

PURPOSE

Child Protection Law (CPL) details requirements around the reporting of suspected child abuse and neglect and prescribes the responsibilities and duties of the Michigan Department of Health and Human Services (MDHHS) to prevent and respond to child abuse and neglect, and to enhance the welfare of children and preserve family life. The CPL contains definitions applicable to the reporting and investigation of suspected child abuse and neglect, MCL 722.622. The definitions contained in this item are based on CPL and are relevant to application of assignment for investigation and determination of investigation outcomes.

LEGAL DEFINITIONS

Child

An individual under 18 years of age, MCL 722.622(f). Children's Protective Services (CPS) has the responsibility to investigate and respond to alleged abuse or neglect of a child until the child is age 18.

Child Abuse

Harm or threatened harm to a child's health or welfare that occurs through nonaccidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment, by a parent, a legal guardian, any other person responsible for the child's health or welfare, a teacher, a teacher's aide, a member of the clergy, or an individual 18 years of age or older who is involved with a youth program, MCL 722.622(g).

Child Neglect

Harm or threatened harm to a child's health or welfare by a parent, legal guardian, or any other person responsible for the child's health or welfare that occurs through either of the following, MCL 722.622(k):

- Negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care, though financially able to do so, or by the failure to seek financial or other reasonable means to provide adequate food, clothing, shelter, or medical care.

- Placing a child at an unreasonable risk to the child's health or welfare by failure of the parent, legal guardian, or other person responsible for the child's health or welfare to intervene to eliminate that risk when that person is able to do so and has, or should have, knowledge of the risk.

Cruel

Brutal, inhuman, sadistic, or that which torments, MCL 750.136b(1)(b).

Imminent Risk of Harm

There is likelihood of immediate harm. This term is used in the priority response criteria and the safety assessment, see [PSM 712-1, CPS Intake](#), and [PSM 713-01, CPS Investigation - General Instructions](#).

Intimate Parts

Includes the primary genital area, groin, inner thigh, buttock, or breast of a human being.

Person Responsible for the Child's Health or Welfare

"Person responsible for the child's health or welfare" means a parent, legal guardian, individual 18 years of age or older who resides for any length of time in the same home in which the child resides, or, except when used in section 7(1)(e) or 8(8), nonparent adult; or an owner, operator, volunteer, or employee of 1 or more of the following:

- A licensed or registered child care organization.
- A licensed or unlicensed adult foster care family home or adult foster care small group home as defined in section 3 of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703.
- A court-operated facility as approved under section 14 of the social welfare act, 1939 PA 280, MCL 400.14.

Note: This includes licensed individuals providing respite care.

Nonparent Adult

A person who is 18 years of age or older and who, regardless of the person's domicile, meets all of the following criteria in relation to the child, MCL 722.622:

- Has substantial and regular contact with the child.
- Has a close personal relationship with the child's parent or with a person responsible for the child's health or welfare.
- Is not the child's parent or a person otherwise related to the child by blood or affinity to the third degree.

Note: Third degree relatives include parents, grandparents, great-grandparents, brothers, sisters, aunts, uncles, great-aunts, great-uncles, nieces, and nephews.

Note: Adults, other than the primary licensed caregiver(s), residing in a respite placement are considered a nonparent adult.

Note: This includes nonparent adults residing with a child when the referral involves sexual exploitation (human trafficking).

Physical Harm

Any injury to a child's physical condition (MCL 750.136b(1)(e)).

Serious Physical Harm

Any physical injury to a child that seriously impairs the child's health or physical well-being, including, but not limited to, brain damage, a skull or bone fracture, subdural hemorrhage or hematoma, dislocation, sprain, internal injury, poisoning, burn or scald, or severe cut, MCL 750.136b(1)(f).

**OPERATIONAL
DEFINITIONS****Battering**

Chronic and repeated physical abuse that results in serious physical harm to the child.

Torture

Inflicting great bodily injury or severe mental pain or suffering upon another person within their custody or physical control with the intent to cause cruel or extreme physical or mental pain and suffering. Proof that the victim suffered pain does not need to be present to find that torture occurred.

Custody or Physical Control

The forcible restriction of a person's movements or forcible confinement of the person to interfere with that person's liberty, without that person's consent or without lawful authority.

Great Bodily Injury

Serious impairment of a body function which includes, but is not limited to, one or more of the following:

- Loss of a limb or loss of use of a limb.
- Loss of an eye or ear or loss of use of an eye or ear.
- Loss or substantial impairment of a bodily function.
- Serious visible disfigurement.
- A comatose state that lasts for more than 3 days.
- Measurable brain or mental impairment.
- A skull fracture or other serious bone fracture.
- Subdural hemorrhage or subdural hematoma.
- Loss of an organ.
- Loss of a foot, hand, finger, or thumb or loss of use of a foot, hand, finger, or thumb.

OR

One or more of the following conditions:

- Internal injury.
- Poisoning.
- Serious burns or scalding.
- Severe cuts.
- Multiple puncture wounds.

Severe/Serious Mental Pain or Suffering

A mental injury that results in a substantial alteration of mental functioning that is manifested in a visibly demonstrable manner caused by or resulting from any of the following:

- The intentional infliction or threatened infliction of great bodily injury.
- The administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt the senses or the personality.
- The threat of imminent death.
- The threat that another person will imminently be subjected to death, great bodily injury, or the administration or application of mind-altering substances or other procedures calculated to disrupt the senses or personality.

Egregious Acts

Per MCL 722.622(p-r) of Child Protection Law, the following are considered egregious acts due to confirmed serious abuse or neglect as a result of mental injury, physical injury, or neglect to a child:

- Battering, torture, or other severe physical abuse.
- Loss or serious impairment of an organ or limb.
- Life-threatening injury.
- Murder or attempted murder.
- Serious mental harm.
- Sexual abuse.
- Sexual exploitation.
- Exposure to or contact with methamphetamine production.

Reasonable

Based on sound judgement; fair and sensible. Not extreme or excessive.

Resides

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.

**ELEMENTS OF
ALLEGED CHILD
ABUSE OR
NEGLECT**

MDHHS responds to allegations meeting criteria for child abuse or child neglect to a child under the age of 18 at the time of the referral, by an alleged person responsible. The referral allegations must minimally meet the CPL definitions of child abuse and/or neglect to be assigned. Four elements must be present in the allegations to screen in a referral for investigation:

- Allegations of harm or threatened harm.
- To a child's health or welfare.
- Through non-accidental or neglectful behavior.
- By a person responsible for the child's health and welfare.

Exception: MDHHS responds to allegations of human trafficking when assistance is requested by law enforcement, regardless of the role or status of the perpetrator to the victim.

Exception: Allegations of abuse by a teacher, a teacher's aide, member of clergy, or an individual 18 years of age or older who is involved in a youth program will be transferred to the Placement Collaboration Unit for a collaborative investigation process.

**MALTREATMENT
TYPES**

Child abuse and neglect are defined by federal and state laws. Maltreatment types provide for organization, conceptualization, and operationalization of the broader CPL definitions of child abuse and child neglect. Maltreatment types fit into two broad categories of either child abuse or child neglect based on the legal definitions of each. See *legal definitions* of child abuse/child neglect in this item.

Threatened Harm

An action, accidental or non-accidental, inaction or credible verbal threat by a person responsible and absent intervention, there is high probability that harm will occur.

A child found in a situation where harm is highly probable to occur based on a current or historical circumstance:

- A current circumstance may include, but is not limited to:
 - Allegations of threatened harm in the current referral.
 - Child left home alone.
 - Domestic violence.
 - A residence where drugs are manufactured and/or sold.
- A historical circumstance may include, but is not limited to:
 - Confirmed case that included an egregious act of child abuse and/or neglect.
 - Confirmed case that included threatened harm.
 - Prior termination of parental rights.
 - Conviction of crimes against children.

Note: See [PSM 713-11, Assessments](#) for additional guidance on assessing threatened harm.

Threatened Harm is divided into the following maltreatments:

Threatened harm of physical injury

- Is cruel, injurious, malicious, dangerous, or poses a high probability of injury to the child, but harm did not occur.
- Dangerous behavior or excessive action toward the child AND current behavior would cause serious physical harm, including unsafe use of physical restraint. Threatened harm of physical injury does not include situations where the child is not in immediate proximity.
- A person responsible has made credible threats to cause serious physical harm to the child that, if carried out, would constitute child abuse, and it is highly probable that without intervention, the person responsible will carry out these threats.
- A person responsible talks about being worried, fearful, or preoccupied with abusing or neglecting the child.
- A person responsible expresses a credible concern for what another person responsible is capable of doing or may do, and the person responsible of concern has unsupervised access to the child.

Threatened harm of mental injury

Psychological or emotional harm is, absent intervention, highly probable to lead to:

- Significant impairments to the child's emotional or behavioral functioning.
- Adverse impact on the child's development or well-being.

Threatened harm of sexual abuse

- No sexual act has occurred; however, the person responsible behaves in ways that create a substantial likelihood that the child will be sexually abused.
- Person responsible makes credible statements of intentions to sexually abuse victim or person responsible fails to eliminate the risk.

Grooming

Also includes when no sexual act has occurred; however, the behavior creates a substantial likelihood that sexual abuse will occur, such as grooming behaviors. Grooming includes verbal, written or physical behavior that may not be overtly sexual but is likely designed to prepare a child for future sexual abuse. Grooming is a process where a person intentionally builds a relationship with someone to manipulate, exploit or abuse a child. It includes a deliberate and escalating pattern of actions taken to lower a child's inhibitions.

The following are common behaviors exhibited while grooming:

- Form a relationship - They may single a child out as unique, treat the child as more special and give them extra attention or gifts.
- Test boundaries - They may often test boundaries to determine the child's comfort level.
- Touch - They may begin with non-sexual touches and then slowly progress to more inappropriate touching such as accidental grazing of an intimate part of the body. Often there is a pattern of movement from innocent touching to more sexual touching.

- Intimidation - They may begin by blaming the child for something to simply see if the child tells an adult. This progresses to threatening the child or causing the child to feel a sense of guilt. They may often use statements such as "No one will believe you," or threaten them with danger if they tell.
- Share increasingly sexually explicit material via messaging applications or text.
- Communicate and reinforce secrecy.

Indecent Exposure

A person commits indecent exposure if that person exposes their genitals for the purpose of sexual gratification, or for purposes of shaming, humiliating, shocking, or exerting control over the victim; or when the alleged perpetrator knows or should know that this conduct is likely to offend, affront, or alarm.

Threatened harm of sexual exploitation

Circumstances in which no sexual exploitation has occurred, but the person responsible behaves in ways that create a substantial likelihood that the child will be sexually exploited.

Note: In order to make a finding of threatened harm of sexual exploitation, the perpetrator must be a person responsible.

Threatened harm of labor trafficking

A trafficking event has not yet occurred, but the person responsible behaves in a way that creates a substantial likelihood that the child will be trafficked.

The alleged perpetrator of the trafficking does not need to meet criteria for person responsible to investigate when law enforcement requests assistance. The department can investigate trafficking conditions regardless of role or status of the alleged perpetrator.

Note: To make a finding, the perpetrator must be a person responsible.

Threatened harm of physical neglect

Though a parent or person responsible is financially able or able to access resources, absent intervention, harm is highly probable, by any one of the following:

- Living conditions that, absent intervention, are highly probable to cause harm to the child. Person responsible fails to act to address the child's living conditions, which are unsanitary and/or contain hazards that are highly probable to lead to the child's injury or illness if not resolved.
 - Consider the child's age and developmental status and to what extent the specific living conditions pose a danger to the child.
- Failure to provide adequate clothing or appropriate hygiene that, absent intervention, is highly probable to cause harm to the child. The child's basic needs for clothing and/or hygiene are unmet to the extent the child's daily activities will be severely impacted without intervention, and/or the child will develop or suffer worsening injury or illness.
- Absence of supervision is highly probable to cause harm to the child, absent intervention. The child is not attended to or supervised by the person responsible AND there is no other person able and willing to provide safe supervision to the extent that harm to the child is highly probable without intervention.
 - Consider the child's age, abilities, behaviors, need level, and length of time unsupervised. Time of day and other surrounding circumstances should also be considered when determining the level of supervision required to protect the child.

Threatened harm of placing a child at unreasonable risk

Neglectful behavior that, absent intervention, is highly probable to cause identifiable harm if the behavior does not cease. Occurs by failure to intervene and eliminate a risk to a child although the person is able to do so and has or should have knowledge of the risk.

Threatened harm of medical neglect

- Failure to obtain necessary medical, dental, or mental health care for a child and the failure to obtain care, absent intervention, is highly probable to result in harm, including any of following:
 - Death.

- Disfigurement.
- Bodily harm.
- Impairment to the growth, development, or functioning of the child.
- Frequently missing appointments, therapies, or other necessary medical and/or mental health treatments that, absent intervention, is highly probable to cause the child harm or have a negative impact on the child.
- Taking the child out of or terminating treatment against medical advice, and the removal, absent intervention, is highly probable to cause the child harm or have a negative impact on the child.
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Identifying whether harm or threatened harm of a particular maltreatment type has occurred will need to be determined throughout the course of the investigation. Upon assignment, the maltreatment type will be selected based on completion of the Structured Decision Making Centralized Intake Assessment Tool. If it is determined that threatened harm of a particular maltreatment type exists, the corresponding threatened harm maltreatment type will need to be identified within the electronic case management system by the case manager.

The determination of how to apply threatened harm is also based upon the perpetrator's role in the action of the abuse or neglect. See table below for example:

<p>When the threat of harm is from the person responsible, consider the most applicable maltreatment type.</p>	<p>Parent forcibly chokes the child with no visible injury: Parent → Threatened harm of physical injury.</p>
<p>When the threat of harm is from other caregivers, and the person responsible does not intervene or protect the child.</p>	<p>Parent knowingly allowed another caregiver to choke the child with no visible injury: Parent → Threatened harm of placing a child at unreasonable risk. Other Caregiver → Threatened harm of physical injury.</p>

CHILD ABUSE

Child abuse is divided into the following maltreatment types:

- Physical injury.
- Mental injury.
- Sexual abuse.
- Sexual exploitation.
- Labor trafficking.
- Threatened harm of physical injury.
- Threatened harm of mental injury.
- Threatened harm of sexual abuse.
- Threatened harm of sexual exploitation.
- Threatened harm of labor trafficking.

Physical Injury

Non-accidental or purposeful action which results in physical harm. Includes situations where an injury exists and there is inconsistent explanation as to how the injury occurred. This can include situations where a child has an injury and any of the following apply:

- The injury itself suggests that it is non-accidental.
- A medical professional has concern the injury is consistent with abuse or is inconsistent with the explanations provided.

Physical injury does not include actions by a parent or guardian, person responsible, or persons authorized by a parent or guardian to reasonably discipline a child, including the use of reasonable force, MCL 750.136b(9). A parent can physically discipline their child with the intent to discipline and not cause injury. Minor injuries may sometimes accidentally occur when a parent uses physical discipline that is not excessive or overtly harmful.

Medical Child Abuse

Medical child abuse may result in risk of physical or emotional harm to a child and is encompassed in physical injury. Medical child abuse occurs when a child receives or is at risk of receiving either of the following:

- Unnecessary and harmful, or potentially harmful, medical care at the initiation of the child's parent or caregiver.
- Unnecessary medical treatment due to a parent or caretaker exaggerating, fabricating, or causing symptoms of illness.

Note: Children with known, verified diseases and disorders can also be a victim of medical child abuse.

Newborn Exposed to Substances

A newborn born exposed to substances not attributed to medical treatment, causing injury or defect as diagnosed by a medical professional, may be considered serious physical injury or serious physical harm. For more information on cases involving newborns exposed to substances, see [PSM 716-7, Case Involving Substances](#).

Mental Injury

Psychological or emotional harm meeting any of the following criteria:

- Has led to significant impairment to the child's emotional or behavioral functioning.
- Has had adverse impact on the child's development or well-being.
- Results in serious mental harm.

Serious mental harm is an injury to a child's mental condition or welfare that is not necessarily permanent but results in visibly demonstrable manifestations of a substantial disorder of thought or mood which significantly impairs judgement, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life, MCL 750.136b(g). Mental injury must be diagnosed by a mental health professional to confirm mental injury.

Examples of child impairment/behaviors include, but are not limited to, the following:

- Fire setting, self-harm, animal maltreatment, suicidal ideation.
- Regression to wetting themselves or defecating on themselves.
- Previously verbal toddlers stop talking.
- Child expresses credible fear that they will experience abuse or neglect.
- Child may isolate themselves, may be preoccupied with their body, or may shut down.

Sexual Abuse

Pursuant to MCL 722.622, a confirmed case that involves sexual penetration, sexual contact, attempted sexual penetration, or assault with intent to penetrate as those terms are defined in section 520a of the Michigan penal code, 1931 PA 328, MCL 750.520a. The following acts are included:

- Sexual penetration means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body. Emission of semen is not required, MCL 750.520a(r).
- Sexual contact includes the intentional touching of the victim's or perpetrator's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or perpetrator's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner for revenge, to inflict humiliation, or out of anger, MCL 750.520a(q).
- Attempted sexual penetration, sexual contact, or assault with intent to penetrate means any attempt to commit an act or do any act towards the commission of sexual abuse, as defined above, while failing in the perpetration due to being intercepted or prevented in the execution, MCL 750.92.

**Sexual
Exploitation**

Allowing, permitting, or encouraging a child to engage in any of the following for the benefit of others:

- Commercial sex activity.
- The photographing, filming, or depicting of a child engaged in a listed sexual act including:
 - Sexual intercourse.
 - Erotic fondling.
 - Sadomasochistic abuse.
 - Masturbation.
 - Passive sexual involvement.
 - Sexual excitement.

- Erotic nudity.
- Sharing sexual acts over live video or phone.
- Coercing or forcing a child to participate in or be exposed to pornography and/or sexual behavior.

See [MCL 722.622\(r\)](#) for statutory definition of sexual exploitation, and [MCL 750.145c](#) for definitions of listed sexual acts.

Sexual exploitation also includes sex trafficking. Sex trafficking is the action of subjecting a child to the recruitment, harboring, transportation, provision, patronizing, or soliciting for the purposes of a commercial sex act through the use of force, fraud, or coercion, or in which the person induced to perform the act is under 18 years of age. Trafficking may involve an exchange of goods or psychological responses. Offenders may exchange love, friendship, protection, or attention to a child while an exchange of goods could include money, drugs, jewelry, clothing, food, shelter, or transportation.

For assignment, the alleged perpetrator of the trafficking does not need to meet criteria for person responsible. When law enforcement requests assistance, the department can investigate trafficking conditions regardless of role or status of the alleged perpetrator.

Note: In order to make a finding, the perpetrator must be found to be a person responsible.

Labor Trafficking

The recruitment, harboring, transportation, provision, or obtaining of a person for labor as a result of force, fraud, coercion, or manipulation. Labor trafficking can include, but is not limited to, domestic servitude, forced labor in restaurants or salons, forced agricultural labor or debt bondage.

The alleged perpetrator of the trafficking does not need to meet criteria for person responsible to investigate when law enforcement requests assistance. The department can investigate trafficking conditions regardless of role or status of the alleged perpetrator.

Note: In order to make a finding, the perpetrator must be found to be a person responsible.

CHILD NEGLECT

Child neglect is divided into the following maltreatment types:

- Physical neglect.
- Placing a child at unreasonable risk.
- Medical neglect.
- Threatened harm of medical neglect.
- Threatened harm of physical neglect.
- Threatened harm of placing child at unreasonable risk.

Physical Neglect

Though a parent or person responsible is financially able or able to access resources, harm has occurred to the child, by any one of the following:

- Living conditions which are unsanitary and/or contain hazards that lead to the child being injured or ill. Consider the child's age and developmental status and to what extent the living conditions pose a danger to the child.
- Failure to provide adequate clothing and/or appropriate hygiene to the extent that the child's daily activities are severely impacted.
- Deficient food and/or hydration to meet the needs of the child and the child experiences significant lack of food, unmitigated hunger and/or dehydration.

Note: Excludes fasting for religious reasons.

- Absence of supervision causing harm to the child. Consider the child's age, cognitive abilities, behaviors, need level and length of time unsupervised. Time of day and other surrounding circumstances should also be considered.

Abandonment is considered physical neglect. Abandonment is when a person responsible willfully deserts or surrenders a child without making adequate arrangements for the child's basic needs or the continuing care of the child.

Note: Abandonment does not apply to Safe Delivery of Newborns Law.

Placing a child at unreasonable risk

Neglectful behavior that causes identifiable harm to the child by failing to intervene and eliminate a risk although the person responsible is able to do so and has or should have knowledge of the risk. Knowledge is based on common knowledge the general population would possess without additional education or information on child safety, child development, or other related areas. Does not include incidences that happen unexpectedly or accidentally.

Placing a child at unreasonable risk requires consideration of the following in context to the imminent risk of harm:

- Age, developmental, cognitive and verbal abilities of the child.
- Person responsible's knowledge they have or reasonably should have regarding the risk of danger as well as interventions to eliminate danger.
- Person responsible's ability to respond to the danger posed.
- Impact to the child's health or welfare by way of imminent risk of harm.

Examples of unreasonable risk may include, but are not limited to:

- Unable or unwilling to protect the child from others.
- Exposing, allowing, or encouraging the child to engage in illegal or life-threatening activities.
- Erratic or impaired behavior by the person responsible.
- Access to dangerous objects.

Note: All need to demonstrate the adverse impact to the child.

Medical Neglect

Failure to obtain necessary medical, dental, or mental health care for a child and the failure to obtain care has resulted in harm, including any of the following:

- Death.
- Disfigurement.

- Bodily harm.
- Impairment to the growth, development, or functioning of the child.

Includes when a person responsible fails to obtain and/or regularly administer prescribed medication to a child and the failure to provide medication results in any of the above.

Includes action or inaction by a person responsible which results in failure to thrive diagnosis by a qualified medical professional.

Failure to provide immunizations or routine well-child care or dental visits does not constitute medical neglect.

A parent or guardian legitimately practicing their religious beliefs who do not provide specified medical treatment for a child, for that reason alone is not considered to constitute medical neglect, MCL 722.634.

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).