



STATE OF MICHIGAN
FAMILY INDEPENDENCE AGENCY
LANSING



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MICHIGAN IV-D ACTION TRANSMITTAL 2004-036

TO: All Office of Child Support (OCS) staff

FROM: Marilyn F. Stephen, Director
Office of Child Support

DATE: October 25, 2004

SUBJECT: Reporting Suspected Child Abuse and Neglect to Children's Protective Services (CPS)

PURPOSE:

This Action Transmittal (AT) informs OCS staff of the newly created policy for OCS staff to report suspected child abuse and neglect to CPS.

BACKGROUND:

The Child Protection Law (CPL), MCL 722.623, defines the Family Independence Agency (FIA) employees who are mandatory reporters of suspected child abuse and neglect. Although the CPL does not require OCS staff to report suspected child abuse or neglect, OCS believes it is vitally important for staff to be alert to the needs of the families we serve.

Note: If an OCS staff member is a certified social worker, social worker, or a social work technician, (s)he is a mandatory reporter.

PROGRAM ACTIONS AND POLICY INFORMATION:

OCS staff, with reasonable cause to suspect child abuse or neglect, must:

- A. Report suspected child abuse or neglect to CPS. CPS will determine if the allegations warrant CPS involvement. Some, but not all, situations that require reporting to CPS are:
1. The support specialist (SS) witnesses a parent abusing his/her child.
 2. The SS hears a parent abusing his/her child during a telephone interview.
 3. The SS observes a child with suspicious injuries, (e.g., bilateral black eyes).
 4. A parent reports to the SS that his/her child was abused during parenting time with the other parent.

5. A third party reports to the SS that the child is malnourished, neglected or abused.
6. Either parent was under the age of 16, at birth or conception of his/her child¹; or
7. The mother is under the age of 18, at birth or conception of her child, and the SS has reason to believe that her parent or a person responsible for her welfare² is the father of her child.

B. Report any suspected child abuse or neglect immediately via a telephone call to CPS in the FIA office in the county where the child resides or is found, or to the nearest CPS office.

1. A list of CPS telephone numbers for local FIA offices is located at: <http://www.michigan.gov/fia/0,1607,7-124-5461---,00.html>.
2. Complete a *Report of Actual or Suspected Child Abuse or Neglect* (FIA-3200) form within 72 hours of the oral report to FIA. OCS staff can find this form in Microsoft Word as an FIA template. (Ref: Attachment 1)

DOMESTIC VIOLENCE

CPS only investigates allegations of abuse or neglect of a minor child. For threats of violence or abuse of an adult household member, OCS staff are to refer callers to 1-800-799-SAFE or the local law enforcement agency.

LEGAL REFERENCES: State
MCL 722.623

POLICY REFERENCE: None

AT MAINTENANCE: Retain this AT until further notice.

EFFECTIVE DATE: Upon receipt

REVIEW PARTICIPANTS: Dave Clagett, Prosecuting Attorneys Association of Michigan (PAAM)
Jeff Albaugh, Friend of the Court Association (FOCA)

¹ CPS must investigate if the mother is under the age of 12. For either parent who is 12 years of age or older, CPS will investigate the parent's failure to protect the child, rather than the pregnancy or sexual relationship. Since 1998, the local FIA office and Prosecuting Attorney (PA) are required to have a child abuse protocol in place for the county (Public Act 166 of 1997). This protocol mandates referrals to PA/law enforcement under defined circumstances, such as sexual abuse or death of a child. Therefore, if an SS makes a referral to CPS regarding sexual abuse or criminal sexual conduct, the CPS worker is mandated to report this to law enforcement, and they must conduct a joint investigation. This was part of the "Binsfeld" legislation. The protocol is based upon a model developed by the Children's Justice Task Force.

² This includes a legal guardian, person 18 years of age or older who resides for any length of time in the same home in which the child resides, (e.g., a stepparent, a parent's boyfriend or girlfriend or a "living together partner" - LTP), or an owner, operator, volunteer, or employee of a child care organization or an adult foster home.

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(FOCB)
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FIA Office of the Family Advocate
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Prosecuting Attorneys (PAs)
FIA Office of Legal Affairs
FIA Office of the Family Advocate
CPS Policy Office

ATTACHMENTS:

Report of Actual or Suspected Child Abuse or Neglect
(FIA-3200)

MFS/NS