
**ABUSE/NEGLECT
BY TEACHERS,
AIDES, ETC.**

Teachers, teachers' aides, and members of clergy are included in the definition of "child abuse" in the Child Protection Law, but they are **not** included in the definition of "person responsible for the child's health or welfare." DHS is only authorized to investigate alleged abuse by a "person responsible for the child's health or welfare." Complaints alleging child abuse by teachers, teachers' aides, and members of clergy must be immediately referred to law enforcement and **CAN NOT** be investigated by the department.

Similarly, law enforcement is solely responsible for the investigation of complaints of abuse allegedly committed by other persons not responsible for the child's health or welfare. This includes, but is not limited to, police officers, neighbors, strangers, youth group leaders and child care aides (baby-sitters who provide day care in the child's home).

**INTER-COUNTY
COMPLAINTS**

A local office may receive a complaint that involves a child whose residence is in another county (e.g., a child is brought to a hospital located in a county other than the child's residence, child is visiting the non-custodial parent, etc.). The responsibility for initiating the investigation for these types of complaints depends on the nature of the allegations and the priority response. The county responsible for handling the complaint is as follows:

- The county where the child is found is responsible for the complaint if the priority response for the complaint is Immediate Response (I/24).
- The county of residence is responsible for handling the complaint if the priority response for the complaint is 24 Hour Response (24/24), 24 Hour Response and 72 Hour Face-to-Face (24/72), or not appropriate for investigation.

See CFP 712-4, Intake-Minimal Priority Response Criteria for how to determine the priority response.

Exception 1: If the complaint involves children in court ordered out-of-home placement and the complaint allegations do not involve the current care providers, immediately transfer the complaint in SWSS CPS to the county with court jurisdiction. In this instance, an immediate phone contact (person-to-person; do not leave a message) must be made with the supervisor or designee in the receiving county to notify him/her of the transfer.

Exception 2: If the child attends school in an adjacent county, the county of residence should handle the complaint.

When a local office receives a complaint regarding a child whose county of residence is in a county other than where the child is found, the local office which receives the complaint must enter the complaint into SWSS CPS. The process for handling these types of complaints depends on the nature of the allegations and the priority response.

Priority Response is I/24

If the priority response for the complaint is I/24, immediately speak to a supervisor or designee (do not leave a message) in the county of residence, to notify them of the complaint and to coordinate the investigation and agree upon each counties' responsibilities.

Responsibilities of county where child is found ([unless otherwise agreed](#))

- Commence the investigation to ensure the immediate safety of the child.
- Interview all individuals (e.g., victims, caretakers, witnesses, alleged perpetrators, etc.) who may have direct knowledge of the current allegations and are currently in the county where the child is found.
- Document all investigative activities and findings completed by the county where the child is found in SWSS CPS in the Social Work Contacts module.
- Maintain contact with the county of residence to coordinate investigative activities.
- Transfer the complaint in SWSS CPS to the county of residence when:
 - A petition is filed in the Family Division of Circuit Court in the county where the child is found, the court authorizes the petition, the court transfers case responsibility to the county of the child's residence **and** the court in the county of residence accepts transfer of the case.

Note: If a petition is filed and the court in the county where the child is found authorizes the petition, the complaint must be registered in the county where the child is found, pending transfer.

- No petition is needed.
- A petition is filed in the Family Division of Circuit Court in the county where the child is found and the court does not authorize the petition.

Responsibilities of county of residence ([unless otherwise agreed](#))

- Make efforts to ensure the safety of any other children located in the county of residence.
- Pending case transfer or resolution of court jurisdiction, cooperate with the county where the child is found to provide any assistance necessary to ensure the safety of the child (e.g. further interviews, petitioning, etc.).
- Interview all individuals (e.g., victims, caretakers, witnesses, alleged perpetrators, etc.) who may have direct knowledge of the current allegations and are currently in the county of residence. Accept transfer of case responsibility when the Family Division of Circuit Court in the county of residence accepts the transfer of a petition, if a petition was filed by the county where the child is found.
- In cases in which the Family Division of Circuit Court is not involved, the county of residence must accept case responsibility when the transfer is initiated by the county where the child is found.
- Accept transfer of the case in SWSS CPS. Update the county of residence in ASSIST by printing and processing the Assist Services Referral, Registration and Changes form (DHS-133A).

All contacts between the workers/supervisors of different counties must be documented in social work contacts by the worker/supervisor initiating the contact.

County of Residence Agrees to Handle the Complaint

The county of residence can agree to handle the complaint. If the county of residence will be handling the complaint, transfer the complaint in SWSS CPS to the county of residence in the Supervisor Action tab of the Intake module. The county of residence may request that the county where the child is found take certain actions on the case in order to ensure child safety. These requests must be honored. **Note:** When determining whether or not to request that the county where the child is found take certain actions on the case, consider the impact the request will have on the continuity of services for the family. (See also the Cases Involving Multiple Counties section below.)

Priority Response is 24/24, 24/72 or Complaint is Not Appropriate for Investigation

If the priority response for the complaint is 24/24, 24/72 or not appropriate for investigation, immediately speak to a supervisor or designee (do not leave a message) in the county of residence to notify them of the complaint. Transfer the complaint in SWSS CPS to the county of residence in the Supervisor Action tab of the Intake module.

The county of residence may request that the county where the child is found take certain actions on the case in order to ensure child safety. These requests must be honored. **Note:** When determining whether or

not to request that the county where the child is found take certain actions on the case, consider the impact the request will have on the continuity of services for the family. (See also [Cases Involving Multiple Counties](#) section below.)

All contacts between the workers/supervisors of different counties must be documented in social work contacts by the worker/supervisor initiating the contact.

Summary of Responsibilities of Counties					
Priority Response	Interview Child Found Out-of-County of Residence	Interview Other Children	Interview Parents, Alleged Perpetrators, Etc.	Petition	Register Case
1/24	County where the child is found.	County of residence.	County where the child is found and county of residence.	County where the child is found.	County of residence if no petition is filed. County where child is found if a petition is filed and accepted.
<ul style="list-style-type: none"> • 24/24 • 24/72 • 1/24 complaints in which the county of residence decides to handle 	County of residence.	County of residence.	County of residence.	County of residence.	County of residence.

Cases Involving Multiple Counties

In all cases involving multiple counties, requests for courtesy interviews, case records, assistance, etc., **must be honored**. (See [CFP 713-1](#), CPS Investigation, Cases Involving Multiple Counties section, for how to document and process requests for courtesy interviews and other activities.)

Inter-County Disputes

Disputes between counties must be immediately referred for resolution to:

- Area office.
- Outstate operations for urban counties.
- Wayne County Children and Family Services Administration for Wayne County.

INTERSTATE COMPLAINTS

If a Michigan county receives a verbal complaint from an out-of-state department involving a Michigan child, the Michigan county CPS unit receiving the complaint must proceed with standard procedures for evaluating and investigating complaints of child abuse and neglect (CA/

N). Michigan CPS staff may communicate initially by telephone with the referring out-of-state department to obtain necessary information. Michigan CPS staff will then write to the department in the other state confirming the specific responsibilities of each.

CPS complaints to or from another state are not governed by the Interstate Compact on the Placement of Children. Contact may be made directly with the other state department. For contact information for other states, go to www.aphsa.org/links/links-state.asp.

COMPLAINTS INVOLVING DHS STAFF

A CPS complaint which involves local DHS staff must be immediately referred to another local/district office for assignment and investigation. If DHS staff have professional responsibility in more than one local/district office, the CPS complaint must be referred to a local/district office in which the staff does not have professional responsibility.

Disputes between counties must be immediately referred for resolution to:

- Area office.
- Outstate operations for urban counties.
- Wayne County Children and Family Services Administration for Wayne County.

Any case records in hard copy must remain in the local/district office which conducted the investigation. Strict confidentiality must be maintained. (See also [CFP 712-8](#), CPS Intake Completion, Confidential Complaint section.)

If there is a judicial finding of abuse or neglect in the Family Division of Circuit Court, the court findings and the findings of the investigation must be reported to the director of the local office in which the subject of the report is employed and to the appropriate:

- Area office manager.
- Outstate operations director for urban counties.
- Wayne County Children and Family Services Administration director for Wayne County.

NEW COMPLAINT WHEN CHILD IS IN FOSTER CARE

See [CFP 716-9](#), New Complaint When Child Is In Foster Care for how to process a complaint regarding suspected CA/N by a child's parent, legal guardian, licensed foster parent or other person responsible when a child is in foster care.

**COMPLAINTS
INVOLVING A
KNOWN
PERPETRATOR
MOVING IN OR
RESIDING WITH A
NEW FAMILY**

CPS investigates complaints in which there is no new allegation of abuse/neglect, but the complaint alleges **only** that a person convicted of a crime against children in criminal court and/or found to be abusive/neglectful by the Family Division of Circuit Court has moved into or is providing care in a home in which children reside. The department has the responsibility to determine whether threatened harm to a child exists or whether actual harm has occurred. (See [CFP 711-5](#) and [CFP 713-8](#) for more information on threatened harm.) Probation/parole officers and law enforcement must be contacted to determine their need to know of, or be involved in, the investigation, regardless of the status of the probation/parole (e.g., open, closed, completed, etc.).

**COMPLAINTS
INVOLVING
TEENAGERS**

Parents and legal guardians are responsible for the health and welfare of their children up until their eighteenth birthday. The department is required to protect all children under the age of eighteen.

Upon receipt of a complaint involving teenagers, evaluate the complaint in the same manner as any other complaint to determine if the allegations meet child abuse and neglect (CA/N) definitions. If the child is under eighteen, the CA/N definitions are met and the alleged perpetrator is a person responsible for the health and welfare of the child, the complaint must be assigned for investigation.

RUNAWAYS

Routine complaints on runaways are not appropriate for protective services. Running away may indicate questionable parental care, but is not solely synonymous with child abuse or neglect.

Complaints should be evaluated to determine whether there are supporting allegations of abuse or neglect.

**NON-ATTENDANCE
AT SCHOOL AND
PARENT HOME
SCHOOLING
INSTRUCTION**

A complaint in which the **only** allegation involves either a parent providing home school instruction or a child failing to attend school is not sufficient basis for suspecting child neglect. Such a complaint is inappropriate for investigation by CPS staff. If the complaint is initiated by non-school personnel, the person should be referred to the school district's attendance officer. If the complaint is initiated by school personnel, they are to be informed that this issue falls under the provisions

of the Compulsory School Attendance section of the School Code of 1976 (MCL 380.1561-380.1599), not the Child Protection Law.

A complaint of alleged child abuse or neglect that **also** includes an allegation of a child's non-attendance at school is appropriate for investigation by CPS. The complaint should also be referred to the school district's attendance officer. The investigation and any subsequent service plan must be coordinated with the school district's attendance officer or other appropriate school staff, as in any other matter in which more than one department/agency has responsibility.

**PARENTAL
FAILURE OR
REFUSAL TO HAVE
CHILD
VACCINATED**

CPS is not authorized to investigate complaints, usually received from health care providers, that parents are failing or refusing to obtain immunizations for their child. The Michigan public health code provides for exceptions to the immunization requirements.

**MEDICAL NEGLECT
OF DISABLED
INFANTS AND
MEDICAL NEGLECT
BASED ON
RELIGIOUS
BELIEFS**

See [CFP 716-8](#), Medical Neglect of Disabled Infants & Medical Neglect Based on Religious Beliefs for more information when a complaint is received regarding medical neglect of a disabled infant or medical neglect based on religious beliefs.

**CHILDREN
CURRENTLY IN
OUT-OF-HOME
PLACEMENT/
PRIOR
TERMINATION OF
PARENTAL RIGHTS**

If an infant is born to parents who currently have child(ren) in out-of-home care, or that are/were permanent wards, as a result of a child abuse/neglect court action, CPS must conduct a full field investigation to ensure the safety of the newborn.

Birth Match

Birth Match is an automated system that notifies the local county office when a child is born to a parent who has previously had parental rights terminated in a child protective proceeding or has been manually added to the match list. (See [CFP 713-9](#), Completion of Investigation, Birth Match section for information on when and how to add a perpetrator to the match list.)

When a birth match occurs, SWSS CPS automatically generates a complaint in the Case Listing module as an unassigned complaint and the supervisor receives an email alert that the complaint has been generated. When the birth match complaint is received by the local office, the local office must verify that the match is accurate.

Inaccurate Match If the match is inaccurate (the parent listed in the complaint does not have history with DHS, etc.), the complaint must be deleted from SWSS CPS. To delete the complaint, go to the Case Listing module, select the complaint to be deleted, select the Summary button and then select the Delete Log button.

Accurate Match If the match is accurate and there is not an already pending investigation or open case, the complaint must be assigned for investigation. If there is a pending investigation or open case, the complaint must be rejected as "Already Investigated" (see CFP 712-7, Rejected Complaints). The information included in the birth match, including related history (CPS, FC, criminal, etc.), must be used to evaluate child safety in the pending investigation or open case.

See [CFP 713-8](#), Special Investigative Situations for information on investigating these complaints and on threatened harm due to a parent's history of child abuse/neglect, removal of a child, and/or termination of parental rights.

DEATH OF A CHILD A CPS investigation must occur if there are allegations that the death was due to child abuse/neglect or if it is a sudden and unexplained infant death (e.g., SIDS, overlay, etc.). The following must be done before rejecting any other complaint involving a child death:

- Consult with medical and law enforcement personnel regarding their knowledge and/or findings regarding the death.
- LEIN and central registry clearances. (The central registry clearance only needs to be done on persons listed on the complaint that are age 18 or older.)
- Review any case records and history on the family that exists with the department, or has been produced by a Child Fatality/Child Death Review Team.

The fact that a deceased child has no siblings is not a sufficient reason to reject an otherwise appropriate CPS complaint. As long as there is reasonable cause for an investigation, it is to be conducted in full, with cooperation and collaboration with law enforcement.

Document that the complaint is regarding a child death by checking "Yes" in the Child Fatality box on the Allegations tab. In the Case Member tab, select that the child is deceased and enter the date and place

of death. The death of a child must be reported as outlined in the Services Requirements Manual, [SRM 172](#).

CHILD ON A MILITARY BASE

Military Base Law, Federal Army Regulation 608-18, prohibits investigation of CPS complaints on military bases, unless a special written agreement exists. Such an agreement exists between Selfridge Air National Guard Base and Macomb County DHS.

CHILDREN WITH HEAD LICE

An allegation of neglect based **solely** on a child having head lice is **NOT** appropriate for CPS investigation. This condition could arise in any number of ways and is not, in and of itself, an indicator of neglect.

DRIVING UNDER THE INFLUENCE

Under Michigan law it is a crime to operate a motor vehicle with a child under the age of 16 in the vehicle and while under the influence of alcohol or illegal substances.

When CPS receives a complaint in which the reporting person alleges a child is at immediate risk because the child is riding in a vehicle with an intoxicated driver, CPS must direct the reporting person to immediately contact law enforcement with a description of the vehicle, its last known location, and any other known information, such as the license plate number and identity of the driver.

A CPS complaint from the prosecuting attorney or law enforcement that there is suspicion of child abuse or neglect based on an arrest, prosecution, or conviction of a parent, legal guardian, or any other person responsible for the child's health or welfare for operating a motor vehicle while under the influence with a child in the vehicle, must be assigned for a field investigation.

A minimum of a [preliminary investigation](#) must be conducted when a source other than the prosecuting attorney or law enforcement makes a complaint that a parent, legal guardian, or any other person responsible for a child's health or welfare has been arrested, ticketed or prosecuted for driving under the influence with a child in the car. The preliminary investigation must include at least the following:

- Central registry and LEIN check. (The central registry clearance only needs to be done on persons listed on the complaint that are age 18 or older.)
- If the child is school age, contact the school to determine if there is reason to suspect child abuse/neglect.
- Contact law enforcement to determine if an arrest was made or if a ticket was issued.

Note: If an arrest was made or a ticket issued and there was a child in the vehicle, the complaint must be assigned for field investigation.

- Any other collateral contacts necessary, given the circumstances, to determine if an investigation is warranted.

The decision to assign for field investigation must be based on the same criteria as any other complaint of child abuse/neglect.

SUBSTANCE USE BY CARETAKER

An allegation of neglect based **solely** on a caretaker's substance use is **not**, in and of itself, appropriate for CPS investigation. The complaint must include an allegation of child abuse and/or neglect as a result of the substance use to be appropriate for investigation.

Exception: A complaint alleging that methamphetamine is being smoked in a home where children reside must be assigned for investigation.

See [CFP 716-7](#), Substance Abuse Cases for more information on how to handle complaints regarding substance use/abuse, including complaints which allege that:

- Drugs are being sold from a house in which children reside.
- A drug raid has occurred at a house in which children reside.
- Children are residing in a "[drug house](#)".
- A newborn has been exposed to alcohol and/or drugs.

SIBLING ON SIBLING VIOLENCE

CPS must conduct a minimum of a [preliminary investigation](#) and evaluate complaints of sibling violence (physical abuse, sexual abuse among siblings under the age of 18, etc.) to determine if the parent or other person responsible for the child's health or welfare is neglectful.

If the preliminary investigation determines that the complaint is based **solely** on violence among siblings under the age 18 and includes no issue of parental neglect regarding the sibling on sibling violence (or other CA/N allegations), reject the complaint and refer it to law enforcement. The referral to law enforcement must be made within 24 hours of CPS receiving the complaint.

(See [CFP 713-8](#), Special Investigative Situations, Sibling on Sibling Violence section for more information on investigating these complaints.)

Note: The only way a child may be investigated as a perpetrator of child abuse and/or neglect and be entered on central registry as a perpetrator is if that child is the minor parent of the alleged/identified victim.

CHILD WITHOUT PROPER CUSTODY OR GUARDIANSHIP

Children residing with a relative or an unrelated caregiver who does not have a legal guardianship are not in an abusive/neglectful situation based solely on the living arrangement. (See [CFP 713-8](#), Special Investigative Situations for more information on these types of complaints.)

PREGNANCY OF A CHILD LESS THAN 12 YEARS OF AGE

If a complaint alleges the pregnancy of a child less than 12 years of age and it is unknown if the alleged perpetrator is a person responsible for the child's health or welfare, a [preliminary investigation](#) should be completed to determine if the alleged perpetrator is a person responsible (e.g., of sexual abuse, failure to protect, etc.). If the alleged perpetrator is a person responsible, the complaint must be assigned for investigation.

CHILD WITH A SEXUALLY TRANSMITTED DISEASE

If a complaint alleges that a child less than 12 years of age has been diagnosed with a sexually transmitted disease and it is unknown if the alleged perpetrator is a person responsible for the child's health or welfare, a [preliminary investigation](#) should be completed to determine if the alleged perpetrator is a person responsible (e.g., of sexual abuse, failure to protect, etc.). If the alleged perpetrator is a person responsible, the complaint must be assigned for investigation.

DOMESTIC VIOLENCE

Definitions

Domestic violence (DV) is a pattern of assaultive and coercive behaviors, including physical, sexual, and psychological attacks as well as economic coercion, that adults or adolescents use against their intimate partners.

Intimate partner includes: spouse or former spouse; current or former "living-together-partner"; individuals who have ever been involved in a dating relationship; have a child in common; or any non-parent adult defined as a person responsible for the health and welfare of the child.

Overview

The primary focus of CPS is the protection of children. The best way to achieve this is to engage families to provide safety within the family without being punitive to the adult victim of the DV. In situations where DV is a factor, the preferred approach is to assist the adult victim of DV in the planning for his/her safety and the safety of the child.

CPS should utilize all applicable laws and policies to hold the abusive partner accountable. Responding to complaints where DV is a factor

should include coordination with law enforcement, DV programs, the criminal justice system, the Friend of the Court, Family Division of Circuit Court and intervention programs for batterers. DV often does not end when the relationship between the perpetrator and the victim of DV ends. The DV may in fact escalate when a victim takes steps to end the relationship with the perpetrator of the DV.

Assigning Complaints for CPS Investigation

A CPS complaint in which the only allegation is DV is not a sufficient basis for assigning the complaint for field investigation. In order to be assigned for investigation, the complaint must also include information indicating the DV has resulted in harm or threatened harm to the child.

CPS must conduct a minimum of a [preliminary investigation](#) on complaints alleging DV. The preliminary investigation must include contact with law enforcement to determine whether a child has been injured, is at risk of injury, or has been threatened with harm as a result of past or current DV in the home. Issues that may assist in determining whether or not there is threatened harm in cases involving DV are:

- A weapon was used or threatened to be used in the DV incident.
- An animal has been deliberately injured or killed by the perpetrator.
- A parent or other adult is found in the home in violation of a child protection court order or personal protection order.
- There are reported behavioral changes in the child (e.g., child's teacher describes that the child used to be an involved and highly-functioning student and now is withdrawn, doing poorly in coursework, or acting out with violence).
- Reported increase in frequency or severity of DV.
- Threats of violence against the child.

See the DV sections in [CFP-713-8](#), Special Investigative Situations and [CFP 714-1](#), Post Investigative Services.

SAFE DELIVERY ACT

Michigan law (MCL 701.1 et. seq., 750.135, and 722.628) allows a parent(s) to surrender an unharmed, newborn up to 72 hours old, to an Emergency Service Provider (ESP). (An ESP is a uniformed, or otherwise identified, inside the premises, on duty employee or contractor of a fire department, hospital or police station or a paramedic or an emergency medical technician when responding to a 911 call.) If the newborn is unharmed, the ESP should contact a local, identified child-placing agency directly.

In situations where CPS is contacted by an ESP and there is no evi-

dence of CA/N, local offices should direct the ESP to contact a child-placing agency in that area directly responsible for placing a child in these situations.

The [Safe Delivery Web site](#) has a listing of private adoption agencies that will provide placement for an abandoned newborn. If the newborn meets the criteria of the law (no evidence of CA/N, less than 72 hours old, and voluntarily surrendered by a parent), CPS must reject the complaint for investigation.

Note: See NAA 255, Termination of Parental Rights, Voluntary Proceedings for Termination of Parental Rights section for American Indian children.

SPECIAL CASES BEYOND INTAKE

There are many other types of CPS complaints that warrant special handling and consideration. See [CFP 713-8](#), Special Investigative Situations, CFP 716-1 through 716-9, and CFP 715-1 through 715-4 for examples of these types of cases.