

## COMMUNITY-BASED SERVICES

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**House Bill 4706 (H-1) as referred to second committee**

**Sponsor: Rep. Andrea K. Schroeder**

**1st Committee: Families, Children and Seniors**

**2nd Committee: Judiciary**

**Complete to 12-1-19**

Analysis available at  
<http://www.legislature.mi.gov>

## SUMMARY:

House Bill 4706 would amend section 8d of the Child Protection Law (CPL) to modify a determination by the Department of Health and Human Services (DHHS) that community services are needed in response to a report and investigation of child abuse or neglect.

Currently, if such a determination is made, DHHS must assist the child's family in receiving community-based services commensurate with the risk to the child. If the family does not voluntarily participate in community services or its participation does not alleviate the child's level of risk, DHHS must consider reclassifying the case as requiring child protective services.

Under the bill, DHHS would determine whether its *safety assessment* determined the child to be safe with services or safe.

*Safety assessment* would mean a statistically validated structured decision-making tool designed to classify whether a child is safe, safe with services, or unsafe and to identify the following:

- Safety factors present.
- Protecting safety interventions initiated or planned.
- Overall *safety decisions*.

*Safety decision* would mean a decision based on the assessment of all safety factors, protecting interventions, and any other information known about the case. A safety decision would include one of the following determinations:

- Safe—The child is safe. No safety factor exists.
- Safe with services—At least one safety factor is indicated and at least one protecting intervention has been put into place.
- Unsafe—At least one safety factor is indicated and placement is the only protecting intervention possible for the child.

If the safety assessment determined the child to be safe with services, DHHS would have to assist the child's family in receiving community-based services commensurate with the risk to the child. If the family did not voluntarily participate in community services or its participation did not alleviate the child's level of risk, DHHS would have to consider reclassifying the case as requiring child protective services. DHHS could not close the case until it had confirmed and documented the family's participation in community services and the child's well-being.

If the safety assessment determined the child to be safe, DHHS would have to assist the child's family in receiving community-based services commensurate with the risk to the child. After doing so, DHHS could close the case. If the case remained open and it was determined that the family did not voluntarily participate in community services or that its participation did not alleviate the child's level of risk, DHHS would have to consider reclassifying the case as requiring child protective services.

MCL 722.628d

## **BACKGROUND:**

The Office of the Auditor General (OAG) released its performance audit report on Children's Protective Services (CPS) investigations in September 2018.<sup>1</sup> The report summarizes its Finding #18 as follows: "MDHHS did not monitor families' participation in post-investigative services for nearly 22,000 investigations and therefore could not determine whether these families received and participated in the services intended to alleviate the child's risk level for [child abuse or child neglect]." See pages 59 to 61 of the report for a fuller discussion of Finding #18,<sup>2</sup> including a preliminary response from DHHS to the finding.

## **FISCAL IMPACT:**

House Bill 4706 would have a minimal fiscal impact on DHHS and on local units of government. Any additional cost to DHHS would depend on any increased administrative costs and staff time needed under the bill's provisions to assist families with participation in community-based services programs and to follow up to confirm and document the participation of families in these programs, as well as to confirm the well-being of the children.

## **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

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■ 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.

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<sup>1</sup> 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>

<sup>2</sup> <https://audgen.michigan.gov/wp-content/uploads/2018/09/r431128516-0011.pdf#page=61>