Children's Protective Services Overview

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CPS Investigators

- CPS workers are emergency first responders for the protection of children.

- CPS workers abide by the principle that **the best placement for children is in their home with their family when it is safe to do so.**

- The CPL requires us to both safeguard and protect children who are abused and neglected AND preserve family life. This requires a very careful balance and opens CPS up to criticism that it either over reacted or underreacted.

Legal Basis for Children's Protective Services

- **Federal Law:**
  - Social Security Act, Title IV, Part A, Sec. 402(a)
  - Federal Indian Child Welfare Act, Public Law 95-608 25 USC Subsection 1901-1952

- **State Social Welfare Law:**
  - 1939 PA 280 (MCL 400.115b, 400.55(h) and 400.56(c))

- **State Child Protection Law (CPL):**
  - 1975 PA 238 (MCL 722.621 et seq.)

- **State Child Care Organization Licensing Law:**
  - 1973 PA 116 (MCL 722.111 - 722.128)

- **Juvenile Code:**
  - 1939 PA 288 (MCL 712A.1 et seq.)

- **Public Health Code:**
  - 1978 PA 368 (MCL 333.17001 et seq.)

Children's Protective Services Eligibility

- Michigan's Child Protection Law states that an individual up to eighteen years of age is eligible for Children's Protective Services (CPS).

- Complaints can neither be rejected (not investigated), nor dispositioned based solely on factors such as age or behavioral problems (e.g., incorrigibility or legal status such as delinquency).

The criteria for both assignment and disposition of complaints are:

- Harm or threatened harm*.
- To a child's health or welfare.
- By a parent, legal guardian, or any other person responsible for the child's health or welfare.
- That occurs through non-accidental physical or mental injury, sexual abuse or exploitation, maltreatment, negligent treatment, or failure to protect.

Threatened Harm

- A child found in a situation where harm is **likely to occur** based on:
  - A current circumstance (such as home alone, Domestic Violence, drug house).
  - A historical circumstance (such as a history of abuse/neglect, a prior termination of parental rights or a conviction for crimes against children) unless there is evidence found during the investigation that past issues have been **successfully** resolved.

- Legal Basis for threatened harm
  - Michigan Vs. Gazella (2005)

Allegation Types Investigated by CPS

- Physical Abuse
- Sexual Abuse
- Mental Injury
- Maltreatment
- Physical Neglect
- Medical Neglect
- Improper Supervision
- Failure to Protect
- Abandonment

CPS Assignment Decisions

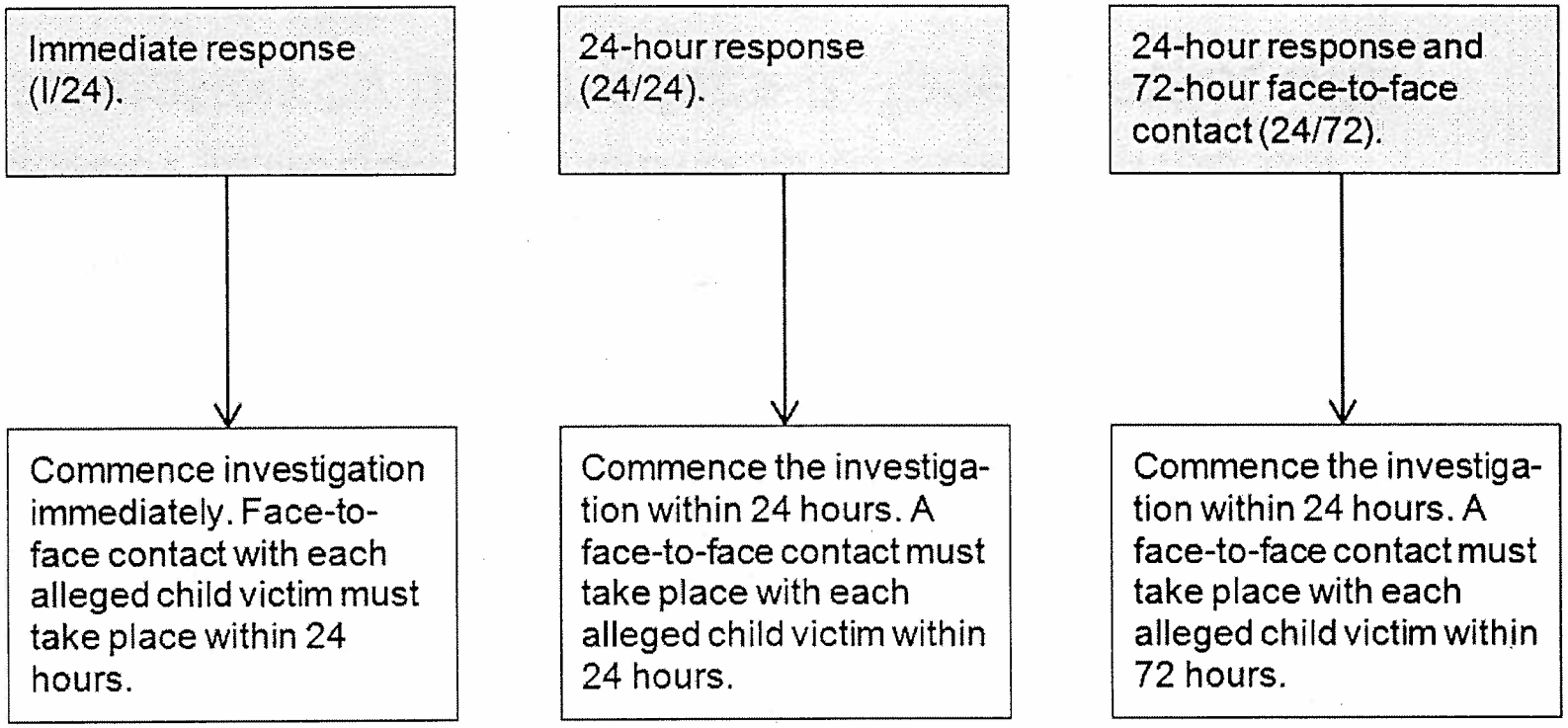
- Rejected
  - Allegations already investigated, do not meet definition of abuse/neglect, rejected after preliminary investigation.
- Transferred to another agency
  - Law Enforcement, Bureau of Children & Adult Licensing, Out of State Child Protection Agency.
- Assigned
  - A CPS worker in the county where the victim is located will commence an investigation.

Commencement of Assigned CPS Investigations

- Commencing an investigation requires contact with someone other than the reporting person within 24 hours of the receipt of the complaint to assess the safety of the alleged child victim.

- The best practice standard is to commence an investigation by making face-to-face contact with the alleged child victim.

Minimal Priority Response for Assigned investigations



CPS Investigatory Process

- CPS workers must Take prompt action on **every** complaint assigned for CPS investigation.

- CPS workers are expected to continually assess safety.

- Throughout every intervention with a child and/or family, workers are expected to always be observant, ask questions, and be aware of **any** possible safety concerns, and promptly address these concerns with the family.

Child Safety is the first priority of the child welfare system.

CPS Investigatory Process

- Attempts to forensically interview all children (including non-victims) must be made.
  - If a forensic interview is not possible (infant, non-verbal child, etc.) the child(ren) need to, at a minimum, be observed by the worker.
- Alleged perpetrators and persons responsible must be made aware of the allegations, and interviewed regarding the allegations.
  - This also includes non-custodial parents whose parental rights remain intact.

CPS Investigatory Process

- CPS workers must also:
  - Conduct a thorough review of family background.
  - Observe the scene of the abuse/neglect occurred as well as any objects utilized.
  - Follow up with mandated reporters regarding their concerns.
  - Make collateral contacts with additional persons who may be able to provide information regarding the allegations.
  - Actively participate in a minimum of monthly case consultation with supervision during the course of an active investigation.

Addressing Safety Issues During an Investigation

- When a safety issue is identified, the CPS worker must develop an immediate safety plan in consultation with the family, and document the steps being taken to ensure the safety of the child.

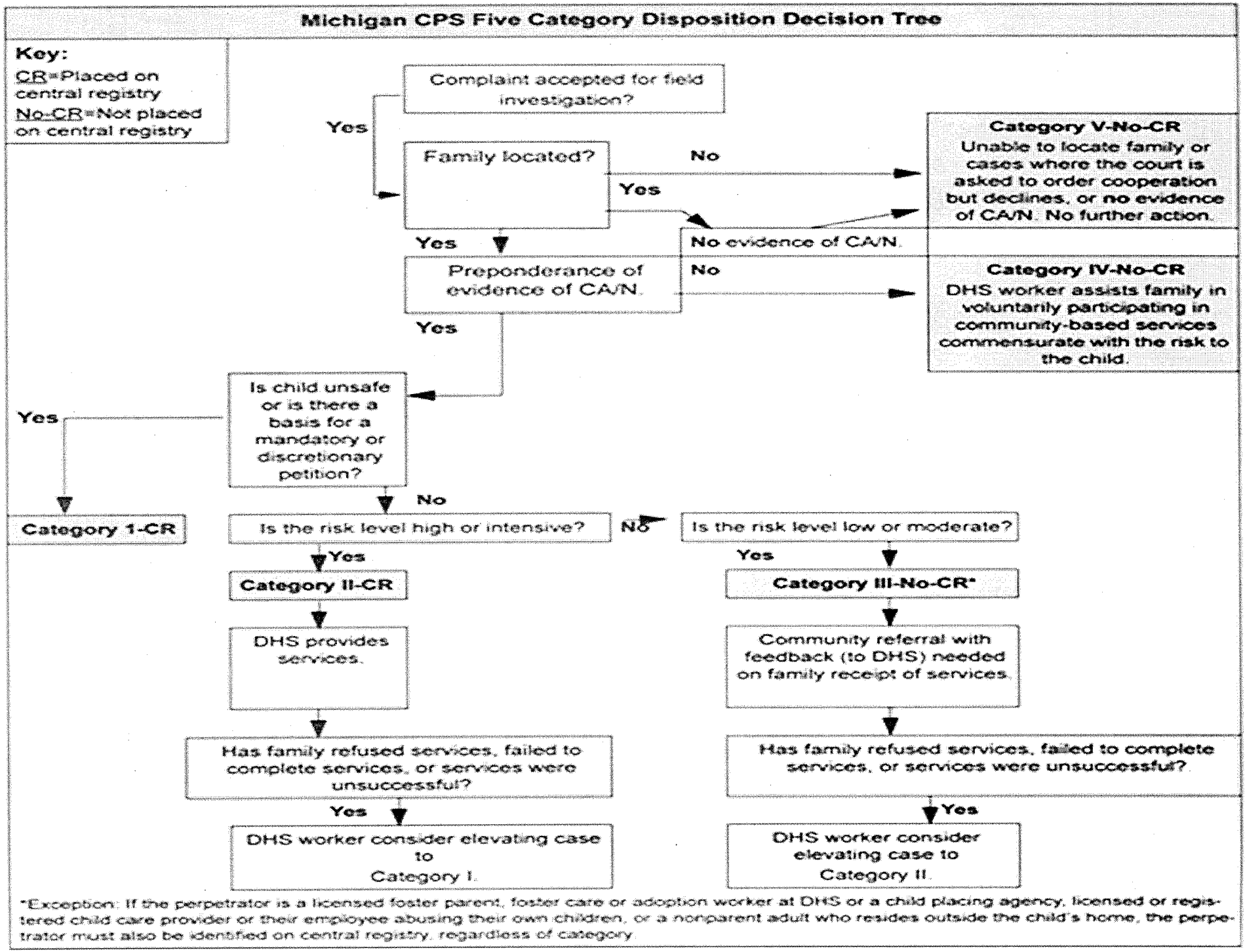
- At any point throughout a CPS investigation, the assigned worker is able to make referrals for services if an individual/family is in need.

Five Category Disposition

- Preponderance of Evidence Standard:
  - Evidence which is of greater weight (51%) or more convincing than evidence which is offered in opposition to it.

- Category V or IV
  - no preponderance of evidence of child abuse/neglect
- Category III or II
  - Preponderance of evidence of child abuse/neglect
- Category I
  - Preponderance of evidence of child abuse/neglect **and** court petition

NOTE: CPS <u>cannot</u> remove a child from their parent's care without a written court order.


Michigan CPS Five Category Disposition Decision Tree
Key:
CR=Placed on central registry
No-CR=Not placed on central registry
Complaint accepted for field investigation?
Yes
Family located?
No
Yes
Category V-No-CR
Unable to locate family or cases where the court is asked to order cooperation but declines, or no evidence of CA/N. No further action.
Yes
No evidence of CA/N.
Preponderance of evidence of CA/N.
No
Category IV-No-CR
DHS worker assists family in voluntarily participating in community-based services commensurate with the risk to the child.
Yes
Is child unsafe or is there a basis for a mandatory or discretionary petition?
Yes
No
Category 1-CR
Is the risk level high or intensive?
No
Is the risk level low or moderate?
Yes
Yes
Category II-CR
Category III-No-CR*
DHS provides services.
Community referral with feedback (to DHS) needed on family receipt of services.
Has family refused services, failed to complete services, or services were unsuccessful?
Has family refused services, failed to complete services, or services were unsuccessful?
Yes
Yes
DHS worker consider elevating case to Category I.
DHS worker consider elevating case to Category II.
*Exception: If the perpetrator is a licensed foster parent, foster care or adoption worker at DHS or a child placing agency, licensed or registered child care provider or their employee abusing their own children, or a nonparent adult who resides outside the child's home, the perpetrator must also be identified on central registry, regardless of category.

FY 2014 CPS Statistics

- 151,185 complaints of suspected child abuse/neglect called in to CPS Centralized Intake.
- 83,709 met criteria for assignment by CPS.
- Children ages 0-3 remain the most vulnerable to abuse/neglect.
- 142 infants died as a result of unsafe sleep.

FY 2014 CPS Statistics

Category I	4,494
Category II	6,075
Category III	10,480
Category IV	55,348
Category V	3,606

- Category I, II, and III cases have confirmed child abuse/neglect finding.
- Roughly 25% of all *assigned* complaints resulted in a finding that child abuse/neglect occurred.
- 4.4% of assigned complaints resulted in court jurisdiction.

Confirmed CPS Cases

- Child abuse and neglect is confirmed when a preponderance of evidence is determined by the worker.
- This finding is an objective determination, based on evidence and utilizing a statistically validated risk assessment (required by the CPL).
- This risk assessment determines the level of intervention, service needs of the child/family and contact requirements (caseworker visits) with the family, which can include a variety of services, which vary in intensity.
- CPS has no legal authority to force a family to work with services in the absence of a court order (Parents Guide to CPS DHHS-137).

Coordination with Friend of the Court

- The CPS worker must determine if there is an open FOC case when:
  - CPS determines that a preponderance of evidence of abuse and/or neglect exists (Category I, II, III disposition).
  - A petition is filed with and accepted by the Family Division of Circuit Court.

- If CPS determines there is an open FOC case in the situations listed above, notify FOC (via the DHS-729) of the following:
  - The disposition of the CPS investigation.
  - The initial Family Division of Circuit Court action.
  - Any change in the child's placement.

- The DHS-729 must be provided to FOC at the following times:
  - When the CPS disposition is completed in MiSACWIS.
  - Any change in a child's placement.
  - Within 10 business days of the initial Family Division of Circuit Court action.

Cases involving Domestic Violence

- CPS policy requires workers to make **every attempt possible** to interview the victim of domestic violence separately from the alleged perpetrator.

- The CPS worker's role is not only to determine if domestic violence has occurred, but also to gather information regarding the victim's efforts to protect the child.

- It is estimated that 40% of all complaints have current/past DV history and in upwards of 80% of open cases have current/past DV history.

Increasing Caseworker Proficiency in the Handling of DV Cases

- DHS is in the process of creating a plan that will allow for more comprehensive and in-depth training in regards to Domestic Violence.
  - This plan will not only include training for CPS workers, but also community partners, courts, attorneys, and service providers.
  - Will focus on the perpetrator of the DV, instead of the victim.
  - The goal is proficiency across the board for all involved with child welfare cases.

Child Welfare Case Practice Model: MiTEAM

- **Teaming**
  - The collective effort that necessitates a team approach
- **Engagement**
  - a series of intentional interventions that work together in an integrated way to promote safety, stability, well-being and permanency for children, youth and families.
- **Assessment**
  - process that includes information gathering, analysis, and collaborative decision-making that incorporate the family, child, and caregivers in the plan development.
- **Mentoring**
  - Demonstration and reinforcement of desired skills to promote positive outcomes for children, families, and practice.

The MiTEAM Approach

- Encourages parent, child, caregiver, and involvement in case planning.
- Allows workers to adequately assess and address service needs of children, parents, and caregivers.
- Promotes placement stability & timeliness of permanency.
- Empowers and motivates parents and caregivers to make long-lasting changes to ensure the safety of children in their care.

Family Team Meetings

- Family Team Meetings (FTMS) are utilized to engage families in safety planning, case planning, service identification, and assessing progress.

- During the FTM, workers promote an atmosphere of safety and transparency, so all concerns can be addressed and evaluated realistically, with obtainable solutions.

- Family Team Meetings are required at key points throughout a child welfare case.

- In CPS cases, FTMS are required at multiple points (case opening, quarterly, case closure, prior to court involvement) and at the request of the family

Thoughts from the Field

"My mother was a social worker for DHS and taught me at a very young age helping people wasn't a job it was a passion. As a CPS worker, I remember each sleepless night, every child death and many tears cried."

Mindy, Genesee County (seven years with DHHS)

"I am thankful that the State of Michigan recognizes how difficult this job is, and I am reminded every day that my job is very important and that keeping children safe in our State is the role I play."

Maelyn, Montmorency County (fifteen years with DHHS)

Thoughts from the Field

- When I got home from work one day my son (age 13) said to me " Mom, a little girl came up to me on the bus and said she loves you because you saved her from living in a trash can".

  Julie, Otsego County (four years with DHHS)

- During a CPS home visit last night, " I found one of my former clients at the apartment. (She) was excited to see me and she said, 'I was hoping that they would send you out. I told my friends that you helped me and my daughter so much and I know that you can help them too.' I learned that the former client has remained clean and sober and her now adult daughter is doing well.

  Gail, Lapeer County, (23 years with DHHS)

Thoughts From the Field

- CPS worker Kevin Mathias secured a donated gym membership for a 15-year-old boy in his caseload who wants to get in shape to play high school sports. He also recently helped the boy's father by introducing him to a Gaylord store that agreed to sell the furniture the father builds – generating revenue for the financially-stressed home.

"When the family is trying their best, I tell them I will be in their corner and help them out, I will do what I can to support them."

Kevin, Otsego County (four years with DHHS)

Questions?