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DEPARTMENT OF HEALTH & HUMAN SERVICES  
LANSING

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# Services Requirements Manual

## **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  
Communication  
s**

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 state-wide 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.

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## 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).

## STAFF QUALIFICATIONS

- MiTEAM specialist.
- Health liaison officer (HLO).
- Michigan Youth Opportunities Initiative (MYOI) coordinator.

MDHHS and private agency caseload-carrying staff and supervisors and MDHHS specialized support staff must have at minimum a bachelor's degree in a qualifying major **or** a bachelor's degree in any major with at least 30 semester credits in one or more of the qualifying degrees; see *Qualifying Degrees* in this item.

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

In addition, MDHHS and private agency child welfare supervisors must have three years of experience in a child welfare agency, a child caring institution, or in an agency performing a child welfare function.

### Qualifying Degrees

The following are qualifying degrees for MDHHS and private agency caseload-carrying staff and supervisors, as well as MDHHS specialized support staff:

- Behavioral Science.
- Community Development.
- Community Services.
- Counseling (Psychology).
- Criminal Justice (Administration).
- Early Childhood Studies.
- Education.
- Education of the Emotionally Disturbed.
- Education of the Gifted.
- Family Ecology.
- Family Life Education - Spring Arbor University.
- Family Studies.
- Family and/or Child Development.
- Forensic Psychology.
- Gerontology.
- Guidance/School Counseling.
- Human Development and Family Studies - Michigan State University.
- Human Services.



- Interdisciplinary Studies in Social Science.
- Law Enforcement.
- Psychology.
- Social Work.
- Sociology.
- Special Education.

### Verification of Qualifications

MDHHS and private agencies must maintain official college transcripts documenting that staff and supervisors possess the required education for their job role. In addition, MDHHS and private agencies must maintain a resume for supervisors documenting the supervisor's possession of the required experience.

## 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.
- 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 \(OWDT\) \(MDHHS-recruitmentandretention-requests@michigan.gov\)](mailto:recruitmentandretention-requests@michigan.gov) 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. For PSTT requirements specific to juvenile justice specialists, see *Juvenile Justice* 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 required to complete PSI-CWC training within 112 days of hire.

### ***Caseload Progression for CWC Holders in CPS***

MDHHS must not assign cases to CWC holders until **after** completion of forensic interviewing training. After completion of forensic interviewing training, MDHHS may assign CWC holders 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 **on or after** the first day of PSI-CWC 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 PSI-CWC 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 *Juvenile Justice* 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).

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**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 \(MDHHS-FederalComplianceDivision@michigan.gov\)](mailto:FederalComplianceDivision@michigan.gov) mailbox to arrange alternate training opportunities. CWFS must attend CWFS refresher sessions annually.



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**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.

**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 Foster Care, Guardianship, and Adoption Program Office 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 \(MDHHS-EducationPolicy@michigan.gov\)](mailto:MDHHS-EducationPolicy@michigan.gov) 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 [CWL-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 [CWL-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 [CWL-Pub-452, Licensing Rules for Child Caring Institutions](#). Training requirements for juvenile justice residential facility staff are also contained in policy; see [JRM 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.

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## 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) 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 [CWL-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 \(MDHHSTraining@michigan.gov\)](mailto:MDHHSTraining@michigan.gov) 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.

### **POLICY CONTACT**

Except as noted elsewhere in this item, direct questions about this item to the [Child Welfare Policy Mailbox \(child-welfare-policy@michigan.gov\)](mailto:child-welfare-policy@michigan.gov).

#### ***Juvenile Justice***

Direct questions about training requirements for juvenile justice specialists, supervisors, and residential facility staff to the [Juvenile Justice Policy Mailbox \(Juvenile-Justice-Policy@michigan.gov\)](mailto:Juvenile-Justice-Policy@michigan.gov).

#### ***Office of Workforce Development and Training***

Direct questions about the LMS to the [OWDT \(MDHHSTraining@michigan.gov\)](mailto:MDHHSTraining@michigan.gov) training help desk.

Direct questions about registration for PSI, PSI-CWC, and PSTT to the [MDHHS Child Welfare Training Mailbox \(MDHHS-ChildWelfareTraining@michigan.gov\)](mailto:MDHHS-ChildWelfareTraining@michigan.gov).

Direct questions about registration for NSI to the [MDHHS OWDT Registration Mailbox \(MDHHS-OWDTRegistration@michigan.gov\)](mailto:MDHHS-OWDTRegistration@michigan.gov).

## PURPOSE

The Michigan Department of Health and Human Services (MDHHS) reviews at reasonable, specific, time-limited periods the amount of payments made for foster care to child caring institutions (CCIs) and child placing agencies (CPAs) to ensure their continued appropriateness and compliance with the Social Security Law [42 U.S.C. 671] Section 471(a)(11) [implementation requirements at 45 CFR 1356.20(m)(1)].

**Note:** This policy does not address payments for foster and relative care providers, which is described in [FOM 903-03, Payment for Foster Family/Relative Care](#). Also, this policy does not address payments for adoption assistance, which is described in [AAM 210, Adoption Assistance Rate Determination](#).

## DEFINITIONS

### **Bureau of Audit (BA)**

A bureau within MDHHS, Financial Operations Administration, that provides audit and support services.

### **Child Caring Institutions (CCI)**

Agencies contracted with and funded by MDHHS to provide supervision and services appropriate to the youth's needs in a structured residential care program.

### **Child Placing Agencies (CPA)**

Agencies contracted with and funded by MDHHS to provide foster care services including placement of youth, recruitment and retention of foster homes, and all required services to children and families.

### **Children's Services Agency (CSA)**

An agency within MDHHS that oversees services to children and families involved with Michigan's child welfare system.

## PERIODIC RATE SETTING

MDHHS will periodically calculate statewide cost based per diem payment rates by the various contract types for CCIs and CPAs that contract with MDHHS to provide child welfare services. MDHHS will consider the following when recalculating rates:

- Cost reports and service data submitted by contracted providers.
- Cost trends identified during annual rate monitoring.
- Other changes in operating costs, such as caseload or staffing ratio limits and inflation.

The calculation and requests for budgetary and legislative approvals will occur every three years at a minimum.

### Rate Monitoring

Annually, MDHHS will compare current payment rates to rates calculated based on cost report data using the Rate Monitoring Tool (RMT) to determine the continuing appropriateness of rates paid to providers. MDHHS will adjust cost reports for inflation. If rates paid deviate significantly from rates calculated based on provider costs, MDHHS may seek budgetary and legislative approval to adjust the rates.

### Cost Report Reviews

MDHHS will review the cost report data that is used to calculate statewide cost based per diem payment rates and used in the RMT. When cost reports and service data are received and entered into the RMT, the data is reviewed for outliers and follow up is made with the CCIs and CPAs. Any misreporting identified in the review is corrected in the RMT, and the corrected information is used in the rate setting process.

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**PROCEDURES****Collect Annual  
Cost Reports*****Timeframe***

October of each year.

***Department***

CSA

***Tasks***

Provides list of CCI and CPA contractors from previous fiscal year to BA. List will include the following detail to allow tracking receipt of cost reports, including juvenile justice information:

- Agency name.
- Legal name.
- License numbers.
- Contract numbers.

***Timeframe***

November - January of each year.

***Department***

BA

***Tasks***

1. Retrieves emailed cost reports from dedicated email address.
2. Verifies receipt and contents of cost report from contractors, including contracts, federal ID numbers, agency report information, and authorized signature/attestation.
3. Saves electronic cost reports to shared drive.
4. Logs receipt of cost reports on tracking log.
5. Follows up on delinquent cost reports to ensure receipt.
6. Extends due dates of cost reports for valid reasons and informs CSA of any extension.
7. Initiates contractually allowed penalty provisions for late cost reports. BA will submit a referral to CSA, and CSA will inform the provider of the penalty and ensure collection of the penalty.



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**Review Reports  
and Data*****Timeframe***

December - February of each year.

***Department***

BA

***Tasks***

1. Reviews cost reports and service data to identify potential errors or outliers. The following are examples of items review for:
  - License.
  - Contracts.
  - Completed revenue and expense data.
  - Expenses reported by service/contract.
  - Direct costs.
  - Indirect costs.
  - Unallowable costs.
  - Statistical information, such as days in care, or number of children served.
  - Miscellaneous costs, including description and MDHHS approval.
  - Full time equivalents.
  - Salary information.
  - Supplemental schedule of expenditures.
2. Requests additional information, including corrected cost reports, from agencies when errors or outliers are identified.
3. Follows up to ensure corrected cost report is received.

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**Calculate Rates*****Timeframe***

By May 31 of each year.

***Department***

BA, with contractor assistance as needed.

***Tasks***

1. Place cost report and service data into the RMT and import into one master worksheet for both CCI and CPA service types.
2. Using the RMT calculate rates from the cost reports using the same model budget structures used to calculate the current payment rates.
3. Incorporate an inflation factor into the rate calculation based on previous year cost report data to adjust for inflation since the prior year's rate calculation.
4. Compare the cost reports and calculated rates to the costs assumed in the current payment rates such as staffing levels, salary levels, other costs.
5. Adjust cost report data where necessary to make accurate comparisons, such as when certain assumptions built into the current payment rate have not yet been implemented.
6. Provide CSA with a summary comparison schedule of payment rates to calculated rates based on cost reports.

**Rate Monitoring*****Timeframe***

By June 30 of each year.

***Department***

CSA

***Tasks***

1. Annually, compare current payment rates to rates calculated based on cost report data using the RMT to assess the continuing appropriateness of rates paid to providers using the summary comparison schedule provided by BA.
2. If payment rates deviate significantly from rates calculated based on provider costs, CSA will explore reasons for the

variation and may initiate budgetary and legislative approval via recommendations to MDHHS's executive office to adjust the rates. Further review will typically occur when a deviation of 10 percent or greater exists between current and calculated rates to identify the reasons for the deviation.

3. Based upon the results of the review, CSA may work with providers to ensure program expectations are incorporated or recommend a change in rate with budgetary and legislative approval. If no action is taken, justification will be documented.

## Periodic Rate Setting

### *Timeframe*

Every 3 years, month of June and completed by June 30.

### *Department*

CSA

### *Tasks*

1. Initiate a formal rate setting process that includes a determination of statewide cost-based per diem payment rates by the various contract types for CCIs and CPAs that contract with MDHHS to provide foster care maintenance based on cost reports and service data submitted by providers and reviewed by BA. The amount made to a licensed or approved relative will be the same as the amount that would have been made if the child was placed in a licensed or non-approved foster family home. The rate setting process will include the following considerations:
  - The cost reports from the fiscal year that ended 2 years prior will generally be used.
  - Cost trends identified with the summary comparison schedule of payment rates and cost reports.
  - Adjustments will be incorporated into the rate setting for inflation or other projected costs that have changed significantly between the cost report date to the anticipated implementation date.
2. Initiate budgetary and legislative approvals for proposed rate changes via recommendations to MDHHS's executive office, if necessary.

**Policy Contact**

3. Implement approved rate changes.

Questions about this policy may be directed to the [Child Welfare Policy](#) mailbox ([Child-Welfare-Policy@michigan.gov](mailto:Child-Welfare-Policy@michigan.gov)).

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**PURPOSE**

This policy item defines the master contract process for both private child placing agencies (CPAs) and child caring institutions (CCIs).

**DEFINITIONS****Bridges**

Computer system used by the Michigan Department of Health and Human Services (MDHHS) for both benefit and assistance programs, as well as authorizing providers.

**Bureau of Grants and Purchasing (BGP)**

A department within MDDHS responsible for the procurement of goods and services for the department, as well as issuing all direct human services contracts that provide services to clients.

**Bureau of Out-of-Home Services (BOHS)**

The Bureau of Out-of-Home Services is responsible for the oversight of the following program areas: Juvenile Justice, Recruitment and Retention, Child Welfare Medical and Behavioral Health, Child Welfare Licensing, Foster Care, Guardianship, Adoption, and the Michigan Children's Institute.

**Child Caring Institution (CCI)**

Agencies that provide foster care services in structured residential settings appropriate to the youth's needs.

**Child Placing Agency (CPA)**

Agencies contracted with and funded by MDHHS to provide foster care services including placement of youth, recruitment and retention of foster homes, and all required services to children and families.

**Division of Child Welfare Licensing (DCWL)**

The Division of Child Welfare Licensing conducts onsite inspections to determine compliance with state law and licensing rules, provides technical assistance and consultation to improve the quality of service and investigates complaints alleging violations of licensing rules or law. The DCWL is also responsible for ensuring regulated agencies and facilities follow state law and licensing rules.

### **Family First Prevention Services Act (FFPSA)**

Authorizes optional title IV-E funding for mental health, substance abuse, and in-home parent skill-based programs for children or youth who are candidates for foster care, pregnant or parenting youth in foster care, and the parents or kin caregivers of those children and youth. See [Title IV-E Prevention Program](#).

### **The Electronic Case Management System**

Statewide comprehensive case management computer system designed to automate the delivery of child welfare and juvenile justice services.

### **Statewide Integrated Governmental Management Application (SIGMA)**

SIGMA is the state's current enterprise-wide financial system that performs all financial activities, including budgeting, accounting, payments, and business and grant opportunities.

## **PROCESS**

The DCWL licenses both CPAs and CCIs. Once licensed, a provider identification number is assigned in both Bridges and the electronic case management system, and the provider type is set up as a non-paid provider until a contract is established.

Agencies interested in pursuing a contract with MDHHS for administration of foster care, adoption, or residential treatment must complete the contractor application and submit as indicated. The [DHS-5336, Contracting with Children's Services Agency for Foster Care, Adoption and Residential Services](#) application can be found on the [MDHHS Contractor Resources](#) website.

BOHS will review the provider's program description, type, and location. Submission of an application does not guarantee that BOHS will grant a contract.

**Note:** Caseworkers must not place children with providers that are not contracted by MDHHS, or that do not have an established rate.

Based on the contractor's program and service category, MDHHS will assign a rate based on the latest actuarial rate calculations. Preset rates are based on both legislative appropriations and actuarial services. MDHHS will assign the contractor's rate based on the contractor's program and service category.

After the application has been approved, BOHS will send the following information to the provider:

- Details explaining SIGMA and the [registration website](#). The provider must be a registered vendor/customer on the SIGMA system before a contract request is submitted.
- Information about and how to access the electronic case management system.
- [Publication 843, Foster Care Provider Payment Handbook](#).

Once BOHS has verified SIGMA registration, BOHS completes a requisition (RQN) in SIGMA. The contract request flows through the SIGMA approval path to the BGP for the contract to be written.

BOHS notifies multiple business units of the agency information, contract number, primary service population, and the anticipated contract start date:

- Federal Compliance Division (FCD).
- Appropriate Program Office.
- The DCWL.
- The electronic case management system, including Database Application Security (DSA).
- Regional Placement Unit (RPU) for residential providers, or Juvenile Justice Assignment Unit (JJAU) if for juvenile youth or dual ward.
- MDHHS Provider Management.

BOHS will communicate with the provider regarding the process for accessing and utilizing the electronic case management system.

On the contract effective date, BGP changes the provider's contract status in the electronic case management system as well as [FOM 905-5, Rates for Child Care Institutions and PAFC Providers](#), from non-contracted to a contracted program.

BGP will give the provider's name, Bridges provider number, the electronic case management system provider number, the DCWL license number, Federal Employee Identification Number (FEIN),

and contract effective date to Provider Management Unit (PMU) and request that PMU:

- End-date the non-paid service type.
- Enroll provider with a paid service type.
- Set the provider title IV-E indicator to YES or NO.

BGP will communicate the provider's signed contract status to:

- The electronic case management system DSA.
- FCD.
- The DCWL.
- BOHS.

**DETERMINATION  
FOR TITLE IV-E  
Child Caring  
Institution (CCI)**

The DCWL consultant will complete the [MDHHS-5986, Review of Child Caring Institution \(CCI\) Title IV-E Eligibility](#), and a title IV-E analysis will be completed.

The DCWL and FCD will review the MDHHS-5986 initially to determine if the CCI is title IV-E eligible. The MDHHS-5986 is then to be completed by the DCWL at license renewal. If the results differ from previous years, another joint review of the CCIs title IV-E eligibility will be completed by FCD and the DCWL.

**OUT-OF-STATE  
PROCEDURE  
Residential  
Providers**

MDHHS may only place a child in a CCI in another state when all potential in-state providers have declined admission to the child. All youth placed in out-of-state facilities or homes must be placed through the Interstate Compact on the Placement of Children (ICPC). All out-of-state residential placement providers must have a contract with MDHHS prior to accepting placement of a child and be qualified residential treatment programs (QRTPs) regardless of whether the other state is certifying their residential placements as part of the federal Family First Prevention Services Act (FFPSA) programming. Out-of-state providers must meet the same QRTP requirements as in-state providers.



The DCWL does not require out-of-state providers to become licensed with the State of Michigan. BOHS will verify the provider has a current license for residential services in the provider's state. Out-of-state providers must also register with SIGMA.

FCD coordinates the process for setting up the out-of-state provider in Bridges using the provider FEIN which will generate a Bridges number and that in turn generates an electronic case management system number.

The out-of-state provider must provide BOHS a rate letter on agency letterhead that includes:

- The provider's FEIN.
- The daily rate for each youth.
- Any other educational costs associated with the placement.
- The signature of the provider's CEO or other designee.

BOHS will:

- Send a memo to the MDHHS Children's Services Agency director requesting approval of the rate.
- Enter the provider's rate in the electronic case management system as a non-contracted rate until the contract is issued.
- Enter all information into a SIGMA RQN to issue a contract.

**Note:** Some states will not allow an ICPC placement until a contract is executed with the out-of-state provider and some states will allow the placement before a contract can be executed.

The out-of-state provider is given information regarding the MiFoster IVR payment system and how to approve rosters via phone on a bi-weekly basis.

### Foster Care and Adoption Providers

The initial request for an out of state child placing agency must come from the local DHHS office and be sent to the [FCD](mailto:MDHHS-FederalComplianceDivision@michigan.gov) mailbox ([MDHHS-FederalComplianceDivision@michigan.gov](mailto:MDHHS-FederalComplianceDivision@michigan.gov)).

FCD obtains the appropriate license for the provider and coordinates with the BOHS analyst as needed to establish the master contract where appropriate.

After BOHS approves the application, FCD will send the provider information on the following:

- Details explaining SIGMA and the [registration website](#). The provider must be a registered vendor/customer on the SIGMA system before a contract request is submitted.
- Information about and how to access the electronic case management system.
- [Publication 843, Foster Care Provider Payment Handbook](#).

Once BOHS has all necessary information and has verified SIGMA registration, BOHS completes an RQN in SIGMA with an approved [DTMB-3625, Request for Orders or Payments](#) and approved rate if not the standard CPA rate. The contract request flows through the SIGMA approval path and eventually lands in BGP, which writes the contract.

BOHS informs the following MDHHS offices of the new contract, the contract number, agency information, the primary population identified, and the contract anticipated start date:

- FCD, which will reply with title IV-E indicator YES/NO.
- Foster Care Program Office.
- The electronic case management system.

BOHS will communicate with the provider regarding the process for accessing and utilizing the electronic case management system.

On the contract effective date, BGP changes the provider's contract status in the electronic case management system as well as [FOM 905-5, Rates for Child Care Institutions and PAFC Providers](#), from non-contracted to a contracted program.

BGP will give the provider's name, Bridges provider number, the electronic case management system provider number, the DCWL license number, FEIN, and contract effective date to the PMU and request that PMU:

- End-date the non-paid service type.

- Enroll provider with a paid service type.
- Set the provider IV-E indicator to YES or NO.

BGP will communicate the provider's signed contract status to:

- The electronic case management system DSA.
- FCD.
- The DCWL.
- BOHS.

The electronic case management system Security updates the contract list in the electronic case management system which enables the DHHS DSA staff to add users to the specific contracts.

## POLICY CONTACT

Questions about this policy may be directed to the [Child Welfare Policy](mailto:Child-Welfare-Policy@michigan.gov) mailbox ([Child-Welfare-Policy@michigan.gov](mailto:Child-Welfare-Policy@michigan.gov)).

## PREVENTION

Child safety is the top priority for the Michigan Department of Health and Human Services (MDHHS). MDHHS believes that the best way to keep children safe is to provide meaningful, timely, and effective services and supports to families experiencing challenges. When such services are provided, fewer children will experience initial or recurrent maltreatment and entry into foster care. MDHHS is dedicated to ensuring that families who encounter the child welfare system experience meaningful supportive services and develop relationships that will help them keep their children safe and improve family well-being.

The Family First Prevention Services Act (FFPSA), enacted as part of Public Law 115-123, authorized new title IV-E funding for time-limited prevention services for mental health, substance abuse, and in-home parent skill programs for children or youth who are candidates for foster care, pregnant or parenting youth in foster care, and the parents or relative caregivers of those children and youth. FFPSA has allowed the department to expand support services to families meeting candidacy requirements for eligibility.

## DEFINITIONS

### ***Candidate for Foster Care***

A child at risk of removal but can remain safely in the home with evidence-based prevention services, as defined by the Family First Prevention Services Act and Michigan's specific prevention plan.

### ***Child Specific Prevention Plan***

Case service plan, or similar service plan from evidence-based home visiting program, that includes details on prevention strategy and services to be provided to ensure success of the prevention strategy.

### ***Contracted Provider Referral***

Referrals from a contracted provider, including home visiting programs, must be submitted to the Child Welfare Community Service Analyst.

***Evidence Based Program***

An evidence-based program is a service that has been evaluated and proven effective. These services must be approved in the Title IV-E Clearinghouse to qualify for title IV-E funding.

***Family-Centered Plan***

A case service plan used by Post Adoption Resource Center (PARC) staff to identify if a child is at risk of entering foster care and provide details on prevention strategy.

***FFPSA***

Acronym for Family First Prevention Services Act.

***FFPSA Title IV-E Prevention Services***

Evidence based programs eligible for title IV-E funding. Sometimes referred to as IV-E prevention services or FFPSA prevention services.

***Home Visiting Programs***

One of the following evidence-based in-home parenting education programs: Parents as Teachers (PAT), Healthy Families America (HFA), and Nurse-Family Partnership (NFP).

***Prevention Monitor***

A prevention worker assigned as secondary worker in the electronic case record when a family is engaged and enrolled in a home visiting program or Substance Use Disorder Family Support Program-Motivational Interviewing (SUDFSP-MI).

***Prevention Record***

An electronic record that documents a participant's eligibility for FFPSA Title IV-E Prevention Services. In MiSACWIS, this is known as the prevention plan and is located under the prevention IV-E hyperlink.

**ELIGIBILITY**

A family may access a continuum of prevention services to ensure the safety of the children in the home and improve the family's well-

being. Various funding sources are available to finance service provision.

For program specific services see:

- [PSM 714-2, Supportive Services.](#)
- [FOM 903-17, Support Services to Families.](#)
- [JJM 430, Community Placement Services.](#)
- [ADM 990, Post Adoption Resources.](#)

The following individuals are eligible for FFPSA IV-E prevention services:

- Children and youth who meet one or more candidate for foster care criteria and the parents or caregivers of a candidate for foster care. See *Candidate for Foster Care* in this item for more information on eligibility terms.
- Pregnant or parenting youth who are currently in foster care, including youth in young adult voluntary foster care (YAVFC) and youth who are expecting a child with another person when they are believed to be the biological parent of the expected child.

### **Candidate for Foster Care**

When one child in the home qualifies as a candidate for foster care, all related siblings residing in the household or within partial care or custody of a parent are eligible to be a candidate for foster care. Candidacy for foster care is determined on the imminent risk of entering foster care.

#### ***Imminent Risk of Entering Foster Care***

Imminent risk of entering foster care is defined as any of the following situations:

- A child for whom abuse or neglect has been confirmed.
- A child who resides in a household where CA/N has not been confirmed but the Risk Assessment score is low to intensive.
- A child who was previously placed in foster care but has been returned to their parent or relative.

- A child who has delinquent behaviors and is under the supervision of MDHHS by court order and is placed in a parental home placement.
- A child who is at imminent risk of entering foster care as otherwise determined by a Tribe.
- An infant born exposed to substances.
- A child's adoption or guardianship is at risk of disruption or dissolution.
- A child whose parent is under the age of 26 and had been in foster care as a child themselves.

#### **CASEWORKER RESPONSIBILITY FOR DETERMINING FFPSA IV-E ELIGIBILITY AND DOCUMENTATION**

All FFPSA IV-E eligibility must be documented in the electronic case record, within the prevention section. An MDHHS supervisor must approve the candidate determination within the electronic case record. Title IV-E prevention services may not begin until the FFPSA IV-E prevention program type is opened and approved. For information on creating and approving a prevention record, see job aid [Maintaining a Prevention Services Case](#).

#### **Prevention Only Services**

An MDHHS prevention caseworker, where available, may receive a referral from Centralized Intake or another referral source to provide case management for a child and family with needs that may require prevention services. If a prevention program type is not open upon referral acceptance, the caseworker must open a prevention program type within five business days of referral acceptance. If a child meets one of the candidates for foster care definitions above, the caseworker must ensure FFPSA IV-E eligibility is documented and approved in the prevention record.

Within 7 to 14 calendar days of the earliest active prevention program type begin date, the caseworker must engage with the

family and complete the following to identify and assess service needs for the family and child based on the candidacy type:

- Family Assessment of Needs and Strengths.
- Child Assessment of Needs and Strengths.
- Trauma screening checklist based on age of child:
  - 0-5 years old.
  - 6-18 years old.

**Related Policy Item Resources:**

[PSM 713-11, Assessments](#), outlines requirements for completing assessments.

[FOM 722-09A, Family Assessment of Needs and Strengths \(FANS\)](#), outlines requirements for completing the FANS.

[FOM 722-09, Child Assessment of Needs and Strengths \(CANS\)](#), outlines requirements for completing the CANS.

[FOM 802, Mental Health, Behavioral and Developmental Needs of Children under the Supervision of MDHHS](#), outlines requirements for completing the trauma screening.

**Children's  
Protective  
Services (CPS)**

In most cases, CPS caseworkers must complete the Structured Decision Making (SDM) Safety and Risk Assessments to complete an investigation. The results of these assessments will assist CPS with determining if the child or youth is an eligible candidate for foster care. For information on the Safety and Risk Assessments, see [PSM 713-11, Assessments](#).

**Exception:** Circumstances in *Other Candidacy Criteria* section in this item do not depend on Safety or Risk Assessment result.

Prior to referring a family for FFPSA IV-E prevention services, a family team meeting (FTM) must be held to identify necessary supports and coordinate service delivery; see *Family Team Meeting* in this item.

The eligibility must be documented in the electronic case record in the prevention section. The caseworker must select the appropriate candidacy criteria, and route to their supervisor for approval.



The child and their siblings are eligible for FFPSA IV-E prevention services from the date of supervisor approval of eligibility until one year from the date of approval, see *Timespan section* in this item for services beyond 12 months.

***Confirmed Abuse or Neglect***

A child for whom abuse or neglect has been confirmed and their siblings are eligible for FFPSA IV-E prevention services. The ongoing caseworker will be responsible for entering the prevention record and developing the child specific plan. See *child specific prevention plan* in this item.

A child will remain an eligible candidate for 12 months from the date CPS closed the case.

***Unconfirmed Investigation with Low, Moderate, High or Intensive Risk***

A child and their siblings are eligible for FFPSA IV-E prevention services based on a low, moderate, high, or intensive risk assessment score resulting from the initial assessment completed in an investigation. If a child and their siblings are eligible based on risk assessment outcome, the caseworker and supervisor must decide to offer prevention services based on family needs and their desire to participate. All services are voluntary and must be coordinated in partnership with the family.

If prevention services are determined to be appropriate for the family, the caseworker must document the candidacy in the IV-E prevention electronic record and route to their supervisor for approval to open the prevention case. The case will transfer to relevant staff who will be responsible for developing the child specific case plan. Programs and relevant staff include, where applicable:

- Prevention caseworkers.
- Prevention monitors.

If the family declines to participate in services upon conclusion of the disposition, a child will remain an eligible candidate for 12 months from the most recent investigation disposition date.

***Other Candidacy Criteria***

A child and their siblings are eligible for FFPSA IV-E prevention services for the following situations:

- A child is born exposed to substances.
  - An infant is defined as a baby from birth through 12 months of age. For purposes of IV-E prevention, MDHHS defines born exposed to substances as an infant testing positive through a testing procedure; experiencing withdrawals; a parent receiving medically assisted treatment for substance use; or parental self-report of substance use during pregnancy anytime through the infant's 12th month of age. An infant will remain an eligible candidate through 12 months of age.
- A child's adoption or guardianship is at risk for disruption or dissolution.
- A child whose parent is under the age of 26 and had been in foster care as a child themselves.

If a child is determined to be FFPSA IV-E eligible, the caseworker and supervisor should determine if prevention services are appropriate for the family needs and consider family desire and willingness to participate.

If FFPSA IV-E prevention services are determined to be appropriate for the family, the caseworker must add the IV-E prevention record in the electronic case record and route to an MDHHS supervisor for approval. Upon approval and dependent upon the candidacy criteria, the case will transfer to a prevention caseworker or an adoption support agency staff, where available, who will be responsible for the child specific case plan.

***Exception:*** For a child who is adopted or in a guardianship at risk for disruption or dissolution see *Adoption/Guardianship section* in this item.

***Multiple Candidacy Criteria***

A child and their family may qualify for prevention services by meeting criteria for one or more of the candidacy requirements. The

caseworker may select more than one qualifying factor in the electronic case record.

## FOSTER CARE

The following children in foster care are eligible for FFPSA IV-E prevention services:

- Children under court jurisdiction and MDHHS supervision who were previously placed in foster care but have returned to their parent or relative.

**Note:** A child will remain an eligible candidate for 12 months from the date the foster care case closed.

- Pregnant or parenting youth who are currently in foster care, including:
  - Youth in YAVFC.
  - Youth who are expecting a child with another person and are believed to be the biological parent of the expected child.

### ***Returned Home with Court Jurisdiction***

The foster care caseworker must complete the following assessments to determine the child(ren)'s and family's strengths and needs and identify what, if any, protecting interventions will be needed to return the child safely to the parental home:

- SDM Safety Assessment; see [FOM 722-09B, Safety Assessment](#) for more information.
- Child Assessment of Needs and Strengths (CANS); see [FOM 722-09, Child Assessment of Needs and Strengths \(CANS\)](#) for more information.
- Family Assessment of Needs and Strengths (FANS); see [FOM 722-09A, Family Assessment of Needs and Strengths \(FANS\)](#) for more information.

When the result of the safety assessment is safe or safe with services, the caseworker must recommend the court of jurisdiction order the child(ren) returned to the home of the parent.

At least three business days prior to the planned return to the parental home, or no later than three business days of an

unplanned return to the parental home, an FTM must be held to identify necessary supports and coordinate service delivery; see *Family Team Meeting* in this item.

The child and their siblings are eligible for FFPSA IV-E prevention services from the date of return to the parental home until the court jurisdiction is dismissed. If the family will continue to benefit from prevention services and the family agrees to continue services, the case will be transferred to a prevention worker to continue servicing the family. The child's eligibility must be documented in the electronic record prior to initiating FFPSA IV-E prevention services.

### ***Pregnant or Parenting Foster Youth***

Youth in foster care who are pregnant, expecting a child, or parenting are eligible for FFPSA IV-E prevention services. The eligibility must be documented in the electronic case record prior to the youth participating in FFPSA IV-E prevention services; see job aid *Maintaining a Prevention Services Case*.

Within 30 calendar days of learning that a youth in foster care is pregnant or parenting, the foster care caseworker must complete an updated CANS and document any needs related to the youth's pregnancy or ability to provide care to their child in the appropriate section of the CANS. The caseworker must ensure the youth person profile is updated to reflect that the youth is pregnant or parenting.

### ***FANS Assessment for Pregnant/Parenting Temporary Wards***

Within 30 calendar days of learning that a temporary ward in foster care is pregnant or parenting, the caseworker must complete a FANS assessment in the electronic case record to assess the youth's needs as a parent. All identified strengths and needs must be linked to the next case service plan.

### ***FANS Assessment for Pregnant/Parenting Youth on a Permanent Ward Case***

Within 30 calendar days of learning that a MCI ward, permanent court ward, or youth in young adult voluntary foster care (YAVFC) is pregnant or parenting, the caseworker must complete a manual FANS assessment on the DHS-145, Family Assessment of Needs and Strengths. The caseworker must upload the completed FANS to the electronic case record, and information regarding needs identified on the FANS must be incorporated into the appropriate

domain of the pregnant or parenting youth's CANS assessment for inclusion in the next case service plan.

After completion of the updated CANS and FANS and prior to completion of the next case service plan, the caseworker must conduct an FTM to create a child specific prevention plan; see *Family Team Meeting* in this item.

## JUVENILE JUSTICE

A youth placed in the home that is at imminent risk of removal or whom has been returned home and is placed with MDHHS for care and supervision either by referral under MCL 400.55h or 1974 PA 150 commitment is eligible for FFPSA IV-E services.

A juvenile justice specialist will utilize the following assessments to determine if a child with delinquent behaviors in the care of the department, is at risk of out of home placement:

- Michigan Juvenile Justice Assessment System (MJJAS).
- Juvenile Justice Strengths and Needs Assessment.

The results of these assessments will also identify youth and family strengths, needs, family supports, and will determine if the youth can remain in the community safely with prevention services in place. If the youth is residing with their family and they are at imminent risk of entering foster care as determined by the assessments, they are eligible for services. The juvenile justice specialist must document eligibility in the electronic case record in the prevention section, and route to their supervisor for approval.

The juvenile justice specialist must conduct an FTM with the family, youth, and service providers to identify needs and services to meet identified needs. The meeting participants collaborate in a proactive, strength-based, solution-focused approach to develop a thorough plan so the child can remain in the community safely with the prevention services in place. The assigned juvenile justice specialist will provide the coordination across community agencies when a family is receiving more than one evidence-based intervention.

**ADOPTION/  
GUARDIANSHIP**

A child who through a child welfare matter meets either of the following criteria is eligible for prevention services:

- Has been adopted.
- Is in a juvenile guardianship with assistance.

Candidates meeting these criteria may be referred for eligibility determination to the Adoption Guardianship Assistance Office (AGAO) through either of the following paths:

- CPS caseworker if there is an open investigation.
- PARC staff.
- AGAO staff.

***AGAO/PARC Referral***

AGAO will refer an eligible child to a PARC by sending the AGAO-PARC referral form, with the permission of the family, to the applicable PARC where the family resides. If a child is identified as a possible candidate for foster care, AGAO will refer the child to the PARC to complete a Family-Centered Plan.

PARC caseworkers are responsible for the following steps:

1. Developing a Family-Centered Plan which identifies that the child is at risk of entering foster care.
2. Completing the Adoption/Guardianship Prevention Service Request/Intent Statement form.
3. Reviewing the Family-Centered Plan and the Adoption/Guardianship Prevention Services Request/Intent Statement form with the identified family to determine if the family is interested and willing to participate in prevention services.
4. Sending the Family-Centered Plan and the Adoption/Guardianship Prevention Services Request/Intent Statement form to the AGAO, if the family agrees to participate in services.

When an adoptive parent or guardian of a child who was previously in foster care contacts the AGAO office directly for support or

services the AGAO will send the AGAO-PARC referral form, with the permission of the family, to the applicable PARC where the family resides, for an assessment to determine if the child is eligible for IV-E prevention services.

### ***AGAO Eligibility Determination Process***

Once the Adoption/Guardianship Prevention Service Request/Intent Statement form and the required documentation has been completed by the eligible referral source (CPS, PARC or CI), the required documentation must be submitted to the AGAO office. The Adoption or Guardianship Prevention Services Request-Intent Statement form and the applicable CPS Safety and Risk assessments or the Family-Centered Plan (depending on referral source, CPS or PARC) must be emailed to [MDHHS-AGAO-Prevention@Michigan.gov](mailto:MDHHS-AGAO-Prevention@Michigan.gov) or faxed to 517-335-4019.

The AGAO office will complete the following information to assess if the child is at imminent risk of entering foster care:

- Review the Adoption/Guardianship Prevention Service Request and Intent Statement.
- Review the Family-Centered Plan or Safety and Risk Assessments (depending on referral program).
- Verify the child was adopted from the Michigan's public foster care system or the child entered a juvenile guardianship with assistance from the Michigan public foster care system.
- Determine if the child has an active medical subsidy case, if not AGAO staff will provide the adoptive parent(s)/guardian(s) with the appropriate application.
- Determine if the family wishes to participate in prevention services, per the intent form.

Upon completion of eligibility determination, the AGAO will complete the following:

- Adoption/Guardianship Prevention Program Eligibility Determination form.
- Create the prevention record in the electronic case record.
- Upload the supporting documentation.

Once eligibility is established and approved by a supervisor, case management responsibility will transfer to PARC staff.

If eligibility criteria is not met, a determination of ineligibility will be completed for the prevention services program. AGAO will create a prevention record in electronic case management system to document the denial and upload the Adoption/Guardianship Prevention Eligibility Determination form and the request form. A copy of the determination must be sent to the referring worker.

**Note:** A new request can be made if circumstances change or if missing documentation is made available.

## PREVENTION SERVICES

Depending on identified needs, a family may be served through one of three service tracks in the prevention continuum including:

- Prevention Services for Families.
- Family First Prevention Services.
- Family Preservation and Reunification Services.

### ***Prevention Services for Families***

The Prevention Services for Families track is designed to preserve and strengthen family functioning to prevent CA/N. This track is intended to support families who voluntarily seek assistance from MDHHS or have been identified as low risk for CA/N, but where abuse/neglect is not presently occurring. Services can be offered through referrals to community agencies. Families accessing services through this pathway do not have an open CPS case. Services available includes but are not limited to: Families Together Building Solutions, evidence-based home visiting, Wraparound, Post Adoption Resource Centers, parent support groups, Family Resource Centers and the like.

### ***Family First Prevention Services***

Family First Prevention Services is a pathway that adds new evidence-based programs in key service areas of mental health, substance use disorder, and parent skill-based programs. Family First Prevention Services may be available to eligible families with children who meet at least one of the criteria for candidacy for foster care types or is a pregnant or parenting youth in foster care. Families accessing services through this pathway will have an open



prevention worker/monitor or will have an assigned ongoing caseworker or contracted private agency caseworker.

### ***Family Preservation and Reunification Services***

Family preservation and reunification services will focus on families where maltreatment has occurred, and the children have been returned home. Families accessing services through this pathway will have an open CPS ongoing caseworker or foster care caseworker (MDHHS or contracted private agency). Family preservation and reunification programs include Families First of Michigan, Family Reunification Program, Parent Partner Program, and other like programs.

## **FAMILY TEAM MEETING**

Prior to identifying and referring a child/family to a service within the prevention continuum, the assigned caseworker must facilitate an FTM, or similar meeting. The FTM or similar meeting should include assigned workers, parents, caretakers, children, youth, extended family, friends, neighbors, community-based service providers, community representatives, Tribal representatives, or other professionals involved with the family. For more information on FTMs see [FOM 722-06b, Family Team Meeting](#).

The facilitator of the FTM or similar meeting should work with participants to create a child specific prevention plan for safety, placement stability, well-being and permanency tailored to the individual needs of each child and their parents.

### ***Pregnant or Parenting Youth in Foster Care***

An FTM must be held prior to the youth's case closing to determine ongoing service needs and if the child meets other candidacy types.

## **CHILD SPECIFIC PREVENTION PLAN**

Following identification of family needs, the assigned caseworker will engage with the family and share service availability. Services identified must be documented in the child specific prevention plan. If the child specific prevention plan involves community providers, the plan should be shared, with appropriate consent from the

family. For requirements on sharing information outside of MDHHS, see [SRM 131, Confidentiality](#).

The child specific prevention plan must include the following:

- The foster care prevention strategy that is ensuring the child can remain safely in any of the following living arrangements:
  - In the home, with their family.
  - With a relative caregiver until reunification can be safely achieved.
  - With a relative caregiver permanently.
- Services to be provided on behalf of the child to ensure success of the prevention strategy.

For pregnant or parenting youth, the child specific prevention plan must additionally include the following:

- Services to be provided to ensure that the youth is prepared or able to be a parent.
- Description of the foster care prevention strategy for any child born to the youth.

For information on viewing and completing the prevention plan and linking needs, strengths, and services see job aid, Maintaining a Prevention Services Case.

The assigned caseworker must partner with the family to make service referrals and connect the family with the service provider. A minimum of monthly, the caseworker must engage with the family and all service providers identified in the plan to address any barriers identified.

When a prevention caseworker is assigned as secondary, the caseworker must have monthly contact with the contracted service provider to ensure child safety, the family's continued engagement in services, progress on goals, and to maintain the open prevention record. See *Evidence-based Home Visiting* within this item.

### ***Supervision Requirements***

Supervisors must approve all child specific prevention plans as well as meet a minimum of monthly for case consultation with the caseworker.

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## DOCUMENTATION

### ***Prevention Only Services***

For children with a prevention only case, the child specific prevention plan must be documented on the DHS-1614, Prevention Services Case Plan for Children and Families. The initial Prevention Case Plan is due within 30 calendar days of the prevention program begin date.

When a prevention caseworker is assigned as primary, the caseworker must complete updated assessments and prevention case plans every 90 calendar days from the end date of the previous prevention case plan end date until case closure. The DHS-1614 must be completed prior to closing the prevention program type.

When a prevention caseworker is assigned as secondary, all contacts with the service providers must be entered in the electronic case record. The service provider is responsible for completing and updating the child specific prevention plans when the provider is an evidence-based home visiting program, contracted Post Adoption Resource Center or SUDFSP-MI, Family Support Specialist.

### ***Children's Protective Services***

For children or youth with an open CPS case, the child specific prevention plan is documented within the Updated Services Plan (USP). For more information on the Updated Services Plan see [PSM 714-4, CPS Updated Services Plan and Case Closure](#).

The prevention plan will generate into the USP. To generate, at least one youth participant must be identified, and the prevention plan begin date and prevention plan end date must coincide with the USP period. The prevention plan will automatically include the following information if there is an eligibility record that has been approved:

- Prevention begin and end date.
- Identified youth.
- Candidacy type.
- Service category.

The prevention plan must be entered in the electronic case record within 30 calendar days of determination of eligibility for FFPSA title

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IV-E prevention services and included in the next case service plan. Case service reviews must be updated every 90 calendar days to incorporate into the USP.

### ***Foster Care***

For children or youth with an open foster care case, the child specific prevention plan is documented within the service plan. For information on service plans see [FOM 722-08, Initial Service Plan](#) and [FOM 722-08D, Treatment Plans](#).

The prevention plan must be entered in the electronic case record within 30 calendar days of determination of eligibility for FFPSA title IV-E prevention services and included in the next case service plan. The case service plan must be updated every 90 calendar days.

### ***Juvenile Justice***

For children or youth with an open juvenile justice case, the child specific prevention plan is documented within the juvenile justice service plan. For information on juvenile justice service plans see [JJM 230, Juvenile Justice Service Plans](#).

The prevention plan must be entered in the electronic case record within 30 calendar days of determination of eligibility for FFPSA title IV-E prevention services and included in the next case service plan. The case service plan must be updated every 90 calendar days.

### ***Motivational Interviewing (MI)***

Supervisors and caseworkers must attend training in MI. Following training, caseworkers will engage with the family and develop a trusting relationship using the evidence-based practice of MI. Embed throughout engagement with families including interviews, assessment of needs and strengths, child specific prevention planning, and developing a family-driven plan of action that includes goals leading to improved family functioning.

Each child specific prevention plan contains a question regarding motivational interviewing. The supporting information for MI should only be answered yes if the caseworker has completed training and the motivational interviewing techniques were utilized with the family. Caseworkers must enter a social work contact to document when MI skills are utilized. The social work contact must include MI check box in the purpose section of the contact.

***Evidence-based Home Visiting or Substance Use Disorder Family Support Program-Motivational Interviewing***

An evidence-based home visiting program includes one of the following services:

- Nurse Family Partnership.
- Healthy Families America.
- Parents as Teachers.

A prevention only services case with an active prevention plan, may be primarily serviced by an IV-E Prevention home visiting program or Substance Use Disorder Family Support Program-Motivational Interviewing; the MDHHS prevention worker will serve in a secondary capacity as a monitor.

Prior to transitioning to a monitoring role, the MDHHS prevention worker as primary caseworker, must ensure FFPSA IV-E Prevention Eligibility is documented and approved, case services are entered with reviews, the Initial Prevention Services for Families Service Plan (DHS-1614) is complete, confirm with the home visiting provider or family support specialist that the family is enrolled in the service.

Upon approval of the Initial Service Plan (DHS-1614) and other noted elements, the prevention supervisor may reclassify the prevention caseworker from primary to secondary in the electronic case record.

**Note:** A prevention worker may be assigned as secondary on a case following an approved prevention record on a CPS ongoing or foster care case or following child welfare community service (CWCS) analyst approval of a contracted provider referral. If assignment as a prevention secondary worker follows a CPS or foster care updated service plan, a prevention ISP is not required because the elements of the child specific prevention plan have been documented in the most recent service plan.

While in the monitoring role, the secondary caseworker must maintain at least monthly contact with the home visiting service provider or family support specialist and document the contact in the electronic case record. The evidence-based home visiting provider or family support specialist will provide the ongoing monitoring of risk and safety based on the program's assessment tools.

A contracted provider referral may be made for a family already enrolled in a home visiting evidence-based program who may be eligible for FFPSA funding. The contractor is responsible for following their agency's release of information rules. When a contracted provider referral is received by a CWCS, the analyst will review family details for potential FFPSA eligibility. If the family includes at least one FFPSA candidate, the CWCS will send the information to the appropriate local office. The local office will determine caseload availability and family needs. If appropriate, the supervisor will assign the case to a worker either through an active case ID or a non-CPS intake. A prevention record must be added and approved. The assigned worker will follow monthly contact rules noted above.

Any written updates or documents received from the evidence-based home visiting provider or family support specialist must be uploaded to the electronic case record. In addition to adding a social work contact.

## CASE SERVICE ENTRY

All paid and unpaid case services must be entered in the electronic case record. The referral date is the date of referral to the service and the service start date is the date the provider accepts the referral. The service must be entered in the child or parent's name, depending on whose Need Assessment indicates the need.

**Note:** For the child of a youth in foster care who does not receive an assessment of strengths and needs, add the case service in the minor parent's name.

### ***Paid Case Services***

Paid case services are those paid from the electronic case management system. SafeCare and SUDFSP-MI will be paid from the electronic case management system. The worker must enter a paid case service in the child or parent's name, depending on whose Need Assessment indicates the need.

### ***Unpaid Case Services***

An unpaid case service is a service not paid from the electronic case management system. An unpaid case service must be entered in the child or parent's name, depending on whose Need Assessment indicates the need. Unpaid case services include:

- Healthy Families America.
- Nurse Family Partnership.
- Parents as Teachers.
- HOMEBUILDERS.

**Exception:** Caseworkers do not need to enter a case service for Motivational Interviewing when the caseworker will be providing Motivational Interviewing.

## CHILD SAFETY

During the period that services are being offered to FFPSA IV-E eligible children and families, the department and service providers will monitor the safety of the children and determine any risks present per department policy for program specific areas (CPS, foster care, or adoption) or per the evidence-based program requirements when a child is monitored by a community provider. Primary caseworkers must meet at least monthly with the child and family. Secondary caseworkers must have contact with the contracted service provider at least monthly. Additional contact should occur based on program requirements:

- CPS ongoing; [PSM 714-1, Post-Investigative Services](#).
- Foster Care; [FOM 722-06H, Case Contacts](#).
- Juvenile Justice; [JJM 270, Juvenile Justice Specialist Contact Requirements](#).

Ongoing needs, strengths, and safety assessments as well as formal and informal risk assessments are to be completed by the assigned caseworker responsible for case management oversight. Dependent upon the program providing oversight these assessments include:

- SDM Safety and Risk Assessment Tools.
- FANS.
- CANS.
- Michigan Juvenile Justice Assessment System (MJJAS).
- Juvenile Justice Strengths and Needs Assessment.
- Family-Centered Plan, for PARCs.
- Trauma Screening Checklist.
- Evidenced-based home visiting program specific assessments.
- Substance Use Disorder Family Support Program-Motivational Interviewing program specific assessments.

The department will use existing practices to ensure safety and assess risk for candidates for whom maltreatment has been confirmed and siblings residing in the home or within partial care or custody of the parent; children who were in foster care placement and returned to their parents or relatives; pregnant and parenting youth in foster care; and a child with delinquent behaviors under the supervision of the department.

When a MDHHS prevention worker is assigned as primary, ongoing monitoring of safety and risk must occur during each home visit through engaging the family in assessing needs and strengths. The prevention worker must document progress on needs and strengths on the SDM Family Assessment of Needs and Strengths and Child Assessment of Needs and Strengths Tools.

## **TIMESPAN**

FFPSA title IV-E prevention services shall be authorized for the duration of the evidence-based intervention or 12 months, whichever is less. FFPSA title IV-E prevention services may be provided to the family up to and including the 12th month. If there is a continued need for participation in services beyond 12 months and the family is willing to continue services, the assigned caseworker must complete a new candidacy determination by completion of the following tasks:

- Safety and risk reassessment if there is an open CPS or foster care case.
- Review the child specific prevention plan to assess if there is a continued need for participation in services.
- Facilitate an FTM or similar meeting to engage with the family and team members to discuss the need for continued services or additional needs.

If an evidence-based home visiting or community service provider is providing ongoing support to the family, the prevention caseworker/monitor must initiate contact with the home visiting provider/community partner within 12 months of the prevention plan start date to gather information to document a candidate for foster care redetermination.

When an eligible candidate monitored by an evidence-based home visiting or Substance Use Disorder Family Support Program-Motivational Interviewing provider has reached a redetermination



period and remains actively participating in the service, the original candidate for foster care eligibility may be extended for another 12 months or until the service ends, whichever is less.

All new candidacy determinations must be documented in the electronic case record and approved by an MDHHS supervisor to continue service provision under FFPSA IV-E prevention before the 12th month ends.

### **FFPSA TITLE IV-E PREVENTION PLAN AND PROGRAM TYPE CLOSURE**

The FFPSA title IV-E prevention plan and IV-E program type must close when one of the following occur:

- The family completes services and reports no other needs.
- The family no longer agrees to participate in services.
- Child is removed from the home and placed into foster care.

### **LEGAL AUTHORITY**

#### **Federal Law**

**Family First Prevention Services Act, Public Law 115-123.**

### **POLICY CONTACT**

Questions about this policy item may be directed to the [Child Welfare Policy Mailbox](mailto:Child-Welfare-Policy@michigan.gov), Child-Welfare-Policy@michigan.gov.

## OVERVIEW

Respite is available to provide temporary and occasional relief to the child and the child's current placement caregiver, legal parent, or legal guardian to maintain the ability to meet the needs of the child and to support the well-being of the current placement caregiver. Caring for the needs of children who have experienced the trauma of neglect and/or abuse requires intensive time, effort, and skill.

Providing support through respite plays a crucial role in maintaining the stability and continuity of placements and promotes the well-being of children in care.

**Note:** Respite services can be provided by licensed or unlicensed providers.

## DEFINITIONS

### Current Placement Caregiver

A current placement caregiver is considered an individual(s) providing care in a licensed foster home, relative caregiver home, adoptive home, or court ordered placements. Current placement caregiver also includes children placed with their legal parent(s) or guardian(s).

### Respite Provider

A respite provider is a licensed or unlicensed individual(s) providing temporary and occasional relief to children and caregivers selected by the current placement caregiver.

### Quarter

For the purposes of this policy, quarters are the three-month portions of the fiscal year which begins in October. For example, October 1st to December 31st equals one quarter.

## ELIGIBILITY

A child who is an abuse and/or neglect ward, including dual wards, and juvenile justice wards in any of the following placements are eligible to receive 12 days of respite per quarter:

- Licensed foster home.

- Relative caregivers.
- Adoptive placements.
- Legal parent(s) or guardian(s).
- Court ordered placements.

Children who are a part of the Serious Emotional Disturbances Waiver (SEDW) and referred by Community Mental Health (CMH), whether they are placed in foster care or not, qualify for respite.

Children who are in an adoptive placement or who have finalized their adoption may be eligible for respite; see [AAM 640, Post Placement- Use of the Adoption/Guardianship Medical Subsidy Program](#).

**Note:** For legal parents or guardians to qualify for respite, the child must be under the care and supervision of the Michigan Department of Health and Human Services (MDHHS).

## RESPITE CRITERIA

The following criteria must be met while a child is receiving respite services:

- Current placement caregivers must not arrange or use more than five consecutive days of respite unless an exception is approved; see *Exceptions* below.
- During a respite event, it is expected the current placement caregiver will check in with the respite provider daily.
- Respite providers must make efforts to maintain the child's normal schedule and provide enriching activities for the child during the respite.
- A plan must be developed between the respite provider and the child's current placement caregiver to ensure any activities related to the child's basic needs and the child's case service plan occur.
  - The respite provider should have knowledge of and some level of involvement in the child's case service plan as well as a familiarity with the child themselves, their needs, and personality.

- The respite provider will provide transportation to meet the child's basic physical, educational, and psychological needs, such as, transportation to school, parenting time, and any necessary medical and behavioral health care appointments.
- A plan for continued education must be developed. The child cannot miss school because they are receiving respite services.
- The use of respite for holiday breaks and current placement family vacations should be discouraged and carefully considered. Circumstances regarding the need for respite in these instances must be discussed with the current placement caregiver and the supervisor in accordance with the child's best interest and child's case service plan.
- In all instances, current placement caregivers and case managers must make every effort to familiarize the respite provider with the child's case service plan and needs. The MDHHS-6072, Respite Child Information and Case Plan, must be used to share pertinent information and the current placement caregiver(s) must present it to and review it with the respite provider prior to a respite event occurring. The current placement caregiver must provide a copy of the MDHHS-6072 to the case manager to be maintained in the child's file.
- A respite provider must be equipped to handle emergencies and unplanned circumstances by taking necessary action and notifying the current placement caregiver as soon as possible.
- The current placement caregiver(s) must make the respite providers aware of the reporting protocols and the agency's unusual incident policy and procedures.

In situations of emergency respite where planning may have been compromised, the child's case manager will be responsible for developing a plan, sharing the plan, and working with the respite provider to ensure all respite criteria is followed as much as possible.

**Note:** Respite provider homes are **not** to be used as emergency placements under any circumstances. Respite is only to be used for children with an established placement.

## EXCEPTIONS

The MDHHS-6071, Respite Services Exception, must be completed and approved by the local office/agency director for the following types of respite:

- Additional days over the quarterly allotment of 12 days.
- Respite needed for more than five consecutive days.

## CONTACT REQUIREMENTS

The assigned case manager must be able to provide support to the respite providers, as needed.

The respite providers must be provided with the primary case manager and supervisor's contact information, in addition to the agency's after-hours contact information in the event of an emergency.

### Licensed Respite Provider

In the event the current placement caregiver fails to accept the child back into their home at the agreed upon time, per the contract the respite provider will contact the assigned case manager and agree to maintain the child in their respite home until the next business day. In such an event, the licensed respite provider will be eligible for an incentive stipend.

### Unlicensed Respite Provider

In the event the current placement caregiver fails to accept the child back into their home at the agreed upon time, the respite provider will contact the assigned case manager or supervisor.

If an emergency occurs outside of normal business hours, respite providers should contact the agency's after-hours emergency contact.

## CLEARANCES

Clearances must be completed upon identification of the respite caregiver and no more than 30-days calendar prior to any respite stay on the MDHHS-6070, Unlicensed Respite Provider Clearances. For unlicensed respite providers, the following clearances must be completed prior to respite services being provided:

### Children's Protective Services (CPS) Investigations

- Central Registry.
- Children's Protective Services history.
- Criminal history:
  - Internet criminal history access tool (ICHAT).
  - Public sex offender registry (PSOR).

Prior children's protective services (CPS) history must be reviewed for all prospective respite providers and adult household members prior to respite services being provided. **If the respite provider or any adult household member is a confirmed perpetrator of child abuse and/or neglect of the following maltreatment types, the respite provider is not eligible to provide respite services;** see [PSM 711-2, Definitions, Responsibilities and Maltreatment Types](#):

- Physical injury.
- Mental injury.
- Sexual abuse.
- Sexual exploitation.
- Labor trafficking (includes sex trafficking).
- Physical neglect.
- Placing a child at unreasonable risk.
- Medical neglect.
- Threatened harm of physical injury.
- Threatened harm of sexual abuse.
- Threatened harm of sexual exploitation.
- Threatened harm of labor trafficking.
- Threatened harm of mental injury.
- Threatened harm of physical neglect.
- Physical abuse.
- Child maltreatment.
- Failure to protect.
- Improper supervision.
- Abandonment.
- Threatened harm.

Individuals placed on Central Registry for Confirmed Serious Abuse and/or Neglect, Confirmed Sexual Abuse, Confirmed Sexual

Exploitation, or Confirmed Methamphetamine Production are prohibited from providing respite services.

### ***County Director Approval***

County director approval is required for a respite home in which a respite provider or adult household member was confirmed as a perpetrator of child abuse and/or neglect in a CPS investigation for threatened harm of placing child at unreasonable risk and threatened harm of medical neglect. For unlicensed respite providers document how the child is safe in the MDHHS-6070, Unlicensed Respite Provider Clearances, form.

## **Criminal History**

All adult household members must have a state criminal history background check completed prior to a respite event. The following sources should be utilized to run the required background checks, [Internet Criminal History Access Tool \(ICHAT\)](#), [Michigan Public Sex Offender Registry \(MPSOR\)](#), the [U.S. Department of Justice National Sex Offender Public Website \(NSOPW\)](#), and police or court records/personnel. The date and results of all criminal history background checks must be documented on the MDHHS-6070, Unlicensed Respite Provider Clearances.

### ***Prohibited Felony Convictions***

Respite is prohibited if anyone residing in the home has a **felony** conviction for one of the following crimes:

- Child abuse/neglect.
- Spousal abuse.
- Crimes against children (including pornography).
- Crimes involving violence, including rape, sexual assault, or homicide but not including other physical assault or battery.
- Physical assault, battery, or drug related felony offense within the last five years.

### ***Convictions***

Any misdemeanor or felony convictions must be evaluated by the assigned supervisor to determine respite suitability.

If respite occurs, the assessment of the conviction(s) must support the basis for the respite and describe how the child is safe in the respite provider's home. For unlicensed respite providers document how the child is safe in the MDHHS-6070, Unlicensed Respite Provider Clearances, form.

### Registered Sex Offender

All respite providers and adult household members must have their name **and** address searched on the [Michigan Public Sex Offender Registry \(MPSOR\)](#) prior to respite services being provided.

**Note:** Minor household members are not required to be checked on the MPSOR; however, this information may be obtained through family self-report or through the address search.

Respite is prohibited if anyone residing in the home has been convicted of a sexual offense **and** is required to register as a sex offender.

### Expiration Date

If the date of the first respite event is more than 30 calendar days after the date the clearances were completed, new clearances must be completed. Clearances must be completed annually from the date of the first respite event.

**Note:** If a new household member moves into the respite home, clearances on the new household member must be completed as soon as possible.

### Documentation

Clearances must be documented within the MDHHS-6070, Unlicensed Respite Provider Clearances. MPSOR, I-CHAT, and central registry documents must be uploaded to the documents section of the current placement caregiver's record in the electronic case management system.

**Note:** Memos and emails do not serve as MPSOR, I-CHAT, and central registry verification.



**PAYMENT  
PROCEDURES**

There will be 12 days of respite available for each eligible child, per quarter. If a child changes placements, the number of respite days can be replenished to provide the new placement caregiver with adequate options for respite use, complete the MDHHS-6071, Respite Services Exception, when respite services are requested. For respite payments, see [FOM 903-09, Case Service Payments](#).

**POLICY CONTACT**

Questions about this policy item may be directed to the [Child Welfare Policy Mailbox \(Child-Welfare-Policy@michigan.gov\)](mailto:Child-Welfare-Policy@michigan.gov).

**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***

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## OVERVIEW

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

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

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

### Information Sharing Within MDHHS

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

### Information Sharing Outside MDHHS

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

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

### Marking Cases Confidential in MiSACWIS

Only mark a case confidential when it involves:

- MDHHS employees.
- Relative of an MDHHS employee.

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

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

## Social Media

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

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

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

## Court Orders and Subpoenas

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

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

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

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All non-CPS subpoenas must be sent to the subpoena mailbox, [MDHHS-Subpoena@michigan.gov](mailto:MDHHS-Subpoena@michigan.gov).

### Lawyer-Guardian ad Litem

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

### Disabilities Rights Michigan (DRM)

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

### Native American Tribes

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

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

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

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

For any questions, please contact Children's Services Legal Division at [CSARequestforLegalResearch@michigan.gov](mailto:CSARequestforLegalResearch@michigan.gov).

### Discovery in Child Protective Proceedings

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

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

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

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

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

## CPS COURT PETITIONS AND LAW ENFORCEMENT REFERRALS

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

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

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

## Children's Services Court Reports

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

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

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

## FILING DOCUMENTS WITH THE COURT (PII)

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

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

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

## Redaction

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

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



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

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

## **MENTAL HEALTH TREATMENT RECORDS**

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

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

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

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

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

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

**Redaction Example:**

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

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

[REDACTED]

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## ALCOHOL AND SUBSTANCE ABUSE TREATMENT RECORDS

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

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

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

### Release of Alcohol and Substance Abuse Treatment Records

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

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

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

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

**Redaction Example:**

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

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

***Notice to Accompany Release***

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

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

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

## MEDICAL RECORDS

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

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

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

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

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

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

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

**Redaction Example:**

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

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

**Release of  
HIV/AIDS  
Records**

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

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



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

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

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

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

## LAW ENFORCEMENT RECORDS

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

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

## EDUCATIONAL RECORDS

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

### Proper Written Consent for Release of Educational Information

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

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

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

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

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

## DOMESTIC VIOLENCE AND SEXUAL ASSAULT

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

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

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**MALTREATMENT  
IN CARE**

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

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

**SOCIAL  
SECURITY  
NUMBERS**

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

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

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

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

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

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

### Notice to Accompany Release of CPS Reporting Person

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

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

### Release of CPS Case Information or Records

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

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

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

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

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

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

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



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

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

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

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

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

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

### **Notice to Accompany Release of CPS Records**

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

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

### **Faxed Release of CPS Records to Agencies**

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

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

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

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

***Michigan Individual Request, Employer, and Volunteer Agencies***

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

**Requests for Out-of-State Residents**

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

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

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

### **Other Out-of-State Entities**

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

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

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

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

Mail, fax or send via encrypted email requests to:

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

P.O. Box 30037

Lansing, MI 48909

Phone: 517-241-9794

Fax: 517-763-0280

Email: [MDHHS-Outofstate-Central-Registry@michigan.gov](mailto:MDHHS-Outofstate-Central-Registry@michigan.gov)

### **Release of Central Registry Information**

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

### **Directions for Release when Subject is on Central Registry**

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

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

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**Directions for Release when Subject is not on Central Registry**

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

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

**Out-of-State Adoption and Foster Home Screening**

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

- Licensing foster homes.
- Adoption screening.

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

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

**Mail or fax all requests to:**

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

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

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

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

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

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

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

### Prior to FC Placement

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



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

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

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

### **Emergency FC Placement**

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

### **Information Regarding Children in Foster Care**

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

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

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

### **Foster Parent Access to Information Regarding a Child's Parents**

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

### **Foster Parent Sharing Information**

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

## **JUVENILE JUSTICE RECORDS**

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

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

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

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

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**Act 150 Public  
Ward Best  
Interests**

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

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

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## After Jurisdiction is Terminated

### Former Court Wards Referred Under MCL 400.55(h)

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

### Former Act 150 Public Wards

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

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

## Assistance to Police Agencies

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

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

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

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

## Video Surveillance

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

## Abuse/Neglect Records in JJ Proceedings

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

## Automatic Expungement

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

### ***Penalty for Release of Redacted or Expunged Adjudication***

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

## ADOPTION RECORDS

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

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

### **Release of Adoptive Family Evaluation**

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

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

### **Redacting Adoption Records**

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

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

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

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

### **Release of Information to Prospective Adoptive Parent(s)**

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

### **Release of Juvenile Justice Records in an Adoption Case**

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

### **Release of Closed/Sealed Adoption Records to the OCO**

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

### **Closed Private Child Placing Agency Records**

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

### **Release of Closed Adoption Records to Local Office**

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

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

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

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

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

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

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

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

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

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

### Prohibition of Release of OCO records

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

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

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

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

### RECORD RELEASE TO THE FOSTER CARE REVIEW BOARD (FCRB)

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

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



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

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

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

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

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

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

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

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

## **PUBLIC RELEASE OF SPECIFIED CPS INFORMATION**

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

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

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**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.

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## 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 Services 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 Division 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 RECOMMENDATIONS

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.

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**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.

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## 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.

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**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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**complete the child death alert (DHS 4712-M) and save it in the MiSACWIS system.**

## 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

The Michigan Department of Health and Human Services (MDHHS) 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 view Child Welfare Criminal History Record Information (CHRI). Prior to accessing CHRI, authorized personnel are required to successfully complete Security Awareness Training and undergo a criminal history clearance that indicates no felony record.

### Chief Administrator

The person designated by the licensee as having the day-to-day responsibility for the overall administration of a CPA and for assuring the care, safety, and protection of children and families served.

### Child Care Organization (CCO):

A governmental or nongovernmental organization having as its principal function receiving minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. Child care organization includes organizations commonly described as child caring institutions, child placing agencies, children's camps, children's campsites, children's therapeutic group homes, childcare centers, day care centers, nursery schools, parent cooperative preschools, foster homes, group homes, or childcare homes. Child care organization does not include a governmental or nongovernmental organization that does either of the following:

- (i) Provides care exclusively to minors who have been emancipated by court order under section 4(3) of 1968 PA 293, MCL 722.4.
- (ii) Provides care exclusively to persons who are 18 years of age or older and to minors who have been emancipated by court order under section 4(3) of 1968 PA 293, MCL 722.4, at the same location." MCL 722.111

**Child Caring Institution (CCI)**

A child care facility which 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 CCI for that purpose, and operates throughout the year. An educational program may be provided, but the educational program must 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 an institution for developmentally disabled or emotionally disturbed minor children. MCL 722.111

**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 MCL 722.1115(4).

**Child Welfare Licensing Module (CWLM)**

CWLM is a module within the Comprehensive Child Welfare Information System (CCWIS). The module is the system of record for all Foster Home, Children Protective Services (CPS), Child Caring Institution (CCI) and Court Operated Facilities (COF) licensing functions and data including licensure, renewal/annual inspections as well as special investigations/evaluations within the electronic case management system.

**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). CJIS Security Policy provides guidelines and requirements for criminal justice agencies (CJA) to protect the CJIS, both at rest

and in transit. This includes transmission, dissemination, and destruction of CJI. Security requirements are outlined in [The Criminal Justice Information Services Security Policy](#).

### **Comprehensive Child Welfare Information System (CCWIS)**

The case management information system that state and tribal Title IV-E agencies that Michigan is developing to support their child welfare program needs. CWLM is the first CCWIS module and additional modules are in planning and will be developed to replace MiSACWIS. The Comprehensive Child Welfare Information System (CCWIS) will be the system of record for MDHHS CSA and will generate all required reports included federally compliant data extracts for submission to the Adoption and Foster Care Analysis and Reporting System MISEP and other federal reporting.

### **Conviction**

The final conviction, payment of a fine, plea of guilty or nolo contendere 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 a military court. MCL 722.111

### **Criminal History Check**

A fingerprint-based criminal history records information background check through the department of state police and the Federal Bureau of Investigation (FBI).

### **Criminal History Records Information (CHRI)**

Criminal History Record Information (CHRI) is a subset of Criminal Justice Information (CJI). 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 also include requirements set forth in the bureau of criminal identification and records, Act 289 of 1925, MCL 28.241a(d).

**Note:** 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.

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**Criminal History Records Information (CHRI) Media**

Any document, electronic file or database that contains criminal history record information obtained through a State of Michigan and FBI fingerprint-based check.

**Criminal History Records Internet Subscription Service (CHRISS)**

A secure web site that allows the Division of Child Welfare Licensing (DCWL) to receive background check information in real time. In addition, the CHRISS system is designed to support the current State of Michigan Rap Back and future FBI Rap Back services.

**Electronic Case Management System**

System that supports a workflow, management collaboration, storage of images and content, decision formulation, and processing of electronic files or cases.

**Electronic case record**

All information and documents related to a specific case or person that are stored in an electronic case management system.

**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 regarding 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 CSO or ISO within the MSP) informed about information security needs and problems.

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

The LASO as defined in this policy is identified as the Division of Child Welfare Licensing (DCWL) LASO who is designated to perform these functions in coordination with the MSP to ensure compliance with CJIS Security Policy.

### **Placement Agency Foster Care (PAFC)**

A private child placing agency under contract with the Department that provides foster care and adoption services.

### **Rap Back**

Rap Back stands for Record of Arrest and Prosecution BACK. Rap Back is a mechanism that allows a State's CJIS agency to immediately inform DCWL of any new CHRI regarding an applicant, employee, volunteer, or licensee via electronic notification.

### **Secondary Dissemination**

The transmission of CHRI from one authorized personnel to another authorized personnel for an approved purpose as defined within this policy.

### **Security Awareness Training (SAT)**

Required training for all personnel, contractors, vendors, and external auditors who have access to fingerprint based CHRI. MSP approved SAT is accessed through the Learning Management System and or the MDHHS public website.

## **REQUIREMENTS FOR FINGERPRINTS**

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 the following:

- All individuals applying to become licensed foster parents or adoptive parents in the State of Michigan.
- All guardians, successor guardians, and all adults residing in the guardian's home for a subsidized Guardianship in the State of Michigan.



- Chief Administrators and Licensee Designees of Child Placing Agencies (CPA) and Child Caring Institutions (CCI).
- All relative foster care placements.

***Fingerprinting Forms and RI-030 Live Scan Fingerprint Background Check Request***

DCWL processes fingerprint-based clearances using the forms listed below and the RI-030 Live Scan Fingerprint Background Check Request for the identified purpose.

**CWL-3889, Children’s Foster Home License Application**

- Licensed foster parent applicants.

**CWL-1326, Licensing Record Clearance Request**

- Adoption applicants, both domestic and private.
- Guardianship Assistance Program (GAP) applicants.

**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.

**MDHHS-5770, Relative Approval & Placement Safety Screen**

- Relative foster care placements.

***RI-030 Live Scan Fingerprint Background Check Request***

The RI-030, Live Scan 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 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** - Adam Walsh Act
  - Agency ID: 68464J to be used for adoption through foster care.
  - Agency ID: 93991P to be used relative caregivers for foster care placements.
- **AWP** - to be used for private domestic adoption with agency ID: 68466H.
- **GRD** - to be used for the Guardianship Assistance Program (GAP) with agency ID: 93823E.
- **CCI** - to be used for chief administrators and licensee designees of CPAs or CCIs with agency ID: 88695H.

**Note:** The RI-030 and CWL-1326 is not available on public websites. To access the most updated version of these forms, contact the DCWL-LASO at [MDHHS-LASO-DCWL@michigan.gov](mailto:MDHHS-LASO-DCWL@michigan.gov)

## FINGERPRINT PROCESS

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 CW-CHRI.

### *Foster Home Licensing Applicants*

The fingerprinting process for applicants applying for foster home licensing must be completed as indicated below:

1. All applicants must first complete, sign, and date the [CWL-3889, Children's Foster Home License Application](#).
2. The applicant must then complete, sign, and date the RI-030.
3. The foster home licensing application (CWL-3889) and LiveScan Fingerprint Request (RI-030) must be dated in the sequence. The application signed first, or all forms signed prior to or the same date as the completion of the fingerprints.
4. Following the completion of the CWL-3889 and RI-030, an appointment for fingerprinting is scheduled by the CPA case manager 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.

5. When scheduling a fingerprint appointment, the correct reason code must be used. The correct code must be indicated on the RI-030. Refer to the above noted *Fingerprint Codes*.
6. The applicant must take their registration number 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#. The TCN# is written on the RI-030 by the vendor is a unique identifier for the fingerprint.
7. All required documents (CWL-3889 and RI-030 for all applicants) are sent to DCWL by the assigned CPA case manager through CWLM for processing.

### ***Adoption Applicants***

The fingerprinting process for applicants applying for adoption must be completed as indicated below:

1. All applicants must first complete, sign, and date the CWL-1326, Licensing Record Clearance Request Foster Home/Adoptive Home form.
2. The applicant must then complete, sign, and date the RI-030.
3. Following the completion of the CWL-1326 and the RI-030, an appointment for fingerprinting is scheduled by the CPA case manager 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 their 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#, The TCN# is written on the

CWL-1326, and the RI-030 by the vendor and is a unique identifier for the fingerprint.

6. For adoption applicants, the case Manger must scan and email the CWL-1326 and RI-030 to [MDHHS-Adoption-DCWL@michigan.gov](mailto:MDHHS-Adoption-DCWL@michigan.gov).

For fingerprint code AWP only, 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.

### *Guardianship Assistance Applicants*

The following procedure will be required for applications for the Guardianship Assistance Program (GAP). The fingerprint process for guardians, successor guardians, and all adults residing in the applicant's home must be completed prior to applying for guardianship assistance.

1. Complete the [DHS-3310, Juvenile Guardianship Assistance Application](#).
2. Complete the CWL-1326, Licensing Record Clearance Request, and the RI-030, Live Scan Fingerprint Background Check Request. The RI-030 and CWL-1326 are required to be completed prior to or the same day as the fingerprints. Failure of the applicant to properly sign and date the above forms, will result in rejection and require the applicant to be reprinted.
3. Register for fingerprinting through the established state fingerprint vendor, [IdentoGO by IDEMIA](#). This can be completed by the applicant or the assigned CPA staff.
4. Applicant completes the fingerprint appointment. The applicable sections of the CWL-1326 and RI-030 must be completed by the fingerprint vendor.
5. The CPA scans the completed DHS-3310, CWL-1326, and RI-030 to DCWL for processing. All fingerprinting packets for GAP are required to be submitted to the following mailbox for processing: [MDHHS-Adoption-DCWL@michigan.gov](mailto:MDHHS-Adoption-DCWL@michigan.gov). The subject line of submission must include "GAP – (Guardian's Last Name)".

6. DCWL processes the fingerprinting for all submitted guardians and adult household members. The completed fingerprinting documents will be uploaded to the secure criminal history section under the individual's electronic case management system person ID.
7. The assigned CPA staff denoted on the CWL-1326 will be notified the fingerprinting documents have been uploaded but will not be able to view them. Only the Adoption Guardianship Assistance Office (AGAO) analyst will be able to review the fingerprinting documentation for the purpose of GAP.
8. The CPA proceeds with scanning and submitting a completed GAP application and supporting documentation to the AGAO at: [MDHHS-AGAO-apps-and-openings@michigan.gov](mailto:MDHHS-AGAO-apps-and-openings@michigan.gov). At the time of the AGAO initial review, if the fingerprinting documentation is not uploaded in the secure criminal history section, the packet will be marked incomplete and returned to the CPA.

#### ***Chief Administrators and Licensee Designees***

1. To pursue fingerprints for a proposed chief administrator or licensee designee for a CPA or CCI, the agency is required to contact their assigned DCWL consultant.
2. The DCWL 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 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 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.

#### ***Relative Caregivers for Foster Care Placements***

See [FOM 722-03B, Relative Engagement and Placement.](#)

### ***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 MDHHS 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 and/or date the fingerprinting forms or RI-030.
- Altering of signatures or dates of signature. The applicant's signature and date must be clear to ensure consent and authorization was obtained prior to the capturing of the fingerprints.
- An outdated or obsolete version of the fingerprinting forms or RI-030 is used by the applicant at the time of printing.
- For foster home licensing: If the CWL-3889 is not signed and dated by both or one applicant, or if the CWL-3889 is signed or dated after the applicant fingerprints are captured.

### ***Rap Back***

The print codes that have authorization for Rap Back is AWF and CCI. DCWL will receive an electronic notification from MSP when an applicant engages in any criminal activity where fingerprints are taken and submitted to the NGI System.

For AWF, the CW-CHRI Rap Back results will be uploaded into the secure criminal history hyperlink in CWLM by DCWL. Once the CW-CHRI Rap Back is uploaded into CWLM under the individual's secure criminal history provider tab the CPA case manager will receive an email notification from DCWL staff.

DCWL will close the fingerprint Rap Back when a foster parent closes their license. A new fingerprint record will be needed for all foster homes to reopen regardless of the license closure date.

### ***Applicant Challenge and 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 determine an applicant's suitability, the agency must advise the applicant of their opportunity to challenge or correct the record.

If an applicant believes their 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 requested CWL-4614 prior to a case manager providing a copy of the CW-CHRI. This document informs the applicant of their 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 provide the record is required to document the information on a secondary dissemination log; see *Secondary Dissemination Section*.

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 at [MSP-CRD-APPLHELP@michigan.gov](mailto:MSP-CRD-APPLHELP@michigan.gov)

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

## CRIMINAL HISTORY RECORDS INFORMATION

The CJIS security policy, mandates procedures for agencies that receive the results of fingerprint-based criminal history. The MSP 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 CW-CHRI.

CW-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 CW-CHRI must be held to the same level of security whether it is the original document or any other format.

### Secure Criminal History

#### *Contracted CPAs Utilizing the Electronic Case Management System*

DCWL will complete the processing of the fingerprint results for adoption in the person profile of the electronic case record. The CW-CHRI results, CWL-1326, and RI-030 for each applicant will be scanned and uploaded into the secure criminal history hyperlink in the person profile of the electronic case record. Once the CW-CHRI is uploaded, the CPA case manager identified will receive an email from DCWL.

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

1. The assigned adoption case manager or supervisor must be assigned to the provider record in the correct role. For example, the adoption case manager must be assigned to the adoption case record in the role of adoption caseworker.



2. The correct person identification number (PID) for the applicant must be linked to the case. If these two steps are not completed, the adoption case manager or supervisor will not be able to view the fingerprint information within the secure criminal history hyperlink.

Once the upload is complete, DCWL will send an email to the assigned CPA adoption case manager to notify that the information has been processed and is available to view.

Adoption case managers are prohibited from printing, saving, or completing a screenshot of the information in the secure criminal history hyperlink. Adoption supervisors are the only individuals that may print from the secure criminal history hyperlink for adoption purposes only.

The only other secure location where CW-CHRI information may be uploaded is the adoption assistance shell for review and approval of subsidy assistance at the time of adoption; see Background Checks and Clearances in [AAM 200, Adoption Assistance Eligibility and Funding Determination](#).

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 the electronic case record. Once this task is completed, the adoption supervisor is required to immediately delete all documents pertaining to CW-CHRI from their computer.

### ***Non-Contracted CPAs without Electronic Case Management System Access***

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

### ***Contracted CPAs Utilizing CWLM***

DCWL will complete the processing of the fingerprint results for licensing in CLWM. The case manager will upload all required documents (CWL-3889 and RI-030) for all applicants and route to DCWL by sending the secure criminal history section to the Fingerprint Tech Review within CWLM.

The CW-CHRI results, for each applicant will be uploaded into the secure criminal history hyperlink in CWLM by DCWL. Once the

CW-CHRI is uploaded into CWLM under the individual's secure criminal history provider tab the CPA case manager will receive an email notification from DCWL.

To access the CWLM secure criminal history a security requirement must be established. The assigned licensing case manager or supervisor must be assigned to the provider record in the correct role.

Following the upload of fingerprint documents into the CWLM secure criminal history shell, the assigned CPA licensing case manager can then upload additional documents as part of their criminal history assessment or Administrative Review Team narrative.

Licensing case managers and supervisors are prohibited from printing, saving, or completing a screenshot of the information in the CWLM secure criminal history shell.

## **CW-CHRI ACCESS TO AUTHORIZED PERSONNEL**

All personnel requiring access to CW-CHRI must first be deemed authorized personnel. Authorized personnel are individuals who are approved to view Child Welfare Criminal History Record Information (CW-CHRI). Prior to access of CW-CHRI, authorized personnel must receive and complete the following items and have them filed in their personnel record:

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

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 400.122.12 Personnel Records. The review must include the following:

- The chief administrator or their 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/or 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 Office of Human Resources. The documents must be retained in an individual's personnel records for the length of their employment plus seven years following their departure from state employment.

For all other CPAs, as indicated in the rule the chief administrator or their designee will complete this process. The documents must be retained in individual's personnel records for the length of their employment plus three years following their departure from employment with that CPA. At the time of an annual audit, this evaluation will be required to be reviewed at the request of the DCWL consultant or DCWL LASO during a statewide audit by MSP or the FBI.

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

### ***Subsequent Arrest or 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 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 CPA's authorized requestor is required to immediately deactivate the suspended employee's access to electronic case management systems, thereby removing their access to the secure criminal history hyperlink.
- Suspension of their access will be maintained until the outcome of an arrest, allegation, or charges are determined.

- If the CPA would like to reinstate the employee's access following the conclusion of the criminal investigation or 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 their access to CW-CHRI suspended indefinitely or duties reassigned if a conviction results in a felony.

### ***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 [Fingerprint Security Awareness Training](#) via the MDHHS public licensing website.

SAT is required to be taken prior to initial assignment working in a position with CW-CHRI access and every year thereafter. CPAs are responsible for ensuring all personnel with CW-CHRI access completes SAT timely. SAT certificates must be maintained in all employee personnel files and/or their LMS transcripts to confirm completion of training.

### ***Auditors***

All auditors must have and provide proof of a statutory basis for their specific requirement and need to view CW-CHRI. 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. All auditors must also be reviewed and approved by DCWL and MSP prior to access to CW-CHRI in accordance with CJIS Security Policy. 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.

### ***Employment Termination and Change***

When a MDHHS or CPA employee is terminated from employment or departs the agency for any reason, their 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. The CPA's electronic case management systems authorized requestor must deactivate the employee's access as soon as possible, but no later than next business day after the employee's departure from the CPA.

### ***Change in Role or Position within the CPA***

CPAs are responsible for ensuring 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 and no longer requires CW-CHRI access, their physical and electronic access to CW-CHRI must be immediately terminated. The date of position or role change shall be documented in the employee personnel file and a copy of the [DHS-815 MiSACWIS Security Agreement - Non MDHHS Employee](#), [DHS-816 MiSACWIS Security Agreement- MDHHS Local Office Employee](#) or [DHS-817 MiSACWIS Security Agreement - MDHHS Central Office Employee](#), if applicable, removing their electronic case management 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 CW-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 DCWL, MDHHS OHR, and/or the CSO of MSP.

## **HANDLING CW-CHRI MEDIA**

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 CW-CHRI is stored and processed. If a secure location cannot be established, then access to the area where CW- is stored must be limited to authorized personnel. CW-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 paper copies of documents containing CW-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 filing 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 case file.

#### ***Physical Media in Transit***

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

#### ***Disposal of Physical Media***

Physical CW-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 CW-CHRI is destroyed it must be cross shredded by *authorized personnel*. Destruction of physical CW-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# associated with the fingerprint.
- The date the record was destroyed.
- The authorized personnel who destroyed it.

### **Electronic CW-CHRI Media**

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

The electronic case management system and CCWIS Secure Criminal History Section is the only approved electronic system to store CW-CHRI.

#### ***Electronic Media in Transit***

Electronic transmission of CW-CHRI media over State of Michigan email or any other email server is not permitted.

The transmission of CW-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 CW-CHRI from MDHHS to CPAs is called secondary dissemination and occurs through the United States Postal Service in a sealed envelope or through the electronic case management system; see *Secondary Dissemination* section.

#### ***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](#).

CCWIS resides on Salesforce Government Cloud Plus using Amazon Web Services (AWS) which is FedRAMP certified High and includes approved media protection policies and procedures.

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## 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.
- The requesting agency the response was shared.
- The specific individual the CW-CHRI is given to.
- Method of sharing (U.S. Mail, physical person-to-person, system notification).
- Name of agency personnel that shared the CW-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 or enrollment is transferred and when two or more adoptions are completed by the same family in the same year.

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

CW-CHRI completed for Chief Administrators, Licensee Designees, and Guardianship are not disseminated.



## 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 CW-CHRI documents for applicants or licensees across state lines for any purpose. This includes CW-CHRI in original form or narrative evaluations.

CPAs are permitted to document 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 documented in the narrative assessment.

**Note:** It is a violation of CJIS Security Policy to document language that says a determination was based on national fingerprint-based criminal history.

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.

## EVENT REPORTING AND 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 their 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 [MDHHS-LASO-DCWL@michigan.gov](mailto:MDHHS-LASO-DCWL@michigan.gov).

For further information see [DTMB's How to Handle a Security Breach](#).

The mailbox: [MDHHS-LASO-DCWL@michigan.gov](mailto:MDHHS-LASO-DCWL@michigan.gov) is monitored by the DCWL LASO, fingerprint unit manager, and organizational

support. Upon receipt of a report of a security breach, DCWL will take the following steps:

- The LASO will follow steps outlined in the [MDHHS Breach, Security Incident or Impermissible Use or Disclosure policy](#).
- The DCWL LASO will complete the [DCH-1422, Incident Report](#) and send to [MDHHSPrivacySecurity@michigan.gov](mailto:MDHHSPrivacySecurity@michigan.gov).
- The DCWL LASO will notify DTMB Client Service Center if the breach in security is related to CWLM or the electronic case management system.
- The DCWL LASO will complete the CJIS 016, Information Security Officer (ISO) Security Incident Report and send to the Michigan State Police.
- The DCWL LASO will provide support to the Compliance and Data Governance office regarding the investigation and track all data incidents relating to CW-CHRI.

Any known or suspected incidents of security breaches will be reported to the Compliance and Data Governance's mailbox. The Compliance and Data Governance office will contact anyone involved in the incident, gather evidence, and review the data and/or system involved in the unauthorized disclosure. The Compliance and Data Governance may choose to take legal action by contacting MDHHS's Bureau of Legal Affairs. The Compliance and Data Governance office provides evidence and cites the relevant confidentiality law.

The Compliance and Data Governance will track all data incidents involving MDHHS's program areas, data, and systems. All relevant documents and communications will be retained. The Ethical Standards and Conduct Rule ([Civil Service Rule 2-8](#)) serves to promote and protect the integrity of government. It is incumbent upon each member of DCWL to be knowledgeable concerning their personal responsibility in these areas.

## 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; MCL 722.115j(1). Adult household members complete the [CWL-1326-AH, Licensing Record Clearance Request - Foster Home/Adoptive Home](#) specifically for adult household members and submitted by the CPA working with the family. DCWL completes state-based clearances for these individuals.

## 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 United States Postal Service.

**Note:** The CWL-1326-IA is not available on public websites. To access the most updated version of these forms, contact the DCWL-LASO at [MDHHS-LASO-DCWL@michigan.gov](mailto:MDHHS-LASO-DCWL@michigan.gov).

## 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.

The transmission of CW-CHRI from MDHHS to CPAs for the purposes of foster home licensing and adoption is governed by the Adam Walsh Child Protection and Safety Act.

**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.

**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 Rap Back. Upon such notification, the MSP shall immediately notify the department and the department shall immediately contact the respective CPA 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**

Provides definition of criminal history record information.

**POLICY CONTACT**

General questions about this policy item may be directed to [Child-Welfare-Policy@michigan.gov](mailto:Child-Welfare-Policy@michigan.gov).

## OVERVIEW

This policy outlines the process and requirements for the completion of clearances for child caring institution staff members subject to the Family First Preservation Services Act (FFPSA).

## DEFINITIONS

**The following definitions are cited directly from the Child Care Organizations Act, 1973 PA 116:**

### **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 bases, 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 four but less than thirteen 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 Caring Institution Staff Member**

An individual who is 18 years or older, and whom any of the following apply:

- Is employed by a child caring institution for compensation, including adults who do not work directly with children.
- Is a contract employee or self-employed individual working with a child caring institution.
- Is an intern or other person who provides specific services under these rules.

### **Criminal Background Check**

A Michigan Internet Criminal History Access Tool (ICHAT) that provides Michigan criminal history results.

### **CCI Staff Spreadsheet**

A document maintained between the Division of Child Welfare Licensing and the CCI agency for tracking clearances for CCI staff members. This term is identified in DCWL internal policy.

## **CLEARANCE PROCEDURES**

Upon receipt of the 1326-CCI staff form, the Division of Child Welfare Licensing (DCWL) staff will complete the following:

1. Review the 1326-CCI staff form to ensure all required information has been entered.
2. Complete a criminal background check and document results.
3. Complete a Michigan child abuse/neglect registry check and document results.
4. Request a criminal background check clearance from states where the individual has resided in the last five years and document results.
5. Request a child abuse and neglect registry check from other states where the individual has resided in the last five years and document results.
6. DCWL staff will document the completion of all above required clearances on the 1326-CCI form.
7. All completed documentation will be returned to the identified CCI requestor.
8. All clearance results will be documented by DCWL on the agency's CCI staff spreadsheet.
9. Copies of all results will be maintained by DCWL, in accordance with title IV-E requirements.

## **LEGAL AUTHORITY**

### **Federal**

#### ***Family First Prevention Services Act (FFPSA)***

In February of 2018, the Bipartisan Budget Act of 2018, Public Law 115-123 which included the Family First Prevention Services Act

(FFPSA). The FFPSA amended several provisions of title IV-E of the Social Security Act (SSA), 42 USC 671 et seq. One amendment added the following language to 42 USC 671: *[P]rocedures for any child-care institution...to conduct criminal record checks, including fingerprint-based checks of national crime information databases, unless an alternative criminal history check has been approved by the federal government...and checks (regarding Michigan's Central Registry), on any adult working in a child-care institution[.] [42 USC 671(a)(2)(D).]*

*"(D) provides procedures for any child-care institution, including a group home, residential treatment center, shelter, or other congregate care setting, to conduct criminal records checks, including fingerprint-based checks of national crime information databases and checks described in subparagraph of this paragraph, on any adult working in a child-care institution, including a group home, residential treatment center, shelter, or other congregate care setting, and why the checks specified in this subparagraph are not appropriate for the 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 722.112 Rules: ad hoc committee; restrictions; review.***

Sec. 2 (1) The department of health and human services and licensing and regulatory affairs are responsible for the development of rules for the care and protection of children in organizations covered by this act and for the promulgation of these rules according to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.32.

#### ***Child Care Organizations Act, 1973 PA 116, MCL 722.115***

722.115 License required; applicability; application; forms; investigations; on-site visit; issuance or renewal of license; investigation and certification of foster family home or group home; placement of children in foster family home, family group home, unlicensed residence, adult foster care family home, or adult foster



care small group home; certification; criminal history check; "good moral character" defined.

***Licensing Rules for Child Caring Institutions, Pub.452***

R400.4112 Criminal history check, subject to requirements; staff qualifications.

1. (1) Child caring institutions subject to 42 USC 671 shall not permit a child caring institution staff member to begin working unless all of the following has been completed using the forms, and in the manner, prescribed by the department:
  - (a) A criminal record check as referenced in R 400.4113(f), including a fingerprint-based check of national crime information databases, unless an alternative criminal history check has been approved by the federal government.
  - (b) A check of Michigan's child abuse and neglect central registry or Canadian provincial agency as referenced in R 400.4113(i).
  - (c) A check of other states' child abuse registry where the person has lived in within the preceding five years.
2. A person who has unsupervised contact with children shall not have been convicted of either of the following:
  - (a) Child abuse or neglect.
  - (b) A felony involving harm or threatened harm to an individual within the 10 years immediately preceding the date of hire.
3. A person who has unsupervised contact with children shall not be a person who is listed on the central registry as a perpetrator of child abuse or child neglect.
4. A person with ongoing duties shall have both of the following:
  - (a) Ability to perform duties of the position assigned.
  - (b) Experience to perform the duties of the position assigned.
5. An unsupervised volunteer who performs work, including adults who do not work directly with children, is subject to the requirements of subrule (1)(a) and (b) of this rule.

History: 1983 AACCS; 2015 MR 9, Eff. June 8, 2015, Am. Eff. December 5, 2019.

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## 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

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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.

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***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](#)



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## 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.

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**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.

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**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](#).

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## 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](#).

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**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](#).

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## OVERVIEW

The Michigan Department of Health and Human Services (MDHHS) Children's Services Administration (CSA) has requirements for requesting, reviewing, and disseminating Criminal Justice Information (CJI) 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

Case managers 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**

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. Consultation with the prosecuting attorney or MDHHS legal representation is encouraged regarding evidential value of the information.

Public sources include:

- Public court reports.
- Internet Criminal History Access Tool (ICHAT).
- National and state sex offender online registries.
- Offender Tracking Information System (OTIS).
- Police/law enforcement public reports.
- Prosecuting attorney's office public reports.
- Michigan Secretary of State (SOS) public reports.
- 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 case managers or supervisors assigned or associated to cases 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).

Authorized users who review LEIN CJI with indirect access must follow the access requirements outlined in the Indirect Access section outlined in [SRM 701, LEIN Use, System & Security Policy](#).

Appointed operators, local area security officers (LASOs), and terminal agency coordinators (TACs) who directly access LEIN CJI must follow the access requirements outlined in the Direct Access section outlined in [SRM 701, LEIN Use, System & Security Policy](#).

## LEIN OVERVIEW

All local child welfare offices have access to information in the LEIN through an agreement with the Michigan State Police (MSP) based

on 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, case managers can only request Michigan-based LEIN searches.

## 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.

### Required Request for Adoption

The process for completing criminal clearances applies to adoption applicants and all adult household members. Only MDHHS



adoption case managers 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

Adult Protective Services (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 of 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:

- Sexual abuse.
- Serious physical abuse.
- Serious neglect.
- Financial exploitation.
- Suspected caretaker substance abuse.
- Domestic violence.

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 assess client safety.

#### ***Home Help Providers***

Criminal history screens occur during the 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 during an APS investigation. No other adult services program can use LEIN.

### Required Request for Absent Without Legal Permission

When policy requires verification that a child who is absent without legal permission (AWOLP) is posted in LEIN, an operator must conduct a person query search on the 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.

### Required Request for Child Welfare Licensing

Division of Child Welfare Licensing (DCWL) 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 a foster care home or proposed adoptive home or placement. For additional information, see [Children's Foster Home Licensing Technical Assistance \(TA\) Manual](#).

### Required Request for Children's Protective Services

Children's Protective Services (CPS) case managers must request a LEIN clearance as early as possible in the investigation, but no later than seven calendar days after receipt of the referral by Centralized Intake on all alleged perpetrators and all adults residing in the household of the alleged perpetrator. The case manager may also conduct a LEIN clearance during any investigation when the specialist believes a LEIN clearance will provide pertinent information.

A LEIN clearance must be requested when there are allegations of:

- Sexual abuse,
- Physical injury,
- Sex or labor trafficking,
- Domestic violence, and/or
- Substance use, sales, or production.

- On non-custodial parents or relatives and all adults residing in the respective household when considering placement with non-custodial parents and relatives; see [PSM 715-2, Court Intervention And Placement Of Children](#).

**Note:** Resides means to dwell permanently or continuously. It expresses an intention of a person to keep or return to a particular dwelling place as their fixed, settled, or legal abode.

LEIN clearances are not required for voluntary safety arrangements where placement is not court ordered.

When requesting a LEIN, CPS case managers or supervisors must complete a DHS-269, Criminal History Information Request, form. See *Requesting a LEIN Record*, in this item for further details.

When documenting completion of a LEIN clearance, the following corroborated public information must be indicated in the disposition question specific to criminal history (located in the *disposition* tab in electronic case record):

- Names of individuals with whom a LEIN clearance was requested.
- Source of secondary public verification (such as ICHAT, etc.).
- A description of the verified information as it relates to the investigation or child safety, if applicable.

**Note:** MDHHS may not request LEIN solely for staff 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 is conducting a LEIN clearance on an individual for potential placement, the case manager must link the name of the evaluated person to the child's case. The case manager must create a provider inquiry and record for all potential unlicensed relative placements. The case manager **must** complete the MDHHS-5770, Relative Placement Safety Screen, and DHS-3130-A, Relative Placement Home Study, in the electronic case record. See Job Aid, JA Relative Placement Process, and [FOM 722-03B, Relative Engagement and Placement](#).

## Required Request for Foster Care and Juvenile Justice

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.

Case managers may request a new LEIN clearance on other adult household members when there is reason to believe that new information is pertinent to assess 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 case manager must link the name of the evaluated person to the child's case. The case manager must create a provider inquiry and record for all potential unlicensed relative placements. The case manager **must**

complete the MDHHS-5770, Relative Placement Safety Screen, and DHS-3130-A, Relative Placement Home Study, in the electronic case record. See [FOM 722-03B, Relative Engagement and Placement](#).

### **Required Request for Interstate Compact on the Placement of Children**

All adult household members of a prospective placement for which MDHHS is required to conduct the home study must have a LEIN 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 case manager or supervisor must open a non-CPS intake.

See [ICM-120, Interstate Adoption Procedures](#), and [ICM-130, Interstate Foster Care Procedures](#), for additional requirements.

### **Required Request for Interstate Compact for Juveniles: Juvenile Referrals**

All adult household members who are the subject of the Interstate Compact for Juveniles (ICJ) referral must have a LEIN 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 case manager or supervisor must open a non-CPS intake.

When new adults move into and/or reside in the home, LEIN 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 case manager.

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 guardianship 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 or associated 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 case managers must list the names of the individuals with whom the LEIN clearance is requested in the disposition question specific to criminal history (located in the disposition tab in the electronic case record), see *Required Requests for CPS*, in this item. Ensure the person's name is in the electronic case record and matches the name as written on the DHS-269, Criminal History Information

Request, form, and DHS-268, LEIN Clearance Log, or DHS-268A-Secondary Dissemination Clearance Log. These forms must include the associated case number, the investigation number, intake ID number, or provider ID.

Maintain the original DHS-269, Criminal History Request, form in the electronic case record. The DHS-269 must also be uploaded to the document section of the electronic case record. A copy of the DHS-269 must be retained with the original DHS-268, LEIN Clearance Log, and/or DHS-268A, Secondary Dissemination Clearance Log. 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.

### ***Requests for After-Hours Court Ordered Emergency Placements***

Centralized Intake (CI) is authorized to access the LEIN after normal business hours (8a.m.-5p.m.) and on weekends and holidays at the request of foster care (FC) and Children's Protective Services (CPS) staff in the local offices to help evaluate the safety of unlicensed persons for children placed in the care and custody of MDHHS. Follow the process for submitting a request to CI:

- Call CI after hours at 1-855-444-3911 to request all necessary LEIN clearances in the unlicensed person's household under consideration for placement of children.
- Provide the following information:
  - The intake ID, investigation ID, or case ID.
  - Indicate the matter is an emergency.
  - Name and date of birth of person(s) for whom a LEIN clearance is necessary.
  - Relationship of person(s) to the children (for example, maternal grandmother).
  - A copy of either the petition or court order.
- Alternatively, send the necessary information bulleted above from a state of Michigan Outlook e-mail to CI at [MDHHS-CPS-](#)

[CIGroup@michigan.gov](mailto:CIGroup@michigan.gov) and include in the subject line of the email: Court-ordered emergency placement-unlicensed person.

- Upload the DHS-269, Criminal History Information Request, form to the electronic case record within the next business day.

After the request, the operator must complete the DHS-268, LEIN Clearance Log.

In situations where the contracted Sault Ste. Marie Tribe of Chippewa Indians Binogii Placement Agency is requesting an after-hours LEIN clearance to determine appropriate placement, the following should occur:

- The Sault Tribe Binogii Placement Agency case manager/supervisor will contact the local MDHHS office on-call case manager/supervisor for assistance with clearances.
  - In the event the Sault Tribe Binogii Placement case manager/supervisor is unaware of the on-call case manager's/supervisor's contact information, contact can be made to Centralized Intake for inquiry.
- The Sault Tribe Binogii Placement Agency case manager/supervisor will provide the MDHHS on-call case manager/supervisor with a copy of the tribal court order placing the children under the care and supervision of MDHHS. If an order is not available, the Binogii Placement Agency case manager/supervisor will confirm the date of the tribal court judge's verbal order. The date of the tribal court judge's verbal order must be documented in a social work contact.
- The Sault Tribe Binogii Placement Agency case manager/supervisor will provide the MDHHS on-call case manager/supervisor all household members' information.
- The MDHHS on-call case manager/supervisor must create a non-CPS intake in the electronic case management system. This will generate an intake ID. The intake ID will be recorded on the DHS-269, Criminal History Request, form. ([Non-CPS intake job aid](#), Chapter 4, page 4-15.)
- Once the non-CPS intake is created, the MDHHS on-call case manager/supervisor will contact Centralized Intake and request a LEIN clearance for placement.



- The MDHHS on-call case manager/supervisor must complete a DHS-269 and submit it to Centralized Intake.
- The MDHHS on-call case manager/supervisor must corroborate any criminal history record information (CHRI) using public sources (Internet Criminal History Access Tool (ICHAT), Sex Offender Registry, law enforcement, etc.).
- The MDHHS on-call case manager/supervisor can only report to Sault Tribe Binogii Placement Agency the public, corroborated verified information.
- The MDHHS on-call case manager/supervisor will upload the DHS-269 in the electronic case record intake file.
- The MDHHS on-call case manager/supervisor must clearly document all efforts, including verbal court orders by a tribal court judge, in social work contacts once the non-CPS intake has been linked and assigned by a supervisor.
- Once the case is accepted and linked, the assigned MDHHS case manager must link the name of the evaluated person to the child's case. The case manager must create a provider inquiry and record for all potential unlicensed relative placements.
- See [FOM 722-03B Relative Engagement and Placement, NAA 215 Placement/Replacement Priorities for Indian Child\(ren\)](#).

The Sault Ste. Marie Tribe of Chippewa Indians defines extended family and relative.

### ***MDHHS Responsibilities for PAFC Managed Cases***

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:

- The PAFC must notify the MDHHS monitoring case manager and provide all household members' information.
- The MDHHS monitoring case manager 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 case manager must corroborate any criminal history record information (CHRI) using public sources; see *Verified Information*, in this item.
- The MDHHS monitoring case manager can only report to the PAFC the corroborated verified information.
- File the DHS-269, Criminal History Request, form, as outlined in this item.

**Note:** This outlined process is not for licensing foster care and adoption homes. Please see Division of Child Welfare Licensing (DCWL) policies.

## 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 how long ago the offense occurred and whether treatment intervention was provided.

## LEIN REQUEST TRACKING

LEIN operators 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 maintain in a secure file, physically at, or electronically within, 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 with 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 CJI 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 individuals or agencies:

- 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.

### ***Phone Dissemination***

Criminal history record information (CHRI) can only be released verbally via phone from a MDHHS authorized user to a MDHHS authorized requester associated to the open/active case and provide the operator with a two-step verification process by confirming:

1. Intake ID number.
2. Case manager ID (as associated to the open/active case).

Upon verification of authorization and case association, the operator/TAC can then share CJI via phone.

**Note:** Texting of any CJI from LEIN is prohibited, see *Mobile Devices*, in this item if using mobile devices.

***Fax Dissemination***

Criminal history record information (CHRI) can only be released via fax from a MDHHS authorized user to a MDHHS authorized requester who is associated to the open/active case:

- Only fax to another MDHHS office fax machine.
- The requester must stand at the fax machine and await receipt.
- The requester must send an email confirming receipt of the report to the sender.

Requester must meet the physical security requirement when reviewing CJI via fax.

***Email Dissemination***

Criminal justice information (CJI) can be released via email only from a MDHHS authorized user 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 reviewing CJI via email; see *Mobile Devices*, in this item if using mobile devices.
- Password protect the document being emailed.
- Only email to a MDHHS authorized user.

Requester must meet the physical access authorization requirements when reviewing CJI via email; see [SRM 701, LEIN Use, System & Security Policy](#), for documentation requirements.

**Note:** If the requester who is receiving CJI via phone, fax, email, or printed copy is getting the report because they are assisting another county-assigned case manager, assigned as the county of responsibility, documentation of the dissemination must be on a DHS-268A, Secondary Dissemination Log.

Do not store CJI on a network drive unless it meets CJIS security policy requirements for protection and is restricted, monitored, and tracked by a local county TAC for appropriate authorized access.

***Mobile Devices***

Mobile cell phone or tablet devices may be used to receive and review CJI from LEIN, only when all the following are met:

- Agency's mobile device is enrolled in a mobile device management (MDM) that is compliant with the CJIS security policy requirements, including device locating capabilities.
- Device is enrolled in Apple DEP or remote location detection software that is compliant with CJIS policy.
- Microsoft Outlook and DTMB issued Microsoft applications installed on the mobile device are used to open reports.
- Information is accessed from a physically secure location, see [SRM 701, LEIN Use, System & Security Policy](#).

Do not use web-based email or self-installed applications to send, receive, or review CJI from LEIN.

***Printed Dissemination***

CJI can be released via printed hard copy only from a MDHHS authorized user to a MDHHS authorized requester associated to the open/active case.

Authorized requester release signatures on the DHS-268, LEIN Clearance Log, can be handwritten 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). MDHHS only allows for secondary dissemination within local MDHHS county offices. When requests from other agencies are received, refer them to their law enforcement agencies.

Secondary dissemination can only occur between authorized MDHHS county offices when a case manager from one county is assisting with another county's assigned investigation. The primary case manager assigned to the case can share the CJI with the assisting case manager from the other county. Report the sharing

of this information on the DHS-268A, Secondary Dissemination Log.

Dissemination is for authorized purposes consistent with the requirements outlined in 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 requested.
- Authorized requester name and county number.
- Receiving county ORI.
- Intake/investigation/case number associated with an active MDHHS case.
- Name of the person being LEIN evaluated.
- Case type.
- Date 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 CJI 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 contained in a case file.

### Documenting in Reports/Files/ Narratives

Information solely from LEIN must not be included in department reports or case files (including hard copy or electronic- such as the child welfare electronic case management system, BITS, Bridges, ASCAP, etc.). Do not disclose 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 the 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, MDHHS-5770, Relative Placement 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 with a petition.

**Note:** When petitions, initial service plans (ISPs), updated service plans (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, 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 Freedom of Information Act (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 via email at [MSPLEINFSS@michigan.gov](mailto:MSPLEINFSS@michigan.gov) 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 central office TAC; see [SRM 701, LEIN Use, System & Security Policy](#), Incident Response.

## REBUTTAL PROCESS

Sharing of CJI directly from LEIN is not allowed. Only share corroborated verified information. 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 to provide the response from law enforcement to MDHHS.

## LEIN DOCUMENT DISPOSAL AND RETENTION

See Record Retention and Disposal Schedule, [49/BCW, 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 (electronic or hard copy). This does not include the DHS-269, Criminal History Request; see *Requesting a LEIN Record*, in this item. If it is necessary to obtain a historical-based CHRI, send a request to the central office TAC. If another criminal history check is needed for individuals previously cleared, submit a new DHS-269.

When immediately disposing of LEIN CJI or at the conclusion of the record retention periods, crosscut, shred, or incinerate the documents.



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## 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.

### 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. See [SRM 701, LEIN Use, System & Security Policy](#).

#### ***Mobile Devices Incident Response***

Pursuant to CJIS security policy, enhanced incident reporting is required to address mobile device use. Immediately report to the Department of Management and Budget (DTMB) any incidents involving a mobile device, including but not limited to, the following situations:

- Loss of device control such as:
  - Device known to be locked, minimal duration of loss.
  - Device lock state unknown, minimal duration of loss.
  - Device lock state unknown, extended duration of loss.
  - Device known to be unlocked, more than momentary duration of loss.
- Total loss of device.
- Device compromised.
- Device loss or compromise outside the United States.

**Note:** Mobile devices are subject to use requirements. See [SRM 701, LEIN Use, System & Security Policy](#).

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## OVERVIEW

This policy addresses the appropriate use and disclosure of information contained within the criminal history record information 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 National Crime Information Center (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.

Social Welfare Act, 1939 PA 280, appointed MDHHS with responsibility to protect the welfare of the people of this state, defining the roles and duties of the agency.

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.

### Michigan State Police 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 versions.

[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. LEIN Memorandum of Agreement and RI-093, User Agreement.

## **TERMS AND DEFINITIONS**

### **Access**

Access is defined as the physical or electronic ability, right, or privilege to view, modify, or make use of CJIS and CJI.

### **Criminal History Record Information (CHRI)**

Criminal History Record Information (CHRI) is a subset of Criminal Justice Information (CJI). 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 from LEIN is nonpublic records.

### **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)**

CJI is the abstract term used to refer to all the FBI CJIS provided data, including but not limited to: biometric, identity history, person, organization, property (when accompanied by any personally identifiable information), and case/incident history data. CJI 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)). CJI from LEIN is nonpublic.

**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.

**Rap Back**

A Next Generation Identification (NGI) program service that allows unauthorized agencies to receive notification of subsequent criminal activity reported to the FBI committed by persons of interest.

**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 Access 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 one or more selected staff to serve 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 clerical, case managers, office supervisors; managers; and directors. Authorized users can be an appointed requester, operator, terminal agency coordinator (TAC), or local area security officer (LASO) .

### **Central Office Local Agency Security Officer (LASO)**

The central office LASO serves as the compliance expert for local county appointed LASOs. The central office LASO helps to ensure physical security, software compliance, and physical security screening requirements are adhered to and immediately reports breaches to the MSP LEIN field services.

The central office 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 local county LASO's to ensure the approved and appropriate security measures are in place and working as expected.
- Support policy compliance and promptly inform the CJIS System Agency 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, Children's Services Administration (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 County  
Local Agency  
Security Officer  
(LASO)**

A local county LASO serves as the county-appointed security contact for CJIS related issues. The local county LASO ensures physical security, software compliance, and physical security screening requirements are adhered and immediately reports breaches to the central office LASO.

The local county 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 has direct access into the LEIN application and processes CHRI requests 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 CJI from the local county operator or TAC.

Authorized requesters include case managers and supervisors assigned to cases 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 assigned or associated to the open/active case requiring the CHRI. 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 local county TAC serves as the point-of-contact to the central office TAC and the local county authorized users. The local county



TAC is responsible for LEIN use compliance for their county assigned originating agency identifier (ORI). All 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 offices have access to information in the 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 (U.S.).

**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 v5.9.2 §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.

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## ACCESS CONTROL

Fingerprint background checks are required before granting direct access to LEIN.

The FBI recommends agencies perform follow up name-based background checks at least once every five years to ensure an employee has not had a disqualifying arrest/conviction and not told the employer. However, if Rap Back is available, this follow up recommendation is not necessary after the initial fingerprint clearance.

### Fingerprint Clearance Requirements

Fingerprints are required for any MDHHS staff who are appointed to serve as a LEIN TAC, operator, or LASO with direct LEIN access. Only the agency's appointed central office TAC receives fingerprint based CHRI results. Approvals for LEIN access is based on a criminal record clearance and passing required training exams.

State fingerprints must be taken at the time of appointment and prior to training and access. To be fingerprint cleared, the individual must not have any conviction or offense that the agency would, at its discretion and based on nature and severity, to deny LEIN access. If necessary, the Chief Security Officer (CSO) at MSP will make a final determination, pursuant to CJIS policy.

#### ***Direct Access Determination Pause***

A pause in a determination for direct access will be in place until the following is completed satisfactorily, updated with a final disposition, and/or closed:

- Missing final conviction data.
- Open probation for any offense, including violations.
- Open arrest or warrant for arrest.

Upon satisfactory completion, updated with final disposition, and/or closed, a notice of the disposition must be sent by either the employee or court to the central office TAC for final review and consideration.

***Direct Access Termination or Denial***

Termination or denial of direct LEIN access may occur as a result of the following, but is not limited to:

- Any felony conviction.
- Any probation violation that escalates to a charge of a misdemeanor or felony.
- Has a fugitive status.
- Any conviction that is punishable by more than one year, including any probation or Holmes Youthful Trainee Act (HYTA).
- Any offense or conviction that, at the agency's discretion, is determined to be severe, lacking good moral character, and/or not in the public's best interest.
- Consistent violations or misuse of LEIN.
- Prohibitions listed in CJIS and/or MSP policies.
- As requested by the local county TAC or director.
- As requested by the Michigan State Police.

When necessary to explain the reason for pause, termination and/or denial of direct access, only public source information can be disseminated.

***Rap Back and Remediation***

Rap Back services provide continuous monitoring of employees required by law to be fingerprinted and background checked for direct access to LEIN. If an employee is not qualified to gain access, the employee may not be eligible to work in a position requiring direct access to LEIN.

Remediation: If an employee is denied access due to results from a fingerprint report or a Rap Back and wishes to contest the decision, the employee may contact the central office TAC, human resources and/or MSP for remediation.

### ***Fingerprint Access Validation***

Central office TAC must annually review direct access accounts to ensure that continued access to fingerprint reports and Rap Back notifications commensurate with the requirements for direct access. Subscriptions to fingerprint reports and Rap Back must be terminated when the employee is confirmed to no longer require direct access into LEIN.

### **Direct Access**

MDHHS is a direct access agency with access to non-public LEIN information via the MiCJIN. A person who directly accesses LEIN information is the appointed operator(s), TAC(s), and LASO(s).

To obtain authorization for direct access, a person must pass a state fingerprint criminal history background check and complete the following:

- Attend an operator and/or TAC training. Have a passing grade of no less than 70 percent.
- Attend LEIN security awareness training, see *LEIN Security Awareness Training*, in this item.
- Sign forms: MDHHS 5518, LEIN Notice of Criminal Penalties, and MDHHS 5528, Access & Operator Request: Security Agreement.

The above list must be completed within the first six months of appointment and again once every two years thereafter. To maintain system integrity and reduce the threat for potential breach, appointed positions for direct access 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 ( $40 \times .15 = 6$ ). 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 RI-030, LiveScan Fingerprint Background Check Request, form. This form is required by MSP to verify staff authorized permission to be fingerprinted allowing MDHHS to receive the individual's criminal history information record.
2. Schedule a fingerprint appointment through Idemia agency or go to a police station.
3. Submit signed RI-030 to the central office TAC to allow for review of results and to retain form for audit purposes.

Upon being fingerprinted, the central office TAC will receive any applicable Rap Back notices, see *Rap Back and Remediation*, in this item.

### 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 required to review and interpret CJI as part of a case review. Staff may include, but is not limited to, case managers, supervisors, managers, and directors.

Authorized users who have indirect access to LEIN reports must complete the following:

- Attend LEIN security awareness training, see *LEIN Security Awareness Training*, in this item.
- Sign form: MDHHS 5518, LEIN Notice of Criminal Penalties.

The above list must be completed within the first six months of appointment and again once every two years thereafter.

### LEIN Security Awareness Training

LEIN Security Awareness Training requirements are based on an authorized personnel's access to CJI or the physically secure location:

- LEVEL 1: All authorized personnel that have unescorted access to the physically secure location but have no criminal justice function.

- LEVEL 2: All authorized personnel that have unescorted access to the physically secure location and physical CJI.
- LEVEL 3 A and B: All authorized personnel that have unescorted access to the physically secure location and to both physical and digital CJI.
- LEVEL 4: All authorized personnel with an information technology role.

The level LEIN Security Awareness Trainings are to be completed via MSP's online training site. The courses build upon one another; for example, a Level 4 user must complete Level 1, Level 2, and Level 3. Level 3 security awareness training is divided into two modules due to its length.

Staff appointed as a LASO must also complete the Criminal Justice Agency Annual Enhanced Security Awareness Training for LASOs. This training is to be completed annually via MSP's online training site.

### Access Validation

Local office TACs must annually review all direct access accounts and report the validation to the central office TAC.

Local office 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 of LEIN.

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 with 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 workstation 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 workstation.
- Place privacy screen filters on monitors even when monitors are not facing the workstation door opening to restrict viewing by unauthorized personnel who may enter the workstation.
- Ensure workstation 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 the workstation 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 is at the printer.

For counties with multiple floors/areas with open workstations that access CJI from LEIN, ensure the doors that access the multiple rooms where CJI is accessed is locked and any unescorted access of individuals to those rooms complete level 1 security awareness training or sign the MDHHS-5502, Security Awareness Acknowledgement for Personnel with Only Physical Access to Physically Secure Locations, form.

**Note:** Controlled areas may include home offices, agency assigned workstation or other vacant office spaces based on county capacity. Workstation 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 workstations will become the permanent operator station. When the appointed operator is no longer serving their role and another staff is appointed, the former operator must vacate the station for the new operator to assume.



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**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 fingerprint-based record check within 30 days of assignment for all LEIN users who have **direct** access to LEIN.
  - 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 staff with access to physically secure locations or controlled areas (during CJI processing) shall be escorted or required to take the LEIN security awareness training or 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 computers with CJI access.
- Secure dissemination and review of CJI 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 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 local county and central office TACs 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 a propped door.

### **Authorized Unescorted Access**

Personnel with access to physically secure locations or controlled areas, but who do not directly or indirectly access CJI, must take level 1 security awareness training or sign the MDHHS-5502, Security Awareness Acknowledgment for Personnel with Only Physical Access to Physically Secure Locations, form. These personnel include, but are not limited to: support personnel, other

MDHHS unit staff, private contractors/vendors, visitors, and custodial staff.

### **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 require 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 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. Staff 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

MDHHS' authority for use of the LEIN application is based on Michigan laws, and as such, staff must be within the state of Michigan to generate information from the LEIN application. Authorized locations for direct access include a Michigan-based residence and/or any MDHHS office that meets the physically secure, controlled environment requirements noted within this policy.

Authorized offsite access is when a MDHHS authorized user, generating and/or reviewing CJI from LEIN, has been given authorization to access the CJI from outside of the staff's assigned agency office building.

Requirements for access to CJI must:

- Adhere to the CJIS security policy on physical security, controlled area, requirements.
- Be within a state of Michigan residence or agency office to generate information from the LEIN application.
- Not access the CJI using a public connection. For example, a coffee shop, at a client's residence, using public hotspot, etc.
- Allow for the in-home or office audits.
- Only connect directly to state of Michigan VPN via an ethernet cord or Wi-Fi.
- Only use state-issued devices and applications.
- Not print LEIN results from a home or public printer.
- Follow mobile device policy when receiving or reviewing CJI from a mobile device. See [SRM 700](#), LEIN.
- Not store CJI on a network drive unless it meets CJIS policy restrictions and is monitored and tracked by a local county TAC for appropriate authorized access.

## 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 CJJ from compromise at 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 \(PSP\)](#).

### **PROCESS FOR REQUESTING A LEIN RECORD**

CJJ can only be requested by MDHHS authorized users who are assigned or associated to the open, active case and requested for purposes outlined in policy. The person's name as reflected in the electronic case record should be the name written on the DHS-268 and DHS-269 forms. See [SRM 700, LEIN](#) for requesting a LEIN Record.

### **PROCESS FOR REQUESTING DIRECT ACCESS**

Appointed TACs, operators, and LASOs can have direct access to the MiCJJ application. To request direct access, first schedule an appointment to be state fingerprinted using the RI-030, LiveScan Fingerprint Background Check Request, form.

Upon notification of fingerprint clearance, the following steps can then occur:

1. Attend an operator and/or TAC training. Have a passing grade of no less than 70 percent.

2. Attend LEIN security awareness training, see *LEIN Security Awareness Training*, in this item.
3. Sign forms: MDHHS 5518, LEIN Notice of Criminal Penalties, and MDHHS 5528, Access & Operator Request: Security Agreement.
4. Turn all tests and documents into the local county TAC.

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/BCW, Child Welfare Policy and Programs](#) for record retention policy. If the web link does not work, please call 517-335-9132 for 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

Information solely from LEIN must not be included in department reports or case files (including hard copy or electronic- such as the child welfare electronic case management system, BITS, Bridges, ASCAP, etc.). Do not disclose 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. 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.

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**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 within 48 business hours from receiving the written violation report. MSP may investigate or send a letter for an agency investigation. They may also request a corrective action plan or provide 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 & Redesign via email at [ThelenJ12@michigan.gov](mailto:ThelenJ12@michigan.gov)