

Legislative Analysis



IDENTIFICATION OF CPS WORKERS

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House Bill 5589 (Substitute H-1)
Sponsor: Rep. Fulton Sheen
Committee: Family and Children Services
First Analysis (4-27-04)

BRIEF SUMMARY: The bill would require child protective service workers to identify themselves and disclose the existence of a child abuse allegation to individuals related to an allegation of child abuse.

FISCAL IMPACT: It appears that the legislation would have no fiscal impact.

THE APPARENT PROBLEM:

In many instances, child protective services (CPS) workers from the Family Independence Agency do not explicitly state their identity and the reasons why they are talking with an individual when they investigate allegations of child abuse. This is particularly troublesome, it is believed, because many parents aren't fully aware of any allegation of child abuse during their discussions with the CPS worker. This situation leaves many unable to refute the allegations, even those that are based on spurious claims by an angry former spouse. Moreover, there is anecdotal evidence that many parents have had their children removed from their homes without ever knowing the nature of the allegation. Legislation has been introduced that would require CPS workers to identify themselves when investigating allegations of child abuse.

THE CONTENT OF THE BILL:

The bill would amend the Child Protection Law to specify that at the time a FIA investigator contacts an individual about whom a report of child abuse has been made or an individual responsible for the health and welfare of a child who is the subject of a child abuse report, the investigator would state his or her name, whom he or she is representing, and that he or she is interviewing the individual to discuss an allegation of child abuse or neglect. The FIA would be required to ensure that its policies, procedures, and administrative rules comply with the CPL.

ARGUMENTS:

For:

This bill puts in statute, what is generally FIA training and policy regarding CPS workers. When CPS workers do not openly identify themselves or indicate the purpose and nature of the discussions with a person named in a child abuse report or a person responsible for the well-being of a child who is the subject of a child abuse report, they invariably undermine their investigation, as these individuals cannot properly defend themselves

against an allegation. Moreover a person accused of child abuse should be afforded the basic (and constitutional) right to be informed of the nature and cause of any allegation.

Response:

There is some concern that requiring upfront notification in all instances can make certain hostile situations even more hostile. The circumstances of a child abuse allegation are exactly welcoming for a CPS worker to approach an alleged abuser and flatly state he or she is here to investigate an allegation of abuse. Rather, CPS workers often engage alleged abusers in a more indirect way so as to ascertain the circumstances of the home life and other possible reasons for the allegation to be made, in a more open manner, without directly confronting the allegation.

POSITIONS:

The Family Independence Agency supports the bill. (4-22-04)

The Foundation for Children's Rights indicated that it supports the bill. (3-24-04)

The International Union, UAW is neutral on the bill. (4-22-04)

The UAW Local 6000 is neutral on the bill. (4-22-04)

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