

MDHHS Redaction Unit – Tribal Protocol

Federally recognized tribes may request Children’s Protective Services (CPS) records from the Michigan Department of Health and Human Services (MDHHS). Record access is allowed under the [Child Protection Law](#) when the tribe has jurisdiction, including during joint or independent investigations, when determining whether to place an Indian child who has been or is at risk of abuse or neglect, or through a multidisciplinary case consultation team. CPS records may include initial, updated, and closing service plans.

CPS Records Request Process Overview

Tribes may request **CPS records** using any of the following methods:

- Verbally.
- Email.
- Fax.
- Written.
- [MDHHS-5598, American Indian/Alaska Native Child/Parent Tribal Enrollment/Eligibility Verification](#).
- [MDHHS-6184, Request for CPS Records](#).

If requested, the local MDHHS office may **immediately** provide the tribe the following intake information from the DHS-2165 **without redaction**:

- Case name, referral date, etc.
- Member information.
- Allegation comments.
- Safety hazard comments.
- Supervisor complaint action comments (Decision).
- Complaint action override comments, if applicable.

The local MDHHS office must forward the CPS record request to the Redaction Unit within **1 business day** of the request:

- Using the [MDHHS-6184, Request for CPS Records](#).
- To DHHS-RedactionUnit@michigan.gov.
- Immediately notify the Redaction Unit if the **information is not** in the electronic case management system and **upload** the files in the electronic case management system.

The Redaction Unit will:

- Assign a Redaction Unit Technician within **1 business day**.
- Assess the requester’s role.
- Complete the request in **compliance** with CPL exceptions and [SRM 131](#) within **10-business days**.
- Contact the tribe with any questions or concerns.

The Redaction Unit completes and provides the following to the **tribe**:

- Cover letter, including the confidentiality statement.
- Redacted documents.

Provided via the Record Delivery Type selected on the MDHHS-6184 or as requested by the tribe (mail, call for pick-up or email).

Tribal request for CPS records is received

Local MDHHS office provides intake information, if requested

Local MDHHS office sends request to the Redaction Unit

Redaction Unit processes the request

Redaction Unit completes request and provides records to the tribe

Refer to the *CPL Exceptions - Tribal Redaction Chart* below for items redacted in a Tribal CPS Record request.

Requester Role

When submitting a CPS Records request, indicate the applicable CPL exception.

MCL 722.627(1)(a)

Child Abuse/Neglect Investigation

The tribe is independently investigating child abuse and/or neglect, *or* MDHHS and the tribe are jointly investigating child abuse and/or neglect.



NAA 200, 205, 235

MCL 722.627(1)(d)

Placement in Protective Custody

The tribal agency requests records for an Indian child reasonably suspected to have been abused or neglected to determine whether to place the child in protective custody.



NAA 200, 205, 215, 235

MCL 722.627(1)(e)

Providing Services or Active Efforts

The tribe is or has been providing services to the Indian child or family, *or* The tribe has verified the child who has been or is at risk of abuse/neglect to be eligible or enrolled thus requiring active efforts and creating a Multidisciplinary Case Consultation Team.



NAA 200, 205

Note: Tribal representatives, agencies and organizations may also be entitled to release of CPS records under MCL 722.627(1)(x). Please refer questions regarding MCL 722.627(1)(x) to csarequestforlegalresearch@michigan.gov.

Domestic Violence & Safety Concerns

Information that may lead to a safety concern **must** be redacted, such as:

- Phone numbers • Addresses • Name of doctors • Shelter information (including mention that an individual is staying at a shelter) • Email addresses • Code words • Any other information that may lead to or locate the domestic violence survivor/victim.

Note: Redaction is not required for all domestic violence cases, only when there is a concern for the survivor/victim's safety.

Determining Exceptions

For additional information to determine which CPL exception is appropriate, see [SRM 131, Confidentiality](#), or contact the Children's Services Legal Division (CSLD) at CSARequestforLegalResearch@michigan.gov or MDHHS Native American Affairs at MDHHS-NativeAmericanAffairs@michigan.gov.

Frequently Asked Questions

What case reports does the Redaction Unit process?

The Redaction Unit is responsible for processing **Children's Protective Services (CPS) records** which include Initial Service Plans, Updated Service Plans, and closing records pursuant to the Child Protection Law (CPL). All other record requests, including safety plans and prevention plans, must be made to the local MDHHS office who will route the request to the appropriate MDHHS staff.

How is Centralized Intake (CI) record information requested?

1. When Centralized Intake transfers a case to the tribe, CI should provide the intake information to the tribe.
2. When an MDHHS-5598 is received, the tribe may contact the **case manager or Redaction Unit** at DHHS-Redaction-Unit@michigan.gov to request CPS records in any format (verbal, email, fax, MDHHS-5598 form submission, or MDHHS-6184 form submission).
3. When a tribe is investigating child abuse/neglect, the tribe may **submit a request** pursuant to MCL 722.627(1)(a) to the local MDHHS office in any format or directly to the Redaction Unit.

How are foster care records requested?

1. If a tribe has intervened in a current Indian Child Welfare Act (ICWA) / Michigan Indian Family Preservation Act (MIFPA) case under state court jurisdiction, the tribe is entitled to **all documents** filed with the court and may request the documents through either the agency or the court.

***Note:** MDHHS/placement agency foster care (PAFC) must provide a tribe that has formally intervened any report or document that is provided to the court in the same form; for example, if a report provided to the court is not redacted, do not redact the report provided to the tribe. Documents filed with the court should be provided to the tribe, who has formally intervened, at the same time as filed with the court.*
2. If a tribe is seeking foster care records for a case where the tribe did not formally intervene, the tribe must contact the **county court clerk** to review any public foster care files at the court or provide the local MDHHS office or PAFC a **court order or judge-signed subpoena** releasing the foster care records.

What type of information is confidential?

Substance abuse treatment records provided by a treatment center (does not include self-reported information or drug screen results collected by MDHHS) • Mental health treatment records • HIV/AIDS information • Education records • Social security numbers • Open law enforcement information • Identity of a reporting person (also known as the referral source), this includes any information that may identify the person, not just the name • LEIN information

See the *CPL Exceptions - Tribal Redaction Chart* below for information as to what must be redacted, depending on the reason for the request.



Child Protection Law Exceptions – Tribal Redaction Chart

Record information	Exception Under MCL 722.627(1)			
	Child protective agency investigating child abuse/neglect MCL 722.627(1)(a)	Agency/person authorized to place a child in protective custody MCL 722.627(1)(d)	Agency/person providing services to child or family MCL 722.627(1)(e)	Multidisciplinary case consultation team, person responsible for child – active efforts MCL 722.627(1)(e)
Part 2 substance abuse treatment program records [42 CFR Part 2]	Redact	Redact	Redact	Redact
Social security number [MCL 445.82, 83, 84 & 85]	Redact	Redact	Redact	Redact
LEIN information [MCL 28.214(5)]	Redact	Redact	Redact	Redact
Open law enforcement records [MCL 722.627(3)]	Redact	Redact	Redact	Redact
Reporting source [MCL 722.625]	Not redacted	Redact	Redact	Redact
CPS records for non-victim or non-perpetrator	Not redacted	Redact	Redact*	Redact*
CPS records of alleged perpetrator or victim	Not redacted	Redact*	Redact*	Redact*
Self reported information	Not redacted	Not redacted	Not redacted	Not redacted
Lawfully observed information	Not redacted	Not redacted	Not redacted	Not redacted
Information reported by the child	Not redacted	Not redacted	Not redacted	Not redacted
Criminal history gathered from a public record	Not redacted	Not redacted	Not redacted	Not redacted
Closed law enforcement report or convictions	Not redacted	Not redacted	Not redacted	Not redacted
Newborn drug screen results from hospital maternity ward or lab	Not redacted	Not redacted	Not redacted	Not redacted
Drug screens collected by MDHHS	Not redacted	Not redacted	Not redacted	Not redacted

**CPS record information must be redacted unless it pertains to the alleged perpetrator (who is an alleged or confirmed perpetrator) or the child victim (as an alleged or confirmed victim). Any information about individuals classified as “other,” including in historical record entries, must be redacted.*