

COMMENCEMENT OF A CHILD ABUSE OR NEGLECT INVESTIGATION

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House Bill 4705 as referred to second committee
Sponsor: Rep. Matt Hall
1st Committee: Families, Children and Seniors
2nd Committee: Judiciary
Complete to 12-1-19

SUMMARY:

House Bill 4705 would amend section 8 of the Child Protection Law (CPL) to clarify required responses to a report of child abuse or neglect.

Currently, the Department of Health and Human Services (DHHS), within 24 hours after receiving a report of child abuse or neglect, must do either of the following:

- If the report involves certain enumerated factors (e.g., child abuse resulting in the child's death or severe physical injury or suspected sexual abuse or exploitation), refer the report to the prosecuting attorney and local law enforcement.
- Commence an investigation of the child suspected of being abused or neglected.

The bill would stipulate that, for purposes of the second required action above, an investigation could not be considered to have been commenced until DHHS had made contact that provided information on the well-being of each child in the household where a child is suspected of being abused or neglected.

MCL 722.628

BACKGROUND:

The Office of the Auditor General (OAG) released its performance audit report on Children's Protective Services (CPS) investigations in September 2018.¹ The report summarizes its Finding #1 as follows: "MDHHS did not appropriately commence 17% of reviewed investigations within the CPL-required 24-hour time frame. MDHHS cited differences in interpretation of the law with the OAG regarding the requirement and application of MDHHS policy for over one-third of the exceptions noted." See pages 14 to 17 of the report for a fuller discussion of Finding #1,² including a preliminary response from DHHS to the finding.

¹ Report highlights: <https://audgen.michigan.gov/wp-content/uploads/2018/09/CPS-REPORT-HIGHLIGHTS.pdf>
Full report: <https://audgen.michigan.gov/wp-content/uploads/2018/09/r431128516-0011.pdf>

² <https://audgen.michigan.gov/wp-content/uploads/2018/09/r431128516-0011.pdf#page=16>

FISCAL IMPACT:

House Bill 4705 would have a minimal to moderate fiscal impact on DHHS and on local units of government.

Within DHHS, the Child Protective Services (CPS) caseworkers investigate cases of child abuse or neglect. In FY 2017-18, CPS investigated 96,067 cases. Under current law, within 24 hours of receiving a report of a child being abused or neglected, DHHS must either commence an investigation or, for certain cases, refer the report to the prosecuting attorney or local law enforcement.

The DHHS Children's Protective Services Manual³ requires that the Department use a priority response tool when receiving a complaint of suspected child abuse or neglect. The worker receiving the complaint determines whether the case is assigned as a priority one or a priority two response case and, based on that designation, a caseworker must commence an investigation and make face-to-face contact with the alleged child victims within specific corresponding time frames dependent upon the designation.

An investigation for a priority one response case must commence within 12 hours of receiving the complaint, and a face-to-face contact must take place within 24 hours with each alleged child victim. For a priority two response case, an investigation must commence within 24 hours and face-to-face contact must take place within 72 hours.⁴ The Protective Services Manual lists the criteria to be used to determine which response to be assigned. Thus, under current policy, DHHS must commence an investigation within either 12 or 24 hours. In addition, a caseworker must make face-to-face contact with all alleged child victims within either 24 or 72 hours, depending upon which priority response the case has been assigned.

The bill provides that, in addition to the requirement that an investigation be commenced within 24 hours, the investigation is not considered to have commenced until contact has been made that gives information on the well-being of each child in the household in these cases. In other words, the bill requires that within 24 hours, the caseworker must make a contact to determine the safety of each child in the household. Under current policy, priority two cases do not require face-to-face contact to be completed until up to 72 hours. In some cases, the bill may require caseworkers to make contact that helps ascertain the children's safety in a shorter amount of time than under current policy. However, the bill does not require that within that 24-hour period a face-to-face contact be made in all cases or that a determination of child abuse or negligence be completed.

Any additional costs to DHHS would depend upon any increased expenditures that would be required under the bill's provisions, such as increased administrative expenses, additional staff costs, or possible caseworker training.

³ Children's Protective Services Manual of the State of Michigan, PSM 712-4, <https://dhhs.michigan.gov/OLMWEB/EX/PS/Public/PSM/712-4.pdf#pagemode=bookmarks>

⁴ Children's Protective Services Manual of the State of Michigan, PSM 713-01, <https://dhhs.michigan.gov/OLMWEB/EX/PS/Public/PSM/713-01.pdf#pagemode=bookmarks>

POSITIONS:

Representatives of the following entities testified with no position on the bill (9-4-19):

Office of the Auditor General

Office of Children's Ombudsman

Department of Health and Human Services

Legislative Analyst: E. Best

Fiscal Analyst: Viola Bay Wild

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.