



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF HEALTH AND HUMAN SERVICES

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DIRECTOR

M E M O R A N D U M

DATE: March 13, 2020
TO: Tribal Leaders
FROM: JooYeun Chang, Executive Director, Children's Services Agency
SUBJECT: Public Notice – Participation in MDHHS Changes to Central Registry

MDHHS is providing you with public notice and invitation to review and provide feedback on potential changes to the child abuse and neglect Central Registry. We would like to understand the impact of Central Registry changes on tribal families and communities.

Attached are a FAQ sheet and PowerPoint which provide an overview of suggested changes. You are invited to review the materials, provide your feedback and/or suggestions. Feedback can be submitted to Colin Parks, ParksC@michigan.gov. Also, we have scheduled a call on April 23rd and April 24th from 10:00 – 11:00 to provide an opportunity for further consultation and feedback.

Please contact Stacey Tadgerson, TadgersonS@michigan.gov with any questions.

Attachments

Central Registry FAQs

Question: What is the Central Registry?

Answer: Most states have laws authorizing a statewide central registry, which is a centralized listing of child maltreatment records. The type of information contained in central registries varies from state to state. In Michigan, a central registry case is a child protective services case that the department has classified as category I or category II. For a child protective services case that was investigated before July 1, 1999, central registry case means an allegation of child abuse or neglect that the department substantiated.

Question: What names does MDHHS list on the Central Registry and for how long?

Answer: Individuals confirmed for child abuse or neglect and placed in a Category I or II CPS case or individuals who are confirmed for child abuse and/or neglect (CA/N) exists and are a nonparent adult who resides outside the child's home, a licensed foster parent, or an owner, operator, volunteer, or employee of a licensed or registered child care organization, *when the victim is not their own child*, **must** be listed on the Child Abuse and Neglect Central Registry. These individuals remain listed on Central Registry for 10 years or life (serious acts). Individuals confirmed for child abuse or neglect and placed in a Category III case do not get listed on the Central Registry.

Question: How does being listed on the Central Registry impact a person?

Answer: Individuals placed on the central registry have fewer opportunities for employment and often are prevented from participating in school, church and other community activities. They may lose a professional license and their livelihood.

Question: How does being listed on the Central Registry specifically impact licensed professionals?

Answer: Placement on the central registry can result in licensed professionals' immediate loss of their licenses, their reputation and their livelihood. In cases of licensed foster parents, that could also mean the loss of children who have lived in these homes for weeks, months or even years.

Question: How does being listed on the Central Registry impact families?

Answer: Placement on the Central Registry may result in children being removed from the homes of families and loved ones; it can also prevent children from being placed in these homes. In many cases, being listed on the Central Registry may restrict a child from being placed in a relative's home. This can add to the trauma children suffer.

Question: Who uses the Central Registry and for what purpose?

Answer: Schools, churches, licensing organizations, volunteer agencies (e.g., scouting groups) and camps are just a few of the organizations who use the Central Registry to screen people for hiring, licensure, or volunteer work.

Question: What is the proposed change to the Central Registry?

Answer: The proposed change shifts the criteria used to determine whether a person confirmed for abuse/neglect must be listed on the Registry. Rather than identifying names on Central Registry based on the score of the CPS risk assessment tool, listing on the Registry would be based on the seriousness of the confirmed child abuse/neglect.

Question: Will all people who are confirmed by CPS for abuse/neglect be listed on Central Registry?

Answer: No. Under the proposal, only people confirmed for serious acts of child abuse/neglect will be listed on Central Registry. The change will limit names on the Registry to those individuals who CPS has determined likely pose a danger to children.

Question: Are all people confirmed by CPS for abuse/neglect a danger to children?

Answer: No. The overwhelming majority of cases involve child neglect and people struggling with economic security, underlying trauma or mental health issues, substance use, and domestic violence. Many families have housing concerns, lack of appropriate childcare, and inadequate social support systems.

Question: How will the change impact access to central registry by schools, licensing organizations, churches, licensing organizations, employers, etc.?

Answer: The process will remain the same; access to the central registry will not change.

Question: How will the change impact people and communities?

Answer: More parents and caregivers will be allowed to participate and assist with school activities with their child. Individuals removed from the Central Registry will have more opportunities for employment and can participate in school, church and other community activities. Participation in school activities has a positive impact on the interactions and bond between parents and children and promotes healthy relationships, resiliency, a sense of community.

Question: How will this impact children in foster care or families wanting to become licensed to provide foster care?

Answer: Extensive background checks, including Central Registry and MiSACWIS CPS history, will still be required for all individuals seeking to become licensed foster care providers. Decisions about licensure and placement will be based on thorough assessment of all factors. Michigan will continue to deny licensure or placement of a child into a home in which a person is listed on Central Registry.

Question: How will this change affect the regulation of foster homes and child-care institutions (CCI)?

Answer: Michigan licensing organizations will continue to deny licensure to individuals listed on the Central Registry. The Child Care Organizations Act 116 and Licensing Rules for Child Caring Institutions will need to be amended/revised to preclude continued licensure or exposure to children for individuals who are confirmed for non-serious child abuse/neglect. Under the new paradigm, CPS will notify DCWL if a person with a foster home, or an adult household member in a foster home, or CCI licensee or staff, is confirmed for abuse/neglect. If a CCI administrator or staff member is either placed on Central Registry or confirmed for abuse/neglect, that individual cannot be present at the CCI.

Question: Will regulatory organizations have access to the CPS information they need to regulate foster homes and CCIs?

Answer: Yes. The agencies that determine licensure for foster homes and licensed providers for children will be able to access an applicant's child welfare history to assess potential risk. Furthermore, CPS will establish a procedure for sending immediate notification to licensing organizations when a licensed individual, or adult household member has been confirmed for child abuse or neglect.

Question: How will DCWL and LARA know if CPS has confirmed abuse/neglect by someone working at a childcare or residential facility?

Answer: MDHHS will establish a procedure for immediately notifying DCWL and/or LARA when CPS confirms child abuse or neglect by a licensed foster parent, CCI administrator or CCI staff member.

Question: What due process will be afforded to foster parents whose license is revoked as a result of a *confirmed* CPS investigation for a non-serious act?

Answer: Due process is afforded to the licensee during the licensing investigation and disciplinary action process, via the provision of written findings, notice, and right to a hearing.

Question: Will MDHHS remove names from Central Registry if the change occurs?

Answer: Yes, a plan will be established to remove names of people who were placed on the Central Registry under the old scheme but no longer meet the new criteria for placement on the Registry.

Question: How do other states operate their Central Registry?

Answer: Although all states are required to maintain a child abuse and neglect Central Registry, each state has different due process requirements and different requirements for how long an individual remains on Central Registry. Several states utilize their Central Registry in a manner consistent with the changes proposed in Michigan.