following the completion of the CWL-1326 and the RI-030, an appointment for fingerprinting is scheduled by the CPA caseworker or the applicant through the fingerprint vendor contracted with the State of Michigan. The applicant will receive a registration number online or by phone.

4. When scheduling a fingerprint appointment, the correct reason code must be used. The correct code must be indicated on the CWL-1326 and RI-030, using the correct check box. Refer to the above noted fingerprint codes.

5. The applicant must take his/her registration number, the CWL-1326, and the RI-030 to the appointment for the completion of their fingerprints. Once the fingerprinting process at the vendor location has been completed, the applicant will receive a receipt which includes a TCN# (unique identifier for the fingerprint). The TCN# is written on the CWL-1326, and the RI-030 by the vendor.

6. For adoption applicants, the caseworker can scan and email the CWL-1326 and RI-030 to the DCWL Adoption Mailbox.

If all the documents meet compliance with the above noted procedure per CJIS Security Policy, the original fingerprint-based criminal history results will be disseminated by mail in a sealed envelope marked confidential to the identified agency on the CWL-1326.

Chief Administrators and Licensee Designees

1. To pursue fingerprints for a proposed chief administrator or licensee designee for a Child Placing Agency (CPA) or Child Care Institution (CCI), the agency is required to contact their assigned DCWL field consultant.

2. The DCWL field consultant will review the proposed individual's education and qualifications to ensure compliance with licensing rules.

3. Once approval has been given by the DCWL field consultant, contact with the DCWL-LASO will be initiated to complete the appropriate application, CWL-1326-CCI/CPA, and RI-030.

Fingerprints obtained by a chief administrator or licensee designee without the prior to approval by the DCWL field consultant and outside of the above noted procedure, will be rejected by DCWL. Fingerprints will be required to be recaptured at the expense of the CCI or CPA.

REJECTION OF FINGERPRINTS

DCWL is required to comply with CJIS Security Policy, referenced in the above procedure, when fingerprinting an applicant. Failure to comply with these requirements may result in the loss of access by Michigan Department of Health and Human Services as well as by private agencies, who receive the confidential information.

DCWL will reject applicant fingerprints for processing under the following circumstances:

- Failure of the applicant to sign or date the CWL-1326 or RI-030.

- An outdated or obsolete version of the RI-030 is used by the applicant at the time of printing.
- For foster home licensing: If the CWL-3889 is not signed and/or dated by both or one applicant or if the CWL-3889 is signed or dated after the applicant fingerprints are captured.

CRIMINAL HISTORY RECORD INFORMATION (CHRI)

The CJIS Security Policy, mandates procedures for agencies that receive the results of fingerprint-based criminal history. The MSP has adopted the CJIS Security Policy as state policy and monitors agencies receiving CHRI for compliance.

The information contained in the results and responses received from applicant fingerprint-based criminal history searches is considered Criminal History Record Information (CHRI). CHRI is defined as *any notations or other written or electronic evidence of an arrest, detention, complaint, indictment, information, or other formal criminal charge relating to an identifiable person that includes identifying information regarding the individual as well as the disposition of any charges*. CHRI must be held to the requirements in CJIS Security Policy whether the results indicate a criminal history or no criminal history for the individual. The information contained in CHRI must be held to the same level of security whether it is the original document or any other format.

This policy covers only CHRI received by MDHHS for child welfare (CW) purposes. The CHRI covered in this policy must be referred to as CW-CHRI.

CW-CHRI is received from the FBI through the MSP and contains both federal and state criminal history records. CW-CHRI includes notation of a criminal history or no criminal history on the CWL-1326, CWL-1326-CCI/CPA, and the email response from MSP with documentation of the presence or no presence of a criminal history, and the physical copy of the criminal history. When this information is transferred to documents such as the CWL-1326, Licensing Record Clearance Request Foster Home/Adoptive Home, CWL-3130, Initial Foster/Adoption Home Evaluation, DHS-612, Adoptive Family Assessment Addendum, or into a database such as

MiSACWIS or the Bureau Information Tracking System (BITS) the security requirements are the same as with the physical document.

Example: DCWL reviews the fingerprint-based CHRI response and documents this information on the CWL-1326, Licensing Record Clearance Request Foster Home/Adoptive Home. Once, this information is completed in Section IV of the CWL-1326, it is considered CHRI and must be secured as required in CJIS Security Policy.

MiSACWIS: Secure Criminal History Hyperlink

Contracted Child Placing Agencies Utilizing MISACWIS

DCWL central office staff will complete the processing of the fingerprint results for all applicants. The CHRI results, CWL-1326, and RI-030 for each applicant will be scanned and uploaded into the secure criminal history hyperlink in MiSACWIS. Once the CHRI is uploaded into MISACWIS under that individual's personal identification number the CPA caseworker identified will receive an email from DCWL staff.

To access the MiSACWIS secure criminal history hyperlink a two-step security requirement must be established.

- First, the assigned adoption/licensing caseworker and/or supervisor must be assigned to the provider record in the correct role. For example, the adoption caseworker must be assigned to the adoption case record in the role of adoption caseworker.
- Second, the correct MiSACWIS person identification number for the applicant must be linked to the case. If these two steps are not completed, the adoption/licensing caseworker and/or supervisor will not be able to view the fingerprint information within the MiSACWIS secure criminal history hyperlink.

Once the upload in MiSACWIS is complete, DCWL staff will send an email to the assigned CPA licensing or adoption caseworker to notify that the information has been processed and is available to view. The original documents processed by DCWL will continue to be mailed to the CPA for their records in a sealed envelope marked confidential.

Following the initial upload of documents into the MiSACWIS secure criminal history hyperlink, the assigned CPA licensing or adoption caseworker can then upload additional documents as part of their criminal history assessment or Administrative Review Team narrative.

Adoption and licensing caseworkers are prohibited from printing, saving, or completing a screen shot of the information within the MiSACWIS secure criminal history hyperlink. Adoption supervisors are the only identified individuals that may print from the secure criminal history hyperlink for **adoption purposes only**.

The only other secure location where CHRI information may be uploaded is the adoption assistance shell for review and approval of subsidy assistance at the time of adoption; see AAM 200, Background Checks.

The adoption supervisor is the identified individual who is required to scan and upload the CWL-1326, RI-030, and fingerprint results to the adoption assistance shell within MiSACWIS. Once this task is completed, the adoption supervisor is required to immediately delete all documents pertaining to CHRI from their computer; see CJIS Security Policy, 5.8: Media Protection.

Non-Contracted Child Placing Agencies without MiSACWIS Access

The CHRI results, CWL-1326, and RI-030 for non-contracted agencies will be mailed in a sealed envelope marked confidential to the identified CPA.

APPLICANT CHALLENGE/ CORRECTION PROCESS

Pursuant to federal statute, if an authorized governmental or non-governmental agency conducts a national fingerprint-based criminal history record check and utilizes this information to make a determination of an applicant's suitability, the agency must advise the applicant of their opportunity to challenge or correct the record.

If an applicant believes his/her fingerprint based criminal history is incorrect or inaccurate the applicant should request a CWL-4614, Criminal History Record Information Challenge or Correction, from the CPA they are working with for licensing or adoption.

The applicant must review and sign the request to CWL-4614 prior to a caseworker providing a copy of the CW-CHRI. This document informs the applicant of his/her right to challenge the information in CW-CHRI if they believe the information is inaccurate.

Upon receiving the CWL-4614 request form, the agency will have five business days to provide a copy of the CW-CHRI to the applicant. The CPA authorized personnel that provides the record is required to document the information on a secondary dissemination log; see Secondary Dissemination.

The MSP CJIS challenge or correction process states that if an applicant is disputing the accuracy of their criminal history records, the individual should obtain certified copies of the court judgment or documents which show that the information contained on the criminal record is incorrect. For assistance in obtaining criminal history information, applicants should contact:

- For out of state records:

  FBI, Criminal Justice Information Services Division
  ATTN: Criminal History Analysis Team 1
  1000 Custer Hollow Road
  Clarksburg, WV 26306

- For State of Michigan records:

  - Call: 517-241-0606
  - Email: MSP Criminal Records Division Employment/Licensing Mailbox

Pursuant to the MSP challenge/correction process, if the proof provided is satisfactory, the MSP will modify the record accordingly. The applicant may send the documents to:

Michigan State Police -- CJIS
Attn: Criminal History Record Correction
P.O. Box 30634
Lansing, MI 48909

CHRI ACCESS TO AUTHORIZED PERSONNEL

All personnel requiring access to CW-CHRI must first be deemed an *authorized personnel*. Authorized personnel are individuals that are responsible for the licensing or approval of foster and adoptive

parents, clerical, and managerial staff who support these functions and auditors/other vendors who have been approved by MSP to view CW-CHRI. Prior to access of CW-CHRI, authorized personnel must receive/complete the following items and have them filed in his/her personnel record:

- ICHAT results.
- Successful completion of Security Awareness Training (SAT).

For MDHHS employees approved as authorized personnel, the above noted documents are required to be retained in an individual's personnel record for the length of their employment plus seven years following their departure from state employment; see General Schedule #7 - Human Resource Records Retention Disposal Schedule.

For all other CPA employees approved as authorized personnel, the above noted documents are required to be retained in an individual's personnel record for length of their employment plus three years following their departure from employment with that CPA.

Note: Authorized personnel access is denied if the individual has ever had a felony of any kind, no matter when it occurred.

DCWL-LASO

The DCWL-LASO oversees the statewide fingerprinting process for child welfare and insures compliance with MSP and FBI policy regarding fingerprints.

The MDHHS Office of Human Resources (MDHHS OHR) will review any non-felony criminal history to determine if access to CW-CHRI is appropriate. Persons believed to be a fugitive of justice or having an arrest history without conviction will be reviewed to determine if access to CW-CHRI is appropriate.

At the time of hire if an employee of any CPA is found to have any criminal history, a review of this criminal history is required per licensing rule Child Placing Agency Licensing Rule 400.122112 (f), (g) & (h), Personal Records. The review must include the following:

- The chief administrator or his or her designee shall complete a written evaluation of the convictions that addresses:
    - The nature of the conviction.

- The length of time since conviction.
- The relationship of the conviction to regulated activity.

- A written statement from the employee regarding the convictions.

- Documentation from the department that the person has not been named in a central registry case as the perpetrator of child abuse and neglect in Michigan or in any state where the person lived in the 5 years preceding the hire.

For MDHHS hires, the above noted process and evaluation will be completed by MDHHS OHR. For all other CPAs, as indicated in the rule the chief administrator or his/her designee will complete this process. At the time of an annual audit, this evaluation will be required to be reviewed at the request of the DCWL field consultant or DCWL central office during a statewide NCJA audit by MSP or the FBI.

Screening Personnel

All personnel with access to CW-CHRI must be cleared through a criminal history check prior to receiving this access. CW-CHRI is contained in the documents received from the FBI and MSP which is attached to the CWL-1326, Licensing Record Clearance Request Foster Home/Adoptive Home form and is also included in the CWL-3130, Initial Foster/Adoption Home Evaluation and the CWL-612, Adoptive Family Assessment Addendum.

The MDHHS OHR and non-MDHHS CPAs human resource personnel must conduct a criminal history check of personnel who are newly appointed or at time of appointment or job change to a position with access to CW-CHRI. DCWL will monitor the screening of personnel with access to CW-CHRI.

MDHHS OHR will use ICHAT to screen personnel. Personnel with a felony conviction are prohibited from viewing CW-CHRI.

Contractors, vendors, and external auditors will be held to the same screening requirements as child welfare staff who have access to CW-CHRI.

Personnel Training

All personnel, contractors, vendors, and external auditors who have access to CW-CHRI are required to complete Security Awareness Training (SAT). Training is available on the Learning Management System (LMS) for MDHHS personnel and contractors with access to LMS. Non-contracted agencies will complete Finger Print Security Awareness Training via the MDHHS public licensing website.

SAT is required to be taken within six months of working in a position with CW-CHRI access and every two years thereafter. CPAs are responsible for ensuring that all personnel with CHRI access completes SAT timely. DCWL field consultants will monitor completion of SAT for all CPAs as part of the annual licensing inspection.

Subsequent Arrest/Conviction

In the event, a CPA employee who has access to CW-CHRI is subsequently arrested or convicted of a crime, the following steps are required to be completed by the CPA chief administrator or their designee.

- Notification to the assigned DCWL field consultant within 24 hours of the CPA notification of the subsequent arrest or conviction.
- Suspension of the employee's access to both physical and electronic CW-CHRI. A completed DHS-815, DHS-816, or DHS-817 is required to be completed and submitted to the MiSACWIS Security Office immediately removing their access to the secure criminal history hyperlink. This document is required to be retained in the employee's personnel file for auditing and compliance purposes.
- Suspension of their access will be maintained until the outcome of an arrest/allegation/charges are determined.
- If the CPA would like to reinstate the employee's access following the conclusion of the criminal investigation and judicial process, a review by the DCWL-LASO and DCWL Director is required to determine if continued access is appropriate.

- If approval is not granted for restatement of CW-CHRI access by the DCWL Director, the employee shall have his/her access to CW-CHRI suspended indefinitely or duties reassigned if a conviction results in a felony of any kind.

Internal & External Auditors

All auditors must have and provide proof of a statutory basis for their specific requirement and need to view CHRI. External auditors must document how staff that view CW-CHRI receive a criminal history check and complete the SAT course prior to being granted access to CW-CHRI records. External auditors must also be reviewed and approved by DCWL and MSP prior to access to CW-CHRI in accordance with CJIS Security Policy. External auditors include but are not limited to the Office of Attorney General (OAG), Title IV-E auditors, private agency auditing groups, and other accrediting bodies. MDHHS-DCWL field consultants are authorized personnel and their compliance with CJIS security requirements is monitored by the DCWL-LASO.

Once an auditor provides the statutory authority to access CW-CHRI and has been approved by DCWL and MSP, the auditor will be required to complete SAT and required criminal history background checks prior to accessing CW-CHRI. The auditor is subject to resubmitting proof of SAT training and background checks should the audit not be completed with the fiscal year in which the SAT and background checks were completed, if there is a separation by the auditor due to reassignment, or if the scope of the audit changes.

Employment Termination/ Change

When a MDHHS or CPA employee is terminated from employment, departs the agency for other employment his/her access to CW-CHRI will be immediately terminated. MDHHS managerial staff are required to use the DHS-50, Employee Departure Checklist at the time of employee departure. Contracted private CPAs, and non-contracted CPAs must document the date the individual was terminated or left the agency and the date their access to physical and electronic CW-CHRI was removed. A DHS-815, MiSACWIS Security Agreement Non-MDHHS Employees and DHS-816, MiSACWIS Security Agreement MDHHS Local Office Employees

are required to be completed and submitted to the MiSACWIS Security Office immediately, but no later than next business day after the employee's departure from the CPA.

Change in Role or Position within the Child Placing Agency

CPAs are responsible for ensuring that all staff who have access to CW-CHRI have a cleared criminal history check and have successfully completed SAT when moving to a position with CW-CHRI access.

If an employee moves to a position that no longer requires CW-CHRI access, then his/her physical and electronic access to CW-CHRI must be immediately terminated. The date of position/role change shall be documented in the employee personnel file and a copy of the DHS-815 or DHS-816 (if applicable) removing their MiSACWIS access to the secure criminal history hyperlink.

Sanctions for Personnel Non-Compliance

Persons found non-compliant with state or federal law, current FBI CJIS Security Policy, rules, or regulations, including MDHHS policy regarding CHRI, may be formally disciplined. Discipline may include but is not limited to, counseling, reassignment of duties, disciplinary action on the CPA, dismissal, and/or prosecution. Discipline will be based on the severity of the infraction and at the discretion of the DCWL, MDHHS OHR, and/or the CSO of MSP.

HANDLING CHRI MEDIA

MiSACWIS meets the computer security and encryption requirements defined in the CJIS Security Policy. Data in MiSACWIS and Filenet is encrypted from storage until it is delivered to the user. Data at rest in the database is encrypted to AES256/FIPS-140-2 Complaint standards on the SANS. When data is in flight between the database and application server it is encrypted to AES256 standard. When the data is delivered to the user's browser from the application server, it is delivered via HTTPS.

All MDHHS computers and systems are held to the security standards established by the Department of Technology, Management and Budget (DTMB). All MDHHS computers are held

to the encryption standards outlined DTMB's Electronic Data and Encryption Technical Standard. All computers and digital media are disposed of according to DTMB's Secure Disposal of Installed and Removable Digital Media Standard.

All licensed CPAs will be required to meet all computer encryption and destruction standards defined in CJIS.

Controlled Area Requirement

Electronic and physical CW-CHRI media must be securely stored within physically secure locations or controlled areas. Access to such media is restricted to authorized personnel only and secured at all times when not in use or under the supervision of an authorized personnel.

A controlled area is defined as a physically secure location where CHRI is stored and processed. If a secure location cannot be established, then access to the area where CHRI is stored must be limited to authorized personnel. CHRI must be locked and secured when unattended and computer screens will be positioned in such a way to prevent unauthorized access or view.

Physical CW-CHRI Media

Physical CW-CHRI media must be stored in a separate file designated for CW-CHRI.

Physical media is defined as any physical/paper copies of documents that contain CHRI including but not limited to the physical results of the fingerprint-based criminal history, CWL-1326, Licensing Record Clearance Request Foster Home/Adoptive Home description and assessment of the fingerprint-based criminal history in the CWL-3130, Initial Foster Home/Adoption Evaluation or the DHS-612, Adoptive Family Assessment Addendum.

Physical CW-CHRI media must be maintained in a secure location such as within a lockable filling cabinet, closet, office, safe or vault. The secure location should only be accessible by authorized personnel.

Note: CW-CHRI is NOT to be stored in the child's adoption file, the foster care file, or the CPS file. CW-CHRI is not typically needed in

Juvenile Justice cases and should not be stored in a child's juvenile justice file.

Physical Media in Transit

Physical CHRI media must be transported from the LASO within DCWL at MDHHS central office to individuals determined to be *authorized personnel* in CPAs.

Transportation (the movement of physical CHRI media) of physical CHRI media from one office to another must occur through State of Michigan ID mail system or through the United States Postal Service in a sealed envelope marked confidential.

Electronic CHRI Media

Electronic CHRI Media must be secured through encryption as specified in the CJIS Security Policy.

There are no electronic systems approved to store CW-CHRI other than within DCWL for tracking purposes.

Electronic Media in Transit

Electronic transmission of CHRI media over State of Michigan email or any other email server is not permitted. The Bureau Information Tracking System (BITS) has been reviewed by DTMB and meets the security and encryption standards required by the FBI CJIS policy.

Non-MDHHS CPAs must ensure that computers, software, and email programs meet the requirements identified in CJIS Security Policy. The transmission of CHRI from MDHHS to CPAs for the purposes of foster home licensing and adoption is governed by the Social Security Act, 42 USC 71(a)(20). The transmission of CHRI from MDHHS to CPAs is called secondary dissemination and occurs through the United States Postal Service in a sealed envelope and/or through the MiSACWIS secure criminal history hyperlink; see Secondary Dissemination.

Secondary Dissemination

Secondary dissemination is the transmission of CW-CHRI from one authorized agency to another. Transactions of secondary dissemination must be documented. The log must include the following:

- The date the record was shared.
- Record disseminated.
- Requesting agency (whom the response was shared with).
- The specific individual the CHRI is given to.
- Method of sharing (U.S. Mail or physical person to person).
- Agency personnel that shared the CHRI.

Examples of secondary dissemination include:

- MDHHS sharing fingerprint-based criminal history information with an MDHHS or non-MDHHS CPA for the purpose of foster home licensing or adoption.

- CPA sharing the results with a Michigan court for the purposes of adoption.

CPAs that receive CW-CHRI for the purposes of adoption and foster care are subject to the CJIS Security Policy requirements and will be monitored for compliance during the annual licensing inspection.

CPAs are permitted to disseminate CW-CHRI with courts for the approval of adoptions or for foster home licensing with other CPAs when a foster home license/enrollment is transferred and when two or more adoptions are completed on the same family within the same year.

CW-CHRI completed for foster home licensing may not be disseminated for adoption purposes or vice versa even within the same CPA.

Out of State Dissemination Regulations

Pursuant to the Noncriminal Justice Online Policy Resources Title 28, U.S.C., Section 534, Code of Federal Regulations (C.F.R.), Section 20.33, Section 50.12, Part 906 CJIS Security Policy (Appendix J 5.1.3 Secondary Dissemination) CPAs are prohibited

from disseminating fingerprint-based CHRI across state lines. Therefore, CPAs are prohibited from disseminating CHRI documents for applicants or licensees across state lines for any purpose. This includes CHRI in original form or narrative evaluations. **It is a violation of CJIS Security Policy to document language which directly indicates that a determination was based on national fingerprint-based criminal history.**

CPAs are permitted to document that the State of Michigan complies with the Adam Walsh Child Protection and Safety Act of 2006 P.L. 109-248, Title I, Subtitle C, Sec. 151 or 24 USC 20961. If the applicant has no criminal history, this shall be the statement that is documented in the narrative assessment.

If the applicant has a criminal history, the CPA is permitted to use the fingerprint-based criminal history response as a tool to collect public documents, court orders, and police reports to assess the individual's criminal history. The public documents collected, the content they contain, and the applicant's self-reported statements can be documented in the narrative evaluation released to the respective state.

Electronic Media Sanitization and Disposal

All computers and digital media are disposed of according to DTMB's Secure Disposal of Installed and Removable Digital Media Standard.

Disposal of Physical Media

Physical CW-CHRI media will be retained by DCWL central office for 4 years following the date of the fingerprint.

Physical CHRI media retained by MDHHS or a CPA will be destroyed according to the retention schedule of the adoption family file or licensing file designated by rules or policy.

When physical CHRI is destroyed it must be cross shredded by an *authorized personnel*. Destruction of physical CHRI media must be documented in a destruction log maintained by DCWL, MDHHS OHR, the MDHHS local office or the non-MDHHS CPA with CW-CHRI access.

The log must include the following:

- The first and last name of the applicant.
- The TCN number associated with the fingerprint.
- The date the record was destroyed.
- The specific individual who destroyed it.

Event Reporting & Escalation

When MDHHS or non-MDHHS CPA staff detect or confirm a breach in the security of the CW-CHRI, staff must immediately report the breach to his/her direct supervisor. The supervisor and management team of the MDHHS office or CPA must immediately secure CW-CHRI. The incident must be reported immediately by email to the DCWL-LASO Mailbox.

For further information see DTMB's How to Handle a Security Breach.

ADDITIONAL CLEARANCES

DCWL completes additional clearances for adult household members and international adoption applicants.

Adult Household Members

Adult household members are **not fingerprinted** for adoption or foster home licensing; see Act 116 Section 722.115j(1). Adult household members complete the CWL-1326-AH specifically for adult household members and submitted by the CPA working with the family. DCWL completes state-based clearances for these individuals. The completed CWL-1326-AH is returned to the agency via US postal mail for their physical file and uploaded into the MiSACWIS secure criminal history hyperlink for CPAs who has access.

International Adoption Applicants

International adoption applicants are fingerprinted through Homeland Security. International adoption applicants complete the CWL-1326-IA specifically for this purpose. DCWL completes state-

based clearances for these applicants. The completed CWL-1326-IA is returned to the agency via US postal mail

LEGAL AUTHORITY

Federal

Adam Walsh Child Protection and Safety Act of 2006 (H.R. 4472-109th Congress)

The Adam Walsh Child Protection and Safety Act was enacted in July of 2006 with a reauthorization of the act in 2012. The Adam Walsh Act references the Social Security Act Section 471, pursuant to the collection of fingerprint-based background checks for individuals under consideration by a child welfare agency as prospective foster or adoptive parents.

42 U.S.C 671(a)(20)(A)&(B)

Requirement to complete fingerprint-based background checks of national crime information databases for any prospective foster or adoptive parent before approval of any placement.

CJIS Security Policy

Security requirements are outlined in The Criminal Justice Information Services Security Policy.

The transmission of Criminal History Record Information (CHRI) from the Michigan Department of Health & Human Services (MDHHS) to Child Placing Agencies (CPA) for the purposes of foster home licensing and adoption is governed by the Adam Walsh Child Protection and Safety Act.

State

Child Care Organizations Act, 1973 PA 116

The Child Care Organizations Act, commonly referred to as Act 116, was enacted to provide for the protection of children through licensing and regulations of child care organizations, to establish standards, prescribe power and duties to certain departments, and to provide for penalties in the event such standards are not followed.

Child Care Organizations Act, 1973 PA 116, MCL 722.115h

Application for or to renew a license to operate foster family home or foster family group home; criminal history check required; procedures.

Child Care Organizations Act, 1973 PA 116, MCL 722.115k

Storage and maintenance of fingerprints; automated fingerprint identification system database.

Under this act, an automated fingerprint identification system provides for an automatic notification at the time a subsequent criminal arrest matches a set of fingerprints previously submitted for an applicant or licensee, this is commonly referred to as Rapback. Upon such notification, the department of state police shall immediately notify the department and the department shall immediately contact the respective child placing agency that maintains the foster family home or foster family group home.

Guardianship Assistance Act, 2008 PA 260, MCL 722.874(b)

The approval process must include criminal record checks and child abuse and neglect central registry checks on the guardian and all adults living in the guardian's home as well as fingerprint-based criminal record checks on the guardian.

Bureau of Criminal Identification and Records Act, 1925 PA 289, MCL 28.241a

Definition of criminal history record information.

POLICY CONTACT

General questions about this policy item may be directed to the Child Welfare Policy Mailbox.

OVERVIEW

The MDHHS' Human Trafficking of Children Protocol was developed in consultation with state and local law enforcement, juvenile justice, health care providers, education agencies, and organizations with experience in dealing with at-risk youth. The protocol was developed to guide professionals in identifying and assisting children who are victims of human trafficking. The protocol focuses on the needs of victims, with the overriding intention of protecting the interests of 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 appropriate family members.
- Provide cross-professional training to promote a better understanding of the unique nature and challenges of cases involving child sex trafficking and labor trafficking.
- Provide alternatives for handling the case after the child has been identified as the victim of human trafficking.

All caseworkers and applicable contracted service providers must review the MDHHS Human Trafficking of Children Protocol and be aware of the signs/behaviors that indicate that a child may be a human trafficking victim.

The Preventing Sex Trafficking and Strengthening Families Act requires the Department, Tribal agencies, and contracted service providers to identify, document in agency records, and determine appropriate services for all of the following populations:

- Children for whom the Department/agency has an open case file but who have not been removed from the home.
- Children who have run away from foster care and who have not attained 21 years of age.
- Any child or youth over whom the State/Tribal agency has responsibility for placement, care, or supervision.
- Youth who are not in foster care but are receiving services under the Chafee Foster Care Independence Program.

DEFINITIONS

Sex trafficking victim- a sex trafficking victim is defined as an individual subject to the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purposes of a commercial sex act or who is a victim of a severe form of trafficking in persons in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induces to perform the act is under 18 years old.

Labor trafficking victim- a labor trafficking victim is defined as an individual subject to the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

HUMAN TRAFFICKING INDICATORS AND SCREENING

To minimize trauma and accurately identify human trafficking victims or youth at risk of human trafficking, caseworkers must use the specified screening tools in this policy item.

CPS

CPS intake and investigation workers will refer to the MDHHS' Human Trafficking of Children Protocol during the course of an intake/investigation to aid in determining whether a child is a human trafficking victim or at risk of becoming a human trafficking victim; see PSM 712-6, PSM 713-8, and Identifying Victims of Human Trafficking and CPS Investigation and Coordination with Law Enforcement, in the MDHHS Human Trafficking Protocol.

Ongoing Cases or Services

Caseworkers and contractors providing ongoing case management to children and youth must be aware of the signs/behaviors that indicate that a child may be a sex trafficking victim. The presence of some of these indicators is not conclusive evidence of trafficking; rather caseworkers should look for a pattern of indicators to determine if further inquiry should take place.

This information will be acquired during routine case management activities; for example, monthly contacts, completion of the Child

Assessment of Needs and Strengths (CANS), family team meetings (FTM), JJ Strengths and Needs Assessment, Michigan Juvenile Justice Assessment System, consultation with medical/mental health professionals or educators etc. Signs that a child may be a victim of or at risk of becoming a victim of human trafficking vary, but key signs may include:

- History of running away.
- Withdrawal or lack of interest in previous activities.
- New or inexplicable signs of physical, mental, or emotional abuse and/or sexually transmitted diseases.
- New or inexplicable over-sexualized behaviors.
- New or inexplicable fears, tension, shame, humiliation, and/or nervousness.
- Inexplicable appearance of expensive gifts, clothing, cell phones, tattoos, or other costly items.
- Loss of identifying records; e.g., birth certificate, driver's license, immigration documents.
- Presence of an older boyfriend or girlfriend.
- Drug addiction.
- Working for long hours, often with little or no pay.
- Excess amounts of cash on hand.
- Gang involvement.
- Youth's acknowledgement of being trafficked.

If a youth displays signs that she/he may be a victim or at risk of becoming a victim, caseworkers must consult with their supervisors to determine if further screening must take place. If it is determined that screening is required, caseworkers must use the DHS-5523, Human Trafficking Indicator Tool- Ongoing Cases, and follow the documentation and response steps identified below.

Note: If the child has already disclosed human trafficking this tool does not need to be completed.

Population to Be Served

Children/youth who receive case management on an ongoing basis include:

- All children with an open CPS-ongoing, foster care, adoption, unaccompanied refugee minor, or juvenile justice case.
- Youth with a closed case but who are receiving services under the Chafee Foster Care Independence Program on an ongoing basis. This includes:
  - Mentor contracts.
  - Michigan Youth Opportunities Initiative (MYOI).
  - College Independent Living Skills Coach contracts; i.e., Campus Coaches at Campus Based Support Programs.

Closed Case Services

Youth who are not in foster care but who are requesting goods, funds, or services under the Chafee Foster Care Independence Program must be screened using the DHS-5524, Human Trafficking Indicator Tool- Closed Cases. This population includes youth requesting:

- Education and Training Vouchers (ETV).
- Closed Case Youth in Transition (YIT) goods or services.

Youth Returning from AWOLP or Escape

Youth who are absent without legal permission (AWOLP) are vulnerable to victimization and human trafficking. Caseworkers must complete the DHS-5333, Conversation Guide on Return from AWOLP, anytime a youth returns from AWOLP or escape; see FOM 722-3A, Absent without Legal Permission (AWOLP).

Note: Youth returning from AWOLP only need to be screened with the DHS-5333, Conversation Guide on Return from AWOLP. They do not have to be screened on the DHS-5523, Human Trafficking Indicator Tool- Ongoing Cases, too.

REQUIRED RESPONSE

Children under 18 years of age

If a youth is positively screened as a victim of human trafficking, after the completion of the DHS-5333, DHS-5523, or DHS-5524, a referral to Centralized Intake **must** be made. The telephone number for Centralized Intake is 1-855-444-3911.

Whenever a youth is positively screened as a human trafficking victim she/he must receive services to address the needs identified; see Appropriate Placement and Treatment and Addressing the Victim's Medical and Mental Health Needs in the MDHHS' Human Trafficking of Children Protocol.

Youth 18 years and older

Whenever a youth 18 years and older is positively screened as a human trafficking victim she/he must receive a referral for or assistance in identifying services to address his or her needs; see Appropriate Placement and Treatment and Addressing the Victim's Medical and Mental Health Needs in the MDHHS' Human Trafficking of Children Protocol.

DOCUMENTATION

Ongoing Cases

Whenever a youth is positively screened as a victim of human trafficking on the DHS-5333, DHS-5523, or DHS-5524, it must be recorded in MISACWIS.

Closed Cases

Whenever a youth is positively screened as a victim of human trafficking on the DHS-5523 or DHS-5524, caseworkers must contact the MDHHS Human Trafficking Analyst.

RESOURCES

The MDHHS Human Trafficking Website has additional resources regarding identification and services for victims of human trafficking.

AUTHORITY

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

Justice for Victims of Trafficking Act, PL 114-122

POLICY CONTACT

Questions about this policy item may be directed to the MDHHS human trafficking analyst:

MDHHS Human Trafficking Analyst
235 S. Grand Ave., Suite 514
Lansing, MI 48933
Office: (517) 335-8909
Fax: (517) 335-7789
Email: Child Welfare Policy Mailbox

OVERVIEW

The Michigan Department of Health and Human Services' (MDHHS) Equal Opportunity and Diversity Policy establishes that as a human services organization we continuously seek to deliver and maintain quality services to our customers regardless of age, color, disability, height, genetic information, marital status, national origin, partisan consideration, race, religion, sex, sexual orientation or weight as defined by federal and state laws and regulation in our relations with applicants, employees, clients, contractors and vendors.

RESPONSIBLE STAFF

The obligation to provide appropriate services, policies, practices, and procedures to individuals in need of reasonable accommodations is required across all child welfare program areas, for both MDHHS and private child placing agencies and child caring institutions. All child welfare staff must review this policy item and the linked documents for details on meeting the obligations of providing appropriate services, policies, practices, and procedures, to individuals in need of reasonable accommodations.

NON-DISCRIMINATION IN SERVICE DELIVERY

The MDHHS Non-Discrimination in Service Delivery must be reviewed by all child welfare staff. This document contains the following information:

- Complete definition of protected persons.
- Information on how to meet the obligation of providing reasonable accommodations.
- Case file documentation.
- Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504) complaint procedures.

GRIEVANCE PROCEDURES

Any person who believes someone has been subjected to discrimination may file a grievance. It is against the law for MDHHS

to retaliate against anyone who opposes discrimination, files a grievance, or participates in the investigation of a grievance. For information on the department's grievance procedures, see APX 680, Compliance with Section 1557 of the Affordable Care Act.

This procedure does not impair the right of an individual to file a complaint with the Office for Civil Rights, U.S. Department of Health and Human Services or the Michigan Department of Civil Rights.

LEGAL AUTHORITY

Federal

Section 1557, Patient Protection and Affordable Care Act, 45 CFR Part 92.

Section 504, Rehabilitation Act of 1973, as amended, 29 U.S.C. § 701.

Americans with Disabilities Act, 42 U.S.C. §§12101 et seq.

Title IV, XIX, and XX of the Social Security Act.

State

Deaf Persons' Interpreters Act, 1982 PA 204, as amended, MCL 393.501 et seq.

Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended, MCL 37.1101 et seq.

The Social Welfare Act, 280 PA 1939, MCL 400.57g.

POLICY CONTACT

Questions about this policy item may be directed to the Child Welfare Policy Mailbox.

PURPOSE

Children and families who are deaf, deafblind, or hard of hearing must be effectively informed, notified of their rights and responsibilities, and given the opportunity to effectively participate in and benefit from programs, services, and activities. The supervising agency must remove language barriers to child welfare services as well as provide effective, equitable, understandable, and respectful quality care and services.

RESPONSIBLE STAFF

The obligation to provide interpreter or translation services for individuals with limited communication skills, including speaking, hearing, reading, or writing in a language or method understood by the involved parties is required across all child welfare program areas, for both MDHHS and private child placing agencies and child caring institutions.

Private child placing agencies contracted by MDHHS to supervise children placed with the department via court order are required to provide interpreter or translations services in the same manner as the department. MDHHS will reimburse the private child placing agency for interpreter services; see *Reimbursement Procedures* in this policy.

DEFINITIONS

Deaf person

A person who is not able to process information aurally, with or without amplification, and whose primary means of communication is visual or by receiving spoken language through other sensory input, including, but not limited to, lipreading, sign language, finger spelling, or reading.

Deafblind person

A person who has a combination of hearing loss and vision loss, and that combination necessitates specialized interpretation of spoken and written information in a manner appropriate to each person's dual sensory loss.

Hard of hearing person

A person who has hearing loss that ranges from mild to profound. A hard of hearing person uses his or her residual hearing, a hearing aid, a cochlear implant, hearing assistive technology, communication access real-time translation (CART), speech reading, or other communication strategies and remains in the hearing world.

Interpreter

An individual fluent in a language other than commonly spoken English. This includes individuals fluent in manual sign language, as well as an individual fluent in a foreign language.

Note: Per the Deaf Persons' Interpreter Act and the Qualified Interpreter-General Rules, interpreters must have certification through Department of Licensing and Regulatory Affairs (LARA).

Oral or written translation

The verbal reading or writing of a document written in one language and translated into another language.

Telephone-based interpreting

A form of remote interpreting that offers the delivery of interpreter services through telephone technology. The interpreter is at a different physical location than the consumer/service provided encounter. Telephone interpreting allows for an audio connection among the individual, supervising agency staff, and interpreter. For the most effective communication among the parties, conduct telephone interpreting with auxiliary telephone equipment, such as a dual headset or speakerphone.

Videoconferencing interpreting

A form of remote interpreting that offers the delivery of interpreter services through videoconferencing technology. In this format, the interpreter is not physically present where the consumer encounters the service provider. Videoconferencing units show a visual image of the consumer and provider to the interpreter and a visual image of the interpreter to the consumer and provider, along with an audio connection of their exchange.

POLICY

The supervising agency is responsible for assessing the need for an interpreter and an individual's preferred language or method of communication by reviewing individual statements, family member statements, statements from other representatives, or case history, if available.

Deaf, deafblind, and hard of hearing individuals must be informed that the supervising agency will arrange and pay for accommodations needed for effective communication at **all** interviews, meetings, hearings, home visits, or when requested by the client.

The supervising agency is responsible for securing the requested accommodation for the date, time, and place where the service will be required. Inform applicants or clients that a Text Telephone (TTY) exists for the MDHHS office they are attempting to access, or they may use the Michigan Relay System; see *Over-the-Phone Interpreting* in this item.

All employees who conduct home visits must provide a qualified interpreter or other appropriate method of communication when interviewing an individual who is deaf, deafblind, or hard of hearing, or when a child who is deaf, deafblind, or hard of hearing may be present, **even if there is no prior intention to interview the child.**

In selecting the appropriate auxiliary aid or service, give the individual who is deaf, deafblind, or hard of hearing the opportunity to request the auxiliary aid or service of his or her choice. Give primary consideration to the expressed choice of the individual unless another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the service, program, or activity or in undue financial and administrative burden.

A deaf, deafblind, or hard of hearing participant may request to use an **adult** family member, friend, or neighbor to assist with interpreting or facilitating communication with the supervising agency. **This allowance may not be used in lieu of and in no way lessens the supervising agency's obligation to provide and pay for appropriate auxiliary aids and services, including qualified sign language interpreters as required by federal law**; see Michigan Standard Levels to determine the type of valid Michigan issued credentials an interpreter **must** possess in order to be considered qualified.

PROCEDURE

Supervising Agency Responsibilities

Caseworkers are required to complete the following steps when addressing a language barrier:

- Assess the need for interpreter or translator services.
- Invite individuals to identify themselves as persons needing language assistance.
- Inform individuals of their right to free interpreter or translation services.
- Provide individuals with written information of the right to receive services from competent interpreters or translators; see DHS-Pub 259, American's With Disabilities Act: Knowing Your Rights posted on the MDHHS internet/Inside MDHHS/Legal/Equal Opportunity.
- If the individual's primary language is determined to be other than English, indicate the language in the demographic tab of the person profile in MiSACWIS so all staff and service providers can readily identify the individual's language assistance needs.

  If a disability exists, that information must be documented in the Health Needs and Diagnoses tab within the Health hyperlink in MiSACWIS.
- Secure the requested accommodation for the date, time, and place where the service is required.

Hard of Hearing Persons

People who are hard of hearing may request an assistive listening device for clearer communication. The device allows for amplification of voiced messages without magnifying background sounds. In some circumstances, a quiet room or a notepad and written materials may be sufficient to permit effective communication; however, consideration must be given to the context in which the communication is taking place, the complexity

of the information being communicated, the number of people involved, and the importance of the communication.

Over-the-Phone Interpreting

Michigan Relay is a communications system that allows hearing persons and deaf and hard of hearing persons to communicate by telephone. Users may reach Michigan Relay by dialing 7-1-1. There is no additional charge for this service and no limits to the length or number of calls placed; see MPSC/Telecommunications/Michigan Relay Service for more information.

In-Person Interpreters

When in-person interpreters are needed, qualified interpreters are required. The supervising agency may contact individual interpreters directly or use an interpreter referral agency. Efforts to secure a qualified interpreter must begin as soon it becomes apparent one may be needed. Unreasonable delay in doing so may result in a legal finding of a failure to provide a required accommodation if the delay results in the unavailability of a qualified interpreter.

If providing an interpreter as an accommodation for a person who is deaf, deafblind, or hard of hearing, **the law requires the use of an interpreter who is Michigan-Certified to be qualified to interpret at the standard practice level appropriate for the type of proceeding/setting that will be taking place.** The Michigan Online Interpreter System lists interpreter guidelines and the Michigan Standard Levels for qualified interpreters.

Verify the interpreter's qualifications for the assignment by checking the Michigan Online Interpreter System before contracting and confirming interpreters for the assignment.

Note: Michigan certified interpreters are issued identification cards that indicate their current skill level and any endorsements they hold. It is standard practice to ask interpreters to show their cards.

Confirmation of Effectiveness

At the date, place, and time determined and prior to continuing with the meeting/proceeding/interview, the supervising agency must inquire of the deaf, deafblind, or hard of hearing person, through the interpreter, if the interpreter's skills will ensure effective and

accurate interpreting of the proceedings for them. If the question is answered in the negative, the proceedings must be suspended until a more qualified interpreter is obtained.

Exception: Exceptions to this procedure may be made in emergencies, such as a protective services investigation where immediate risk of harm is an issue.

Reimbursement Procedures for In-Person Interpreters

MDHHS Process

1. Confirm the interpreter is enrolled as a provider with the State of Michigan.

2. If the interpreter is not enrolled as a provider with the State of Michigan, the provider will need to register as a payee/vendor on SIGMA Vendor Self Service (VSS). For Further Assistance regarding SIGMA visit the VSS website or call 888-734-9749.

3. Obtain an invoice from the provider. The invoice must contain the following information:

   - Provider's federal identification number or SSN.
   - Provider's credentials, standard level, and endorsements.
   - Number of billable units/hours.
   - Rate.
   - Customer name and address.
   - A description of the setting and the service provided.
   - Total cost.

   Note: The invoice or bill obtained from a vendor/provider may be original, faxed, copied, scanned, or emailed.

All requests for reimbursement must include a completed MDHHS-5602, Payment Voucher, and a copy of the provider's invoice indicating total cost. Submit the memo and MDHHS-5602 with the invoice, per the local business office process.

Direct Human Service Contractors/Private Child Placing Agency Process

Contractors are required to first pay the service provider and then submit a reimbursement request to the local office MDHHS monitoring caseworker for reimbursement to their agency.

Include the following supporting documentation with the request for reimbursement:

1. An agency invoice on agency letterhead billing MDHHS for the amount indicated on the provider's invoice. The agency invoice must include:
    - Full name of the service provider.
    - A statement indicating the interpreter met the standard practice level guidelines for the setting in which the service was provided.
    - Total cost.
2. Copy of the provider's invoice. The invoice must contain the following information:
    - Provider's Federal ID no. or SSN.
    - Provider's credentials, standard level, and endorsements.
    - Number of billable units/hours.
    - Rate.
    - Customer name and address.
    - A description of the setting and the service provided.
    - Total cost.
3. Copy of the check issued to pay the service provider.

Contractors must submit their invoice and supporting documentation as soon as payment has been made to ensure prompt reimbursement. Incomplete or incorrect reimbursement requests will be returned for correction.

RESOURCES

The Division on Deaf, Deafblind, and Hard of Hearing within the Michigan Department of Civil Rights is available to provide technical assistance on issues relating to effective communication.

The Division on Deaf, Deafblind, and Hard of Hearing also publishes a directory of all qualified interpreters holding the Michigan certification, information on interpreter referral agencies and private practice interpreters, and interpreter education & sign language programs.

Michigan Department of Health and Human Services (MDHHS)/Inside MDHHS/Legal/Equal Opportunity

Michigan Department of Civil Rights

Michigan Disability Resources/Complaint Process

Department of Homeland Security Office for Civil Rights and Civil Liberties; Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons

LEGAL BASE

Federal

Section 504, Rehabilitation Act of 1973, as amended, 29 U.S.C. § 701

Americans with Disabilities Act, 42 U.S.C. §§12101 et seq.

Title IV, XIX, and XX of the Social Security Act

State

Deaf Persons' Interpreters Act, 1982 PA 204, as amended, MCL 393.501 et seq.

Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended, MCL 37.1101 et seq.

The Social Welfare Act, 280 PA 1939, MCL 400.57g

CONTACT

For technical assistance email the Division on Deaf, DeafBlind, and Hard of Hearing Mailbox or call 313-437-7035.

For assistance with child welfare issues email the Child Welfare Policy Mailbox.

OVERVIEW

Children and families with limited English proficiency must be effectively informed, notified of their rights and responsibilities, and given the opportunity to effectively participate in and benefit from programs, services, and activities. The supervising agency must remove language and cultural barriers to child welfare services as well as provide effective, equitable, understandable, and respectful quality care and services.

RESPONSIBLE STAFF

The obligation to provide interpreter or translation services for individuals with limited communication skills, including speaking, hearing, reading, or writing in a language or method understood by the involved parties is required across all child welfare program areas, for both MDHHS and private child placing agencies and child caring institutions.

Private child placing agencies contracted by MDHHS to supervise children who are placed with the department via court order are required to provide interpreter or translation services in the same manner as the department. MDHHS will reimburse the private child placing agency for interpreter services; see Reimbursement Procedures in this policy.

DEFINITIONS

Bilingual

The ability to use two languages with equal fluency; often this term is misused as you may be a native speaker of one language and only fluent or conversant in the second.

Fluent

The ability to speak the language easily and accurately, but may require more concentration to communicate thoughts, idioms, and slang; advanced reading and writing skills.

Interpreter

An individual fluent in a language other than commonly spoken English. This includes individuals fluent in manual sign language, as well as individuals fluent in a foreign language.

Per the Deaf Persons' Interpreter Act and the Qualified Interpreter-General Rules, interpreters must have certification through The Department of Licensing and Regulatory Affairs (LARA); see SRM 401, Effective Communication for Persons who are Deaf, DeafBlind, and Hard of Hearing.

Limited English Proficiency (LEP)

Persons with limited English proficiency are individuals who do not speak English as their primary language, and who have a limited ability to read, write, speak, or understand English. MDHHS and its contractors shall provide, at no cost, timely, accurate, and effective communication to persons with Limited English Proficiency.

Oral or written translation

The verbal reading or writing of a document written in one language and translated into another language.

Telephone-based interpreting

A form of remote interpreting that offers the delivery of interpreter services through telephone technology. The interpreter is at a different physical location than the consumer/service provided encounter. Telephone interpreting allows for an audio connection among the individual, MDHHS personnel, and interpreter. For the most effective communication among the parties, conduct telephone interpreting with auxiliary telephone equipment, such as a dual headset or speakerphone.

Videoconferencing interpreting

A form of remote interpreting that offers the delivery of interpreter services through videoconferencing technology. In this format, the interpreter is not physically present where the consumer encounters the service provider. Videoconferencing units show a visual image of the consumer and provider to the interpreter and a visual image of the interpreter to the consumer and provider, along with an audio connection of their exchange.

POLICY

The supervising agency is responsible for assessing the need for an interpreter and an individual's preferred language or method of communication by reviewing individual statements, family member statements, statements from other representatives, or case history, if available.

The supervising agency must inform individuals who may have LEP that the agency will arrange and pay for accommodations needed for effective communication at **all** interviews, meetings, hearings, home visits, legal procedures, when obtaining informed consent, or when requested by the client.

PROCEDURE

Supervising Agency Responsibilities

Caseworkers are required to complete the following steps when addressing a language barrier:

- Assess the need for interpreter or translator services.
- Invite individuals to identify themselves as persons needing language assistance.
- Inform individuals of their right to free interpreter or translation services.
- Provide individuals with written information of the right to receive services from competent interpreters or translators; see DHS-Pub 259, American's With Disabilities Act: Knowing Your Rights posted on the MDHHS internet/Inside MDHHS/Legal/Equal Opportunity.
- If the individual's primary language is determined to be other than English, indicate the language in the Demographic tab of the Person Profile in MiSACWIS so all staff and service providers can readily identify the individual's language assistance needs.
- Secure the requested accommodation for the date, time, and place where the service will be required.

Choosing a Service

Individuals who need an interpreter may choose one of the following:

- Arrangements for an interpreter made by the supervising agency, including payment of any costs.

- Use of their own adult interpreter, upon review and approval by the supervising agency. Consideration must be given to any privacy/legal issues that may arise.

  Note: Minor children may not be interpreters.

If an individual does not identify an interpreter, the supervising agency must select one of the options, in the following order of preference as available:

- A bilingual staff person.
- Face-to-face community agency interpreter or volunteer.
- Over-the-phone interpreter service. Use over-the-phone interpreter services as a last resort when face-to face interpretation is not available, or for an infrequently encountered language; see Over-the-Phone Interpreting in this item.

Individuals with LEP cannot decline the use of an interpreter if they do not select their own.

Over-the-Phone Interpreting & Document Translation

When there is a need for over-the-phone interpretation or document translation services MDHHS employees can access information on this process from the Bureau of Grants and Purchasing.

Private child placing agencies must have their MDHHS monitoring worker facilitate this process for them.

In-Person Interpreters

The supervising agency may contact individual interpreters directly or use community agency staff or volunteers. Efforts to secure an interpreter must begin as soon as it becomes apparent one may be needed. Unreasonable delay in doing so may result in a legal finding of a failure to provide a required accommodation if the delay results in the unavailability of an interpreter.

Reimbursement Procedures for In-Person Interpreters

MDHHS Employee Process

1. Confirm the interpreter is enrolled as a provider with the State of Michigan.

2. If the interpreter is not enrolled as a provider with the State of Michigan, the provider will need to register as a payee/vendor on SIGMA Vendor Self Service (VSS). For further assistance regarding SIGMA visit the VSS website or call 888-734-9749.

3. Obtain an invoice from the provider. The invoice must contain the following information:

   - Provider's federal identification number or SSN.
   - Number of billable units/hours.
   - Rate.
   - Customer name and address.
   - Total cost.

   Note: The invoice or bill obtained from a vendor/provider may be original, faxed, copied, scanned, or emailed.

All requests for reimbursement must include a completed MDHHS-5602, Payment Voucher, and a copy of the provider's invoice indicating total cost. Submit the memo and MDHHS-5602 with the invoice, per the local business office process.

Direct Human Service Contractors/Private Child Placing Agency Process

Contractors are required to first pay the service provider and then submit a reimbursement request to the local office MDHHS monitoring caseworker for reimbursement to their agency.

The following supporting documentation must be included with the request for reimbursement:

1. An agency invoice on agency letterhead billing MDHHS for the amount indicated on the provider's invoice. The agency invoice must include:

   - Full name of the service provider.

- A description of the service provided.
- Total cost.

2. Copy of the provider's invoice. The invoice must contain the following information:

   - Provider's federal identification number or SSN.
   - Number of billable units/hours.
   - Rate.
   - Customer name and address.
   - Total cost.

3. Copy of the check issued to pay the service provider.

Contractors must submit their invoice and supporting documentation as soon as payment has been made to ensure prompt reimbursement. Incomplete or incorrect reimbursement requests will be returned for correction.

RESOURCES

Michigan Department of Health and Human Services (MDHHS)/Inside MDHHS/Legal/Equal Opportunity

MDHHS Limited English Proficiency Guidelines

MDHHS Bilingual Interpreter Services

Michigan Department of Civil Rights

Michigan Disability Resources/Complaint Process

Department of Homeland Security Office for Civil Rights and Civil Liberties; Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons

LEGAL BASE

Federal

Title IV, XIX and XX of the Social Security Act

42 CFR 2000d

45 CFR 80.3

State

The Social Welfare Act, 280 PA 1939, MCL 400.57g

CONTACT

Questions about this policy item may be emailed to the Child Welfare Policy Mailbox.

OVERVIEW

Federal law prohibits delaying or denying the placement of a child for adoption or foster care on the basis of race, color, or national origin of the adoptive or foster parent, or the child involved.

Any decision to consider the use of race, color, or national origin as part of placement selection criteria must be based on individual circumstances of the child. The consideration must clearly document how it will advance the child's interests or needs.

Violation of this statute subjects the state or other entity in the state involved in adoption and foster care placements to financial penalties.

American Indian/Alaska Native Children

Policy outlined in NAA 215, Placement/Replacement Priorities for Indian Children, must be followed for children who are identified as American Indian/Alaska Native (AI/AN) or when there is reason to believe the child is AI/AN. Documentation of each placement an AI/AN child has must be maintained in the case service plan to show the efforts to comply with placement priorities.

POLICY

Any consideration of race, color, or national origin in foster or adoptive placements must advance the child's best interest and must be made as an individualized determination of each child's needs and the specific prospective foster or adoptive parent's capacity to care for that child. Further, when the consideration of race, color, or national origin occurs in relation to a placement decision the following four critical elements must be guaranteed:

- Delays in placing children who need a foster or adoptive placement will not be tolerated and denials must be based on appropriate consideration.
- Discrimination will not be tolerated, whether directed toward adults who wish to serve as foster or adoptive parents, children who need safe and appropriate homes or communities or populations.

- Active, diligent, and lawful recruitment of potential foster or adoptive parents of all backgrounds is both a legal requirement and a valuable tool for meeting the demands of good practice.
- The standard in foster or adoptive placements is to always be the best interest of the child. To determine the best interest of the child, consideration must be given to the role or distinctive need and/or interest that race, color, or national origin has played in the child's life.

COMPLAINT PROCEDURES

Any foster/adoptive applicant or approved foster/adoptive parent who has reason to believe that he/she has been denied or delayed the placement of a child because of race, color, or national origin may file a complaint.

Written Complaint

A complaint should be in writing, contain the name, address, and phone number of the complainant, and briefly describe the nature of the complaint and the circumstances of the alleged discrimination. A complaint should be filed within 10 business days of the occurrence of the alleged act of discrimination. This requirement may be waived by the foster care or adoption program manager or designee if extenuating circumstances exist which justify an extension. However, in no case will a complaint be reviewed after 90 days of the occurrence of the alleged act of discrimination.

The written complaint must be filed with:

Office of Child Welfare Policies and Programs (OCWPP)
Foster Care/Adoption Program Office
Suite 510
PO Box 30037
Lansing, Michigan 48909
Email: Child Welfare Policy Mailbox

The following individuals must receive a copy of the complaint:

- The director of the supervising agency alleged to have denied or delayed the placement of a child because of race, color, or national origin.

- The director of the local MDHHS office, if the case is managed by a private child placing agency.
- The assigned MDHHS Business Services Center director.
- The OCWPP foster care program manager, if the complaint is from a foster parent/applicant.
- The OCWPP adoption program manager, if the complaint is from an adoptive parent/applicant.

Informal Hearing

The adoption program manager, or designee and/or the foster care program manager or designee and a representative from the assigned MDHHS Business Services Center will hold an informal conference to review the facts of the allegation within 10 business days of receipt of the written complaint. An extension of the time limit may be warranted if convenient for all parties. The complainant will be notified in writing of the location, date, and time of the conference. Complainants who are unable to attend a conference in person due to their location will be offered a teleconference.

Review

The adoption program manager or designee and/or the foster care program manager or designee and a representative from the assigned MDHHS Business Services Center will informally review the facts of the complaint and notify the complainant of conclusions in writing within 10 business days of the conference/teleconference.

Appeal

The complainant may appeal an unfavorable decision by email to MDHHS Compliance Office or in writing to:

Compliance Office
Michigan Department of Health and Human Services
333 South Grand Avenue, 4th Floor
Lansing, MI 48909

For more information on the grievance procedure for appealing an unfavorable decision, see APX 680, Compliance with Section 1557 of the Affordable Care Act.

This procedure does not impair the right of an individual to file a complaint with the Office for Civil Rights, U.S. Department of Health and Human Services or the Michigan Department of Civil Rights.

Legal Authority

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq.

Social Security Act, 42 USC 671(a)(18)

Section 1557 of the Patient Protection and Affordable Care Act, 45 CFR Part 92.

CONTACT

Questions about this policy item may be emailed to the Child Welfare Policy Mailbox.

OVERVIEW

The Michigan Department of Health and Human Services (MDHHS) Children's Services Agency (CSA) has requirements for requesting, reviewing and disseminating Criminal History Record Information (CHRI) obtained from the Law Enforcement Information Network (LEIN) system.

See SRM 701, LEIN Use, System & Security Policy, for additional LEIN requirements including: definitions of roles and responsibilities, appropriate use, and safeguarding the system and security of the network.

OFFICIAL USE

The Criminal Justice Information Services (CJIS) Policy Council Act, 1974 PA 163, as amended, MCL 28.211 et. seq., grants MDHHS access to the Michigan Criminal Justice Information Network (MICJIN). Accessing the Law Enforcement Information Network (LEIN) must only occur as authorized by MDHHS in the performance of official duties. Any inappropriate access, use, or disclosure of LEIN information will result in disciplinary action. County directors are responsible for authorizing appropriate staff to access LEIN and for maintaining the security, confidentiality and the appropriate use of LEIN information.

Additional LEIN procedural policies, authorization, and use can be found in SRM 701, LEIN Use, System & Security Policy.

DEFINITIONS

Caseworkers must be familiar with the terms and definitions when implementing the LEIN policy.

LEIN Documents

Printed-paper, photocopy, or electronic LEIN report generated from the LEIN in response to a LEIN request.

LEIN Information

Nonpublic information obtained from the LEIN database that contains criminal justice information (CJI).

Verified Information

Verified information is information obtained from credible public sources, which corroborates information obtained from LEIN. This

information may be the same as the actual LEIN information itself. Police reports that contain information about arrests may also be included. The court may require law enforcement officers to testify, as needed. Consultation with the prosecuting attorney or MDHHS legal representation is encouraged regarding evidential value of the information.

Public sources include:

- Courts.
- Internet Criminal History Tool (ICHAT).
- National and State sex offender registries.
- Offender Tracking Information System (OTIS).
- Police/law enforcement.
- Prosecuting attorney's office.
- Michigan Secretary of State (SOS).
- Self-disclosure.
- VINELINK.

AUTHORIZED LEIN ACCESS

Only authorized users can request, review and/or generate LEIN information; see SRM 701, LEIN Use, System & Security Policy, for definitions of each role. Authorized requesters include services workers assigned to case files in the following units: Adoption, Adult Protective Services (APS), Children's Protective Services (CPS), Child Welfare Licensing, Foster Care (FC), Interstate Compact on the Placement of Children (ICPC), Interstate Compact for Juveniles (ICJ), Juvenile Guardianship and Juvenile Justice (JJ).

Requesters, office supervisors, managers, and directors who review LEIN CHRI must sign the MDHHS-5518, LEIN Notice of Criminal Penalties, and take the LEIN security awareness training within six months of hire and again every two years thereafter.

Appointed operators and terminal agency coordinators (TACs) who directly access LEIN CHRI must submit to a state and national fingerprint clearance, attend operator and/or TAC training, pass the training test with a score of no less than 70 percent, sign MDHHS-5518, LEIN Notice of Criminal Penalties, and MDHHS-5528, LEIN Security Agreement, forms and take the LEIN security awareness training. Completion of the training and tests are required every two years to remain appointed.

LEIN OVERVIEW

All local child welfare offices have access to information on the LEIN through an agreement with the Michigan State Police (MSP), based on supporting statutory allowances. This access can include the following information, based on authorization:

- Michigan criminal history.
- Sex offender registry.
- Missing/wanted persons.
- Gun registration/permits.
- Personal Protection Orders (PPO).
- Officer cautions.
- Michigan SOS.
- National Crime Information Center - wants/warrants from all states.

Canadian and Mexican criminal history information is only available if Canada or Mexico submitted data to the National Law Enforcement Telecommunications System (Nlets). Tribal criminal history information is only available if the tribe submitted data to the Michigan criminal history repository.

STATE AND NATIONAL SEARCHES

34 USC 20961 allows MDHHS/CSA to conduct a national criminal history search only for investigated cases of child abuse, neglect or exploitation.

State statute, policy, regulations, and approvals by the MSP LEIN field service's unit authorize access to LEIN for other investigated cases and placement. For these cases, caseworkers can only request Michigan-based LEIN searches.

Note: Not all states have statutory allowance to share non-public criminal history. In this situation, LEIN will not receive a response from that state; therefore, if a client self-discloses or the reporting source reports of criminal activity in another state, the caseworker should contact the other state's enforcement agency or court to request public information.

REQUIRED LEIN REQUEST

Criminal record clearances can be useful in assessing the potential risk for abuse of a child or adult by their parent and/or other person(s) responsible for the child or adult's health and welfare. Evaluate all information received from the reporting person, client, LEIN clearance, and other collateral sources of information that a caretaker has a history of violent behavior or was arrested for or convicted of a crime.

Required Request for Adoption

Criminal clearance process applies to adoption applicants and all adult household members. Only MDHHS adoption workers for MDHHS directly supervised adoption cases can request a LEIN clearance.

See ADM 0520, Background Checks, Clearances, Criminal History Checks and Fingerprinting, for specific information on requirements and time-frames for background for adoption.

Required Request for Adult Protective Services (APS)

APS investigators are to evaluate all information received from the referral source, the client or other collateral sources of information that an adult caretaker and/or alleged perpetrator has a history of violent behavior or was arrested or convicted for a crime. During an investigation in which it is believed a LEIN clearance will provide pertinent information, a LEIN clearance may be requested.

At a minimum, conduct a LEIN clearance when the following is alleged or suspected:

- All alleged perpetrators for all sexual abuse.
- Serious physical abuse.
- Serious neglect.
- Financial exploitation.
- Suspected caretaker substance abuse.
- Cases with domestic violence allegations.

LEIN clearances in the situations listed above may include criminal, arrest, warrants, personal protection order/injunction (PPO), and officer cautions. APS must also conduct a LEIN clearance on other individuals involved in APS cases when there is reason to believe this information is necessary to make a decision regarding client safety.

Home Help Providers

Generated criminal history screens occur during the Community Health Automated Medicaid Processing System Community Health Automated Medicaid Processing System (CHAMPS) enrollment process and **not** by staff at the local office. Adult services staff **must only** utilize LEIN information in the course of an APS investigation. No other adult services program can use LEIN.

Note: Any inappropriate access, use, or disclosure of LEIN information will result in disciplinary action.

Required Request for Absent Without Legal Permission (AWOLP)

The MDHHS Absent Without Legal Permission (AWOLP) analyst must conduct a person query search on a child reported to be missing. This search is to verify that children who have been classified as missing and endangered are posted in LEIN. To conduct a person query, use the person query form in Talon.

See FOM 722-03A, Absent Without Legal Permission (AWOLP), for policy requirements. See SRM 701, LEIN Use, System & Security Policy, for the definition of person query.

Note: Do not use a LEIN criminal history report form.

Required Request for Child Welfare Licensing

MDHHS, Division of Child Welfare Licensing (CWL) staff must conduct a LEIN clearance on all adult household members that reside in or frequent the home on a reoccurring and ongoing basis of an applicant or a licensee for foster care home or proposed adoptive home or placement. For additional information; see CWL Technical Assistance (TA) Manual.

Required Request for Children's Protective Services (CPS)

Evaluate all information received from the reporting person, the client, a LEIN clearance, and other collateral sources of information that an adult caretaker has a history of violent behavior or was arrested for or convicted of a crime. CPS investigating worker required to obtain LEIN clearances should do so prior to contacting the client or alleged perpetrator. The worker may also conduct a LEIN clearance during any investigation when the worker believes a LEIN clearance will provide pertinent information.

For requirements on running LEIN for preliminary CPS investigations; see PSM 712-5, CPS Intake Overview and also PSM 712-6, CPS Intake-Special Cases.

CPS Investigations must include the following LEIN clearance.

- On all alleged perpetrators and adults residing in the home of the alleged perpetrator household when there are sexual abuse, physical abuse, and human trafficking allegations.
- On all household members when considering placement with non-custodial parents and relatives; see PSM 715-2, Removal and Placement of Children.

LEIN clearances are not required for voluntary safety arrangements that has not risen to the level of court order placement.

When requesting a LEIN, CPS staff must complete a DHS-269, Criminal History Information Request, form. *See requesting a LEIN record* in this policy for further details.

When documenting a LEIN clearance, the following information must be indicated in the disposition question specific to criminal history (located in the *disposition* tab in MiSACWIS):

- Names of individuals with whom a LEIN clearance was requested.
- Source of secondary verification (such as ICHAT, etc.).
- A description of the verified information as it relates to the investigation or child safety, if applicable.

Note: Unless otherwise outlined in this policy, an investigating worker required to obtain LEIN clearance is encouraged to do so prior to contacting the client or alleged perpetrator. See *evaluation of LEIN information* in this policy when assessing criminal history.

MDHHS may not request LEIN solely for worker safety purposes. Staff should consult with their supervisor and follow their county's office protocols to assure all safety precautions are taken.

Potential Unlicensed Relative Placement

When CPS staff are conducting a LEIN clearance on an individual for assessing a potential placement, the caseworker must link the name of the evaluated person to the child's case. The caseworker must create a provider inquiry and record for all potential unlicensed relative placements. The caseworker **must** complete the DHS-588, Initial Relative Safety Screen, in MiSACWIS. See Job Aid, JA Relative Placement Process, and FOM 722-03B, Relative Engagement and Placement.

Required Request for Foster Care (FC) and Juvenile Justice (JJ)

Evaluate all information from the potential parent/caregiver when assessing placement. LEIN clearances must be conducted:

- On all adult household members when a child will be having parenting time within a parent's home; see FOM 722-06I, Maintaining Connections Through Visitation and Contact.
- On all adult household members, by the next business day, when the court orders placement with a relative prior to the completion of the required home study.
- On all adult household members when considering a return home; see FOM 722-07B, Permanency Planning-Reunification.
- When a child is placed with an unlicensed relative or a home study is being conducted on a relative's home.
- When a child is placed at home and new adults move into the home.

When a household member has a conviction of certain crimes, placement prohibition and/or further assessment is required before

placement can be made; see FOM 722-03, Placement Selection and Standards, and FOM 722-03B, Relative Engagement and Placement.

Foster care and juvenile justice placement LEIN clearances must include criminal convictions, arrest/warrants, officer cautions a concealed pistol license (CPL) registration/permit check and a personal protection order check.

Caseworkers may request a new LEIN clearance on other adult household members when there is reason to believe that this new information is pertinent to making a decision regarding child safety.

Potential Unlicensed Relative Placement

When foster care or juvenile justice staff conduct a LEIN clearance on an individual to assess a potential placement, the caseworker must link the name of the evaluated person to the child's case. The caseworker must create a provider inquiry and record for all potential unlicensed relative placements. The caseworker **must** complete the DHS-588, Initial Relative Safety Screen, in MiSACWIS. See Job Aid, JA Relative Placement Process, and FOM 722-03B, Relative Engagement and Placement.

Required Request for Interstate Compact on the Placement of Children (ICPC)

All household members of a prospective placement for which MDHHS is required to conduct the home study must have a completed criminal history background check.

Required LEIN clearances must only be ran on open, active cases. When MDHHS receives a referral from the Interstate Compact on the Placement of Children (ICPC) to conduct a home study on a prospective placement and there is not an existing case, the worker must open a non-CPS intake.

See ICM-120, Interstate Adoption, and ICM-130, Interstate Foster Care, for additional requirements.

Required Request for Interstate Compact for Juveniles (ICJ): Juvenile Referrals

All adults in the home who are the subject of the ICJ referral must have a completed criminal history background check.

Required LEIN clearances must only be ran on open, active cases/provider record. When MDHHS receives an ICJ referral for transfer of supervision, then a worker must open a non-CPS intake.

When new adults come to live in the home including as the result of a move, criminal history clearances on the new adults are mandatory.

Following the initial criminal history check, completion of subsequent criminal history clearances can occur if determined necessary by the worker.

The ICJ Form VIII, Home Evaluation Report, requires a criminal history check and must include the following:

- Full name of the subject of the check.
- Subject's date of birth.
- Subject's gender and race.
- Subject's relationship to the juvenile.
- Date of the check.

The home evaluation report must also include the date the juvenile arrived in the home.

Document subsequent clearances conducted independently of a home evaluation on the ICJ Form IX Progress Report.

See ICM150, Interstate Probation/Parole Supervision, for additional information on ICJ requirements.

Required Request for Juvenile Guardianship

Before the court may appoint a guardian, the department must complete a LEIN clearance, along with other criminal history and central registry clearances for the prospective guardian and all

other adults living in the household per foster care policy; see GDM 600, Juvenile Guardianship.

Note: In some cases, the court will request a home study on a potential guardian for which MDHHS does not have jurisdiction or an open case. In these situations, do not use LEIN for criminal history clearances. Contact the county court to request they run the LEIN clearance or use public sources (such as ICHAT).

REQUESTING A LEIN RECORD

Required LEIN clearances must only be ran on open, active cases. Only MDHHS requesters assigned to the active case may request CJI from LEIN for purposes outlined in this policy. The person being checked must be affiliated with the case. CPS staff must list the names of the individuals with whom the LEIN clearance is requested in disposition question specific to criminal history (located in the disposition tab in MiSACWIS), see *required requests for CPS* in this item. Ensure that the person's name is in the case file and matches the name as written on the DHS-268, LEIN Clearance Log, or DHS-268A-Secondary Dissemination Clearance Log, and DHS-269, Criminal History Information Request, form. These forms must include the associated case number, investigative, intake ID number, or provider ID.

Maintain the original DHS-269, Criminal History Request, form in the case file. Case files in MiSACWIS must include an upload of the DHS-269 into the document section. The DHS-268, LEIN Clearance Log, and/or DHS-268A, Secondary Dissemination Clearance Log, must retain a copy of the DHS-269. **Do not write anything associated with a LEIN result on the DHS-269, Criminal History Request, form**.

After the request, the operator must complete the DHS-268, LEIN Clearance Log, and/or DHS-268A, Secondary Dissemination Clearance Log, and the authorized user signs it upon picking up the LEIN CHRI.

EVALUATION OF LEIN INFORMATION

Evaluate information received from a parent, relative or others, a LEIN clearance, public sources, or other collateral sources of information of an adult caretaker's criminal history.

The existence or nonexistence of an arrest or criminal record does not necessarily indicate risk.

Only verified information should be used for decision-making with consideration of when (how long ago) the offense occurred and whether treatment intervention was provided.

LEIN REQUEST TRACKING

Local offices must document all LEIN clearances by completing the DHS-268, LEIN Clearance Log, and/or DHS-268A Secondary Dissemination Clearance Log. Complete this form as part of the audit process and must be maintained in a secure file at the local office.

For record retention requirements; see *LEIN document disposal and retention*, in this item.

DISSEMINATION OF LEIN INFORMATION

Disseminate LEIN information and/or documents via phone, fax, electronic mail (email), or printed only in accordance to the requirements outlined within this policy. It is the responsibility of the local county director or appointed local agency security officer (LASO) to ensure compliance. Requesters electronically receiving and reviewing the CHRI must follow the physical access requirements outlined in SRM 701, LEIN Use, System & Security Policy.

The CJIS Policy Council Act, MCL 28.214(5) et seq., granting MDHHS enhanced LEIN access, states, "A person shall not disclose information governed under this act in a manner that is not authorized by law or rule". Although not an exhaustive list, MDHHS may not share LEIN information, directly or indirectly, with the following categories of people:

- Private child placing agencies.
- Placement agency foster care providers.
- Contractors.
- Individuals, agencies and entities external to MDHHS.
- Lawyer-Guardian Ad Litem.
- Guardians/conservators.
- Licensing facilities.

- Tribal representatives.
- Unauthorized MDHHS staff or authorized staff for unauthorized purposes.

The law also specifies criminal penalties for non-compliance with the confidentiality provisions of the law.

Note: In situations where a placement agency foster care (PAFC) needs a LEIN clearance to determine appropriate placement or visitation, MDHHS cannot share LEIN results; instead, the following should occur:

- PAFC must notify the MDHHS monitoring worker and provide the monitoring worker all household members' information.
- The MDHHS monitoring worker must complete a DHS-269, Criminal History Request, form within five business days upon receipt; see FOM 914, MDHHS Responsibilities for PAFC Managed Cases.
- The MDHHS monitoring worker must corroborate any criminal history record information (CHRI) using public sources; see *verified information,* in this item.
- The MDHHS monitoring worker can only report to the PAFC the corroborated verified information.
- File the DHS-269, Criminal History Request, form.

This outlined process is not for licensing foster care and adoption homes. Please see Division of Child Welfare Licensing (DCWL) policies.

Phone Dissemination

Criminal history record information (CHRI) can only be released via phone from a MDHHS authorized operator/TAC to a MDHHS authorized requester. The requester must be associated to the open/active case and provide the operator with a two-step verification process by confirming:

1. Intake ID number.
2. Worker ID (as associated to the open/active case).

Upon verification of authorization and case association, the operator/TAC can then share CHRI via phone.

Fax Dissemination

Criminal history record information (CHRI) can only be released via fax from a MDHHS authorized operator/TAC to a MDHHS authorized requester who is associated to the open/active case:

- Only fax to another MDHHS office fax machine.
- The requester is standing at the fax machine awaiting receipt.
- The requester must send an email confirming receipt of the report to the sender.

Requester must meet the physical security requirement when reviewing CHRI via fax.

Email Dissemination

Criminal history record information (CHRI) can be released via email only from a MDHHS authorized operator/TAC to a MDHHS authorized requester associated to the open/active case. The email must be encrypted (FIPS 140-2) end-to-end. The MDHHS Outlook meets this encryption requirement.

- Requester must connect either via VPN or directly to the state of Michigan network when receiving CHRI via email.
- Password protect the document being emailed.
- Only email to a MDHHS authorized user.

Requester must meet the physical access authorization requirements when reviewing CHRI via email; see SRM 701, LEIN Use, System & Security Policy, for documentation requirements.

Note: If the requester who is receiving CHRI via phone, fax, email or printed copy is getting the report because s/he is assisting another county-assigned caseworker, assigned as the county of responsibility, documentation of the dissemination must be on a DHS-268A, Secondary Dissemination Log.

Do not store CHRI on a network drive unless it is restricted, monitored and tracked by a local county TAC for appropriate authorized access.

Printed Dissemination

Criminal history record information (CHRI) can be release via printed hard copy only from a MDHHS authorized operator/TAC to a MDHHS authorized requester associated to the open/active case.

Authorized requester release signatures on the DHS-268, LEIN Clearance Log, can be hand written or electronic.

Secondary Dissemination

Secondary dissemination is distributed criminal history information obtained from LEIN that is beyond the original requesting agency.

Sharing information outside MDHHS requires the receiving agency to have an originating agency identifier (ORI). The MDHHS only allows for secondary dissemination within local MDHHS county offices. Requests from other agencies refer the requesting agency to law enforcement agency to request the information directly.

Secondary dissemination can only occur between authorized MDHHS county offices when a worker from one county is assisting with another county's assigned case investigation. The primary worker assigned to the case can share the CHRI with the assisting worker from the other county. Report the sharing of this information on the DHS-268A, Secondary Dissemination Log.

Dissemination is for authorized purpose consistent with the policies outlined within this policy. Local county offices can choose to implement or decline requests for secondary dissemination.

Secondary dissemination log documentation must include the following information:

- Date and time requested.
- Authorized requester name and county number.
- Receiving county ORI.
- Case/Investigative/Intake number associated with an active MDHHS case.
- Name of the person being LEIN evaluated.
- Case investigation type.

- Date and time of dissemination.

The local county office must retain a copy of the DHS-269, Criminal History Log, along with the DHS-268A, Secondary Dissemination Log. For record retention policy; see *LEIN document disposal and retention*, in this item.

Note: Do not generate CHRI for an authorized requester associated to another county's ORI unless they are associated to the case for which the generating county is responsible.

Do not allow an unauthorized individual to view, hear, or otherwise access information obtained from LEIN/NCIC contained in a case file.

Documenting in Reports/Files/ Narratives

No information solely from LEIN is to be included in department reports or case files (including hard copy or electronic- such as MiSACWIS, BITS, Bridges, ASCAP, etc.). Workers must not disclose any accessing of criminal history information from LEIN, nor disclose that any unverified criminal history information to the individual on which the LEIN clearance was completed.

Case files and documents or court reports may include corroborated verified information when the information is required, or the information is the basis for case decision-making.

Case or court reports, petitions, or narratives of other reports may include DHS-154, Investigation Report, DHS-152, Updated Services Plans, Placement agency foster care providers DHS-3130-A, Children's Foster Care Initial Relative Placement Home Study, DHS-588, Initial Relative Safety Screen, safety plans and/or petitions. Only verified information from LEIN should be in these reports when information is a source of evidence of child abuse/neglect. Do not attach or submit a LEIN report to a petition.

Note: When petitions, ISPs, USPs, home studies, court reports, etc., written prior to June 1, 2007 are shared with the court, private child placing agencies, treatment providers, foster parents and all other entities external to the department, the fact that a LEIN clearance was done and the specific information obtained from LEIN must be redacted and removed from the report. Do not attach or submit LEIN documents with petitions.

See the definition of *verified information,* in this item to obtain public sources to corroborate.

Court Orders, Subpoenas and FOIA request

LEIN information is not subject to FOIA requests and can only be released through a court order or subpoena issued by the circuit court, including the family division. Forward all court orders and subpoenas for LEIN information to the Michigan State Police LEIN field services for processing.

The law also specifies criminal penalties for noncompliance with the confidentiality provisions of the law; see CJIS Security Policy.

Penalty for Improper Release of LEIN Information

CJIS Policy Council Act, MCL 28.214(6)(a) explains penalties to a person who intentionally uses or discloses nonpublic information in a manner that is not authorized by law or rule; see SRM 701, LEIN Use, System & Security Policy, Violations and Breaches.

All suspected violations of LEIN policy pertaining to unauthorized access, use or disclosure are to be immediately forwarded to the local office LEIN coordinator in central office; see SRM 701, LEIN Use, System & Security Policy, Incident Response.

REBUTTAL PROCESS

Sharing of CHRI directly from LEIN is not allowed. Only share corroborated verified information. Do not share information as being a source from LEIN. If a person challenges the accuracy of a criminal history check, refer the person to the nearest law enforcement agency to follow that law enforcement agency's process for challenging the criminal record. Inform the individual that once they obtain a response from law enforcement to his/her challenge to provide a copy to MDHHS.

LEIN DOCUMENT DISPOSAL AND RETENTION

See Record Retention and Disposal Schedule, 49/BCWF, Child Welfare Policy and Programs, for record retention policy requirements for each LEIN report and document.

Do not file LEIN documents in the case record. This does not include the DHS-269, Criminal History Request; see *requesting a LEIN clearance* in this item.

When immediately disposing of LEIN criminal history information (CHRI) or at the conclusion of the record retention periods, crosscut, shred, or incinerate the documents. Delete CHRI after reviewing it electronically. Do not save CHRI in any case files (electronic or hard copy). If it is necessary to obtain a historical-based CHRI, send a request to the Central Office TAC. If it is necessary to request another CHRI on the same person/people as previously ran, then with a new request follow the process for requesting LEIN.

Note: Do not dispose LEIN clearances in a confidential recycling bin that a company shreds outside the building.

VIOLATIONS AND BREACHES

LEIN use is specific to statutory authority, any breach in the use of LEIN is a violation; see SRM 701, LEIN Use, System & Security Policy, for more information and to learn how to report suspected violations or breaches.

OVERVIEW

This policy addresses the appropriate use and disclosure of information contained within the criminal history records as obtained from the Law Enforcement Information network (LEIN). It incorporates the regulations, policies and laws from the Michigan Department of Health and Human Services (MDHHS), Michigan State Police (MSP), Adam Walsh Act, Criminal Justice Information Services (CJIS) Policy Council Act, CJIS Security Policy, and CJIS addendum.

LEGAL BASE

Federal

28 CFR 20 provides provisions for criminal justice information (CJI) systems, dissemination, certification and penalties for misuse.

34 USC 20961 grants the MDHHS access to NCIC and NCIC III for investigated cases of child abuse, neglect or exploitation.

CJIS Security Policy provides guidelines and requirements for criminal justice agencies (CJA) to protect the CJI, both at rest and in transit. This includes transmission, dissemination and destruction of CJI.

State

The Criminal Justice Information Services (CJIS) Policy Council Act, 1974 PA 163, as amended, MCL 28.214 provides MDHHS access to LEIN and fingerprint identification systems for the enforcement of child support laws and child and vulnerable adult protection laws.

Executive Order 1990-10 provides provisions for dissemination of criminal history record information to the Department of Social Services.

Social Welfare Act, 1939 PA 280, as amended, MCL 400.43b established the Office of Inspector General (OIG) as a criminal justice department under MDHHS.

MSP Policy

CJIS Michigan Addendum is an adopted revision to the Michigan CJIS Security Policy that requires Michigan users to adhere to requirements in the FBI CJIS Security Policy, versions 5.1 and future.

MSP LEIN Policy Manual provides policy topics and rules on LEIN use.

Admin/ Court Rule

CJIS Administrative Rules (State Office of Administrative Hearings and Rules, Administrative Code: R 28.5101 - R 28.5414) provides general provisions, access, eligibility, and data dissemination provisions, NCIC access; authorized agencies, audit information and dissemination, and records.

Inter-Agency Contracts and Agreements

Signed contractual agreements between the Michigan State Police and the CJIS-0001, MDHHS/CSA. LEIN Memorandum of Agreement and RI-093, User Agreement.

TERMS AND DEFINITIONS

Criminal History Record (CHR)

A CHR from LEIN is nonpublic records entered by the MSP, Criminal Justice Information Center and contains information on a person's criminal history.

Criminal History Record Information (CHRI)

A CHRI from LEIN is background information obtained from the criminal history record.

Criminal Justice Agency (CJA)

An agency is considered a CJA if it is either a court, governmental agency, or any subunit of a governmental agency that performs administrative activities of criminal justice pursuant to a statute or executive order and allocates a substantial part of its annual budget to the administration of criminal justice.

Criminal Justice Information (CJI)

Criminal Justice Information is data (electronic or hard copy) collected by criminal justice agencies for the purposes as authorized or required by law. (Michigan Administrative Rule, R 28.5101(g)).

Law Enforcement Information Network (LEIN)

LEIN is Michigan's statewide-computerized information system that stores and disseminates criminal justice information (CJI).

Michigan Criminal Justice Information Network (MiCJIN)

MiCJIN is a portal or software bundle providing direct connection to the LEIN.

National Crime Information Center (NCIC)/III

The NCIC is a nationwide, computerized information system that helps the criminal justice community perform its duties by providing accurate and timely documented criminal justice information (for example, wanted person files, article files, missing person files).

The III is a cooperative state-federal system for the electronic exchange of criminal history record information for authorized purposes as specified by local, state, and federal laws.

Noncriminal Justice Agency (NCJA)

A NCJA that has access to CJI is any court, governmental agency, or any subunit of a government agency that performs administrative activities other than the administration of criminal justice.

Originating Agency Identifier (ORI)

The MSP provides an Originating Agency Identifier (ORI), as authorized by contractual agreement, to a governmental agency or

subunit defined as either a CJA or NCJA. The ORI separately identifies each unit/agency and each transaction made from that unit/agency must include the assigned ORI.

Person Query

A person query is a way to look up criminal justice information available in LEIN without using the criminal history record form. Queried information requires the same privacy and protections outlined herein this policy and the Criminal Justice Information Systems (CJIS) Security policy. Only perform a person query using the MiCJIN Talon Person Query, form.

Verified Information

Information obtained from credible public sources that corroborate information obtained from LEIN.

The following are credible sources to verify information:

- Courts.
- Internet Criminal History Tool (ICHAT).
- National and State sex offender registries.
- Offender Tracking Information System (OTIS).
- Police/law enforcement.
- Prosecuting attorney's office.
- Secretary of State (SOS).
- Self-disclosure.
- VINELINK.

ROLES AND RESPONSIBILITIES

Each agency or sub-unit that has an assigned ORI(s) must appoint selected staff to serve as one or more of the following role(s): operator, terminal agency coordinator (TAC) and local agency security officer (LASO). An appointed person can serve dual roles as long they uphold all security policy and contract requirements.

Authorized User

An authorized user is an individual/group of individuals authorized to access CJI from LEIN as required by policy and as permitted access by law.

MDHHS authorized users typically include local county staff, such as an appointed requester, operator or terminal agency coordinator (TAC); services worker, office supervisor; manager; and director.

Central Office Local Agency Security Officer (LASO)

The central office LASO serves as the compliance expert for local county appointed LASOs. The LASO helps to ensure physical security, software compliance, and physical security screening requirements are adhered and immediately reports breaches to the MSP LEIN field services.

The LASO must:

- Identify who is using the approved hardware, software, and firmware and ensure that only authorized individuals have access.
- Ensure the upholding of personnel security-screening procedures, as outlined in this policy.
- Assist county LASO's to help ensure the approved and appropriate security measures are in place and working as expected.
- Support policy compliance and promptly inform the CJIS System Agency (CSA) information security officer (ISO) of security incidents.

Central Office Terminal Agency Coordinator (TAC)

The central office TAC is responsible for ensuring LEIN use compliance for MDHHS/CSA assigned ORI(s).

TAC's role/responsibility includes:

- Serve as a liaison to local county users and helps with supervision and system integrity across all assigned ORIs within the agency.
- Enable and disable TACs and operators.
- Monitor and track user compliance.
- Affirm and validate users in MiCJIN.

- Report any agency violations to MSP.
- Disseminate delay-hit notifications.
- Serve as the agency liaison between MSP and MDHHS for audit, contractual, training assistance and policy compliance.

For specific roles and responsibilities; see MSP TAC Manual.

Local Agency Security Officer (LASO)

A LASO serves as the county-appointed security contact for CJIS related issues. The LASO ensures physical security, software compliance, and physical security screening requirements are adhered and immediately reports breaches to the central office LASO.

The LASO must:

- Identify who is using the approved hardware, software, and firmware and ensure that only authorized individuals have access.
- Ensure the upholding of personnel security-screening procedures, as outlined in this policy.
- Ensure the approved and appropriate security measures are in place and working as expected.
- Support policy compliance and promptly inform the central office LASO of security incidents.

Operator

An operator receives and processes the necessary criminal history request forms provided by an authorized user under the assigned ORI and records and retains the transactions for audits. The Operator is responsible for ensuring safety and security of the generated criminal history information. For specific roles and responsibilities; see MSP Operations Manual.

Requester

A requester granted permission by policy and law requests criminal history record information from the local county operator or TAC.

Authorized requesters include services workers assigned to case files in the following units: Adoption, Adult Protective Services (APS), Children's Protective Services (CPS), Foster Care (FC), Adoption and Foster care Interstate Compact on the Placement of Children (ICPC) Juvenile Guardianship and Juvenile Justice (JJ).

The requester must be associated to the open/active case requiring the criminal history record information. The requester is knowledgeable in the policies that require a criminal history background check; see SRM 700, LEIN. The requester is responsible for interpreting and securing the criminal history report.

Terminal Agency Coordinator (TAC)

The TAC serves as the point-of-contact to the central office TAC and the local county authorized users. The TAC is responsible for LEIN use compliance for his/her county assigned originating agency identifier (ORI). TACs are trained by MSP. MSP-trained TACs are responsible for training county operators. For specific roles and responsibilities; see MSP TAC Manual.

LEIN ACCESS

Local child welfare program offices have access to information in the Law Enforcement Information Network (LEIN) through a department agreement with the Michigan State Police. This access includes the following information:

- State of Michigan criminal history information.
- Sex Offender Registry.
- Missing/wanted persons.
- Prison and parole information.
- Gun registration/permits.
- Personal protection orders.
- Officer cautions.
- Michigan Secretary of State (SOS).
- National Crime Information Center (NCIC) - wants/warrants only within the United States (US).

Note: Full access may be restricted according to agency authorization. Criminal history information from outside the U.S. is restricted to criminal justice agencies.

Requirements for requesting LEIN; see SRM 700, Required LEIN Requests.

NCIC/III

The National Crime Information Center (NCIC) contains restricted and non-restricted interface files. The NCIC restricted files are distinguished from NCIC non-restricted files by the policies governing their access and use; see, CJIS Security Policy v5_5 §4.2. Proper access and dissemination of data from the restricted files must be consistent with the access and dissemination policies for the III as described in 28 CFR Part 20 and the NCIC Operating Manual.

34 USC 20961 authorizes state access to NCIC/III files for purposes of obtaining national criminal history information on persons involved in cases of child abuse, neglect or exploitation.

ACCESS CONTROL

Name-based background checks through LEIN/NCIC III are required before granting any access to CJI.

The FBI recommends that agencies perform follow up name-based background checks at least once every five years to ensure that an employee has not had a disqualifying arrest/conviction and not told the employer. If RAPBACK is available, then this follow up recommendation or requirement is not necessary after submitting to the initial fingerprint clearance.

Direct Access

The MDHHS, Children's Services Administration (CSA) is a direct access agency with access to non-public LEIN information via the MiCJIN. A person who directly accesses nonpublic LEIN information is the appointed Operator(s) and TAC(s).

Obtaining authorization for direct access to CJI a person must complete the following:

- Pass a state and federal fingerprint criminal history background check.
- Attend an operator and/or TAC training. Have a passing grade of no less than 70 percent.
- Attend a LEIN security awareness training.

- Sign forms: MDHHS 5518, LEIN Notice of Criminal Penalties, and MDHHS 5528, Access & Operator Request: Security Agreement.

To remain an Operator and/or TAC update all training and forms once every two years.

To maintain system integrity and reduce the threat for potential breach, appointed positions are limited. The allowable number of operators per county is a ratio of .15 percent of the number of total requesters at that location. For example, a county with 40 requesters can have up to six operators (40 x .15=6). The allowable number of TACs per county is one primary with two serving as back up. To request additional operators and/or TACs beyond the noted ratio send a justification request to the central office TAC.

Fingerprint Clearance Application

For an applicant to apply for a fingerprint clearance for direct access to LEIN, complete the following process:

1. Complete form RI-030, LiveScan Fingerprint Background Check Request. This form is required by MSP to verify staff authorized permission to be fingerprinted allowing MDHHS to receive the individuals criminal history record.

2. Schedule a fingerprint appointment or go to a police station. Have the representative conducting the fingerprinting sign the RI-030.

3. Submit signed RI-030 to the TAC to retain for audit purposes.

Fingerprint results for LEIN access are criminal history records that require the same confidentiality as LEIN reports.

Indirect Access

Indirect access is having the authority to review CJI; but, without direct access to MiCJIN, as used to conduct transactional activity within the LEIN.

Authorized users with indirect access may include any agency staff who requires to review and interpret CHRI as part of case review. Staff may include, but is not limited to requesters, supervisors, managers and directors.

Authorized users who review LEIN criminal history report information (CHRI) must sign the MDHHS 5518, LEIN Notice of Criminal Penalties, form and take the LEIN security awareness training within the first six months of hire and again once every two years thereafter.

Access Validation

Local office TAC must annually review all account access and report the validation to the central office TAC.

TAC or LASO must annually review authorized user access to ensure that access and account privileges commensurate with the following statuses/need: job functions, policy requirements, and employment status on systems that contain CJI. Immediately report to the central office TAC any changes to the status of either an operator or TAC:

- Any extended leave of more than 30 days.
- Termination or departure.
- Any name changes.
- Any transfer to another county office.
- Not accessing their account in 6 months.
- Any violations of use of CJI.
- Any other need for direct access removal.
- Any violations or misuse.

Penalties for violating this policy section may result in network removal, access revocation, or corrective or disciplinary action, and termination of employment.

PHYSICAL PROTECTION REQUIREMENTS

To access and view CJI from LEIN, secure the physical location according to the below MSP-approved layout as described in this policy, and in accordance to the CJIS security policy.

Physically Secure Location

A physically secure location is a facility, an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect the LEIN-based CJI and associated information systems. The perimeter of the physically

secure location should be noticeably identifiable and separated from non-secure locations by physical controls. Define the security perimeters as controlled and secured. Identify the restricted non-public areas with a sign at the entrance.

To meet the physical protection requirements, units and counties with access to CJI must create a secured area with either a preferred set up or a controlled area.

Preferred Set Up

The preferred secure room set up is to have one vacant room with the following: a lock-capable door, a posted sign on the door that reads “Processing CJI…Do Not Enter”, and shared printers must have lock/password capability. This room can have multiple computers that are only accessible by the local county LEIN operator(s) and terminal agency coordinator(s) (TACs).

Controlled Area

Controlled areas are configured working stations assigned to operators for purposes of processing CHRI requests from LEIN. Configured LEIN operator stations shall include the following:

- May have up to five cubicle configurations in the county office, depending on the number of operators per county.
- Position monitors used to query/view CJI away from door or entry of cubicle.
- Place privacy screen filters on monitors even when monitors are not facing the cubicle opening to restrict viewing by unauthorized personnel who may enter cubical.
- Ensure cubicle walls are high enough to restrict viewing by the average height person.
- Lock up any physical media such as LEIN printouts, TAC Manual, LEIN Manual, Etc. when not in use.
- Power off computers after working hours.
- Use the windows system lock during working hours when employees are away from their desk.
- Only have the LEIN application open when performing LEIN queries.

- Create a sign to place on the outside of cubical when processing CJI. Example: “Processing CJI…do not enter”
- If printing CJI on a shared printer, use the lock job function so the CJI does not print until the authorized person at the printer.

For counties with multiple floors/areas with open cubicles that access CJI from LEIN, ensure that the doors that access the multiple rooms where CJI is accessed is locked and any unescorted access to those rooms complete level 1 security awareness requirement by signing the MDHHS-5502, Security Awareness Acknowledgement for Personnel with Only Physical Access to Physically Secure Locations, form.

Note: Controlled areas may include cubicles or other vacant office spaces based on county capacity. Cubicle configuration design for LEIN operators is on file with the Bureau of Organizational Services. Directors are to contact the central office TAC to discuss variations of office arrangement that will meet compliance.

Note: Configured cubicles will become the permanent operator station. When the appointed operator is no longer serving his/her role and another staff is appointed, the worker must vacate the station for the new operator to assume.

PHYSICAL ACCESS AUTHORIZATIONS

Authorized users must take the necessary steps to prevent and protect the agency from physical, logical and electronic breaches. They are responsible for maintaining a current list of authorized users and informing the central office TAC of any changes.

All users with physical access must meet the following requirements:

- Meet the minimum personnel screening requirements prior to CJI access.
  - Conduct a state and federal fingerprint-based record check within 30 days of assignment for all LEIN users who have **direct** access to CJI.
  - Complete and sign the DHHS-5518, Notice of Criminal Penalties, form and LEIN Security Awareness Training certificate within six months of hire and recertify once every two years thereafter.

- Be aware of who is in their secure area before accessing confidential data.
  - Take appropriate action to protect all confidential data.
  - Protect all terminal monitors with viewable CJI displayed on monitor and not allow viewing by the public or escorted visitors.
  - Private contractors/vendors and custodial workers with access to physically secure locations or controlled areas (during CJI processing) shall be escorted or required to sign the MDHHS-5502, Security Awareness. Acknowledgment for Personnel with Only Physical Access to Physically Secure Locations, form.
- Protect and not share any individually issued keys, proximity cards, computer account passwords, etc.
  - Report loss of issued keys, proximity cards, etc.
  - Safeguard and not share passwords, personal identification numbers (PIN), security tokens (such as VPN), and all other facility and computer systems security access procedures.
- Protect computer/tablet from viruses, worms, Trojan horses, and other malicious code; see APL 68E-110, Protection from Malicious Software Policy and Procedure.
- Protect web usage; see Information Technology Support: DTMB/IT in this item.
- Do not use personally owned devices on the computers with CJI access.
- Secure dissemination and review of CHRI when sending or receiving via phone, fax or email. Follow physical access authorization requirements detailed within this policy.
- Report any physical security incidents to the central office TAC and LASO to include facility access violations, loss of CJI, and loss of laptops, cellular phones, thumb drives, CDs/DVDs and printouts containing CJI.
- Properly release CJI only to authorized personnel and crosscut shredded printouts when no longer needed.

- Ensure data centers with CJI are physically and logically secure.
- Keep the TAC informed of when CJI access is no longer required. In the event of terminated employment, the individual must surrender all property and access managed by MDHHS and DTMB.
- Ensure the perimeter security door securely locks after entry or departure. Do not leave any perimeter unprotected, such as door propped opened.

Authorized Unescorted Access

Personnel with access to physically secure locations or controlled areas, but do not directly or indirectly access CJI must take level one security awareness training. These personnel include, but are not limited to: support personnel, other MDHHS unit staff, private contractors/vendors and custodial workers.

Level one security awareness access includes reviewing and signing the MDHHS-5502, Security Awareness Acknowledgment for Personnel with Only Physical Access to Physically Secure Locations. Completion of this form is required before granting authorization for unescorted access to secure areas.

Authorized Escorted Access

An escort is an authorized user who always accompanies a visitor while within a physically secure location to ensure the protection and integrity of the physically secure location and any CJI. The use of cameras or other electronic means used to monitor a physically secure location does not constitute an escort.

A visitor is a person who visits the MDHHS facility on a temporary basis, who is not a MDHHS employee and who requires escorted access to the physically secure locations within the MDHHS where LEIN-based CJI and associated information systems.

Visitors must:

- Check in before entering a physically secure location.
- Be accompanied by a MDHHS authorized user as an escort at all times.

- Follow the MDHHS policy for authorized unescorted access:
  - For personnel who require frequent unescorted access to restricted area(s).
  - For private contractors/vendors who requires frequent unescorted access to restricted area(s).
- Not be allowed to view screen information mitigating shoulder surfing.
- Not be allowed to sponsor another visitor.
- Not enter into a secure area with electronic devices unless approved by the MDHHS LASO to include cameras and mobile devices. No photographs allowed without permission of the MDHHS assigned personnel.

Courteously escort individuals not having any legitimate business in the restricted area to a public area of the facility. Workers should question any unescorted stranger in a physically secure area. If resistance or behavior of a threatening or suspicious nature is encountered, sworn personnel shall be notified or call 911.

Authorized Offsite Access

Authorized offsite access is when a MDHHS authorized users, accessing CJI from LEIN has been given authorization to directly access the MiCJIN portal from outside of the worker's assigned home agency office building.

Having authorized offsite access requires the operator to access either from his /her personal home or from a non-assigned local county MDHHS office. A worker must not access the MiCJIN portal using a public connection for example, a coffee shop, at a client's residence, using hotspot, etc.

Requirements for direct access from personal home must:

- Adhere to the CJIS security policy on physical security requirements.
- Allow for the possibility of in-home audits.
- Only connect to internet via either an ethernet cord or Wi-Fi.

- Only use the agency-issued computer.
- Always connect to VPN before logging into MiCJIN.
- Not print LEIN results from a home printer, (if needed to view again, it is best to simply re-run).
- Not store CHRI on a network drive unless it is restricted, monitored and tracked by a local county TAC for appropriate authorized access.

Requirements for accessing from a non-assigned local county MDHHS office:

- Adhere to CJIS security policy on physical security.
- Connect directly to state of Michigan Wi-Fi or direct ethernet.
- Ensure connection to MDHHS system or if Wi-Fi, must connect to VPN before logging into MiCJIN.

Penalties

Violation of any of the requirements in this policy by any authorized user will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and/or termination.

Violation of any of the requirements in this policy by any visitor can result in similar disciplinary action against the sponsoring employee, and can result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

INFORMATION TECHNOLOGY SUPPORT: DTMB/IT

In coordination with above roles, all MSP-vetted DTMB IT support staff will protect CJI from compromise at the MDHHS by adhering to the MDHHS/DTMB Management Control Agreement (MCA) and the DTMB policies found at the Michigan Department of Technology, Management and Budget website under Technology/IT Policies, Standards & Procedures (PSP); in particular see Policy 1370, Information Technology Configuration Management.

PROCESS FOR REQUESTING A LEIN RECORD

CJI can only be requested by MDHHS requesters who are assigned to the active case and requested for purposes outlined in policy. The person's name as reflected in the case file should be the name written on the DHS-268 and DHS-269 forms.

After the request, the operator must complete the DHS-268 Clearance Log, and an authorized user must sign it upon picking up the LEIN CHRI.

These forms must also include the associated case number, investigative or intake ID number.

PROCESS FOR REQUESTING DIRECT ACCESS

Only TACs and operators can have direct access to MiCJIN/LEIN. To appoint a TAC or operator, first a schedule appointment to be state and national fingerprinted using the RI-030, LiveScan Fingerprint Background Check Request, form.

Upon notification of fingerprint clearance, the following steps can then occur:

1. Attend required TAC and/or operator training.
2. Take a test with a passing grade of no less than 70 percent.
3. Review the LEIN security awareness training and sign the certificate.
4. Sign both forms: 5518, LEIN Notice of Criminal Penalties, and 5528, Access & Operator Request: Security Agreement.
5. Turn all tests and documents into the local county TAC to compile.

The local county TAC will bundle the information and forward copies to the central office TAC. The originals will remain on file at the county office. See Record Retention and Disposal Schedule, 49/BCWF, Child Welfare Policy and Programs for record retention policy.

Select Child Welfare Policy and Programs 49BCWF. If the web link does not work please call 517-335-9132 if you need a copy of an agency-specific schedule

Renew the tests and forms once every two years to continue to serve in the appointed role.

DISSEMINATION AUTHORITY

No information solely from LEIN shall be included in department reports, including any electronic case records. Workers must verify LEIN information by public source(s), which then can be cited. See SRM, 700, LEIN for requirements for documenting in reports, files or narratives and dissemination authority.

VIOLATIONS AND BREACHES

CJIS Policy Council Act, MCL 28.214(6)(a) explains penalties to a person who intentionally uses or discloses nonpublic information for personal gain or in a manner that is not authorized by law or rule.

The first offense is a misdemeanor punishable by 93 days imprisonment or $500 fine, or both. The second offense is a felony punishable by not more than four years imprisonment or $2,000 fine, or both.

Staff found to have misused LEIN information will be subject to disciplinary action up to and including dismissal.

Incident Response

Immediately report all suspected violations of LEIN policy pertaining to unauthorized access, use or disclosure to the local office TAC and the central office TAC.

The central office TAC must report the incident to MSP LEIN field services with a copy to the Office of Inspector General (OIG). MSP will conduct investigation and may send a letter for agency investigation and either with a request for corrective action plan or with penalty recommendations.

FORMAL AUDITS

Local office TACs are responsible for periodically validating LEIN use to ensure proper use and procedures of accessing LEIN information. The MSP will triennially audit county use.

POLICY CONTACT

For questions about this policy contact Joy Thelen, central office TAC at the CPS Program Office via email at ThelenJ12@michigan.gov