

**Recommendations for Coordination
between
Friends of the Court**

and

**Department of Human Services
Children's Protective Services**

Table of Contents

Introduction	3
Roles and Responsibilities of Children’s Protective Services (CPS).....	4
Michigan CPS Law.....	4
The Role of CPS	4
Who May Report Child Abuse or Neglect?.....	4
Mandated Reporters of Child Abuse and Neglect	4
How to Report Child Abuse or Neglect.....	5
When to Report Suspected Child Abuse and/or Neglect.....	6
General Outline of CPS Investigative Process.....	6
When will CPS Contact the FOC?.....	7
When will the FOC Contact CPS? How will Information be Shared?	7
Who Can File a Motion for a Change in Custody and/or Parenting Time when Abuse and/or Neglect is Suspected? How Is this Done?.....	7
Can CPS Take Any Type of Court Action?.....	8
Role and Responsibilities of Friend of the Court (FOC).....	10
The Laws Governing FOC Activity	10
General Role of the FOC	10
Can the FOC File a Motion for a Change in Custody and/or Parenting Time when Abuse and/or Neglect is Suspected?	10
Specific FOC Custody, Parenting Time, and Mediation Services	10
When Does the FOC Conduct a Custody and/or Parenting Time Investigation?	11
Child Custody, Best Interest, and Parenting Time Factors.....	11
What Is an FOC Custody and Parenting Time Investigation?	12
FOC Enforcement of Custody and Parenting Time	13
FOC Mediation Services	13
Other FOC Alternative Dispute Resolution Services.....	13
FOC Screening Process for Child Abuse and Neglect	13
FOC Staff Reporting to CPS about Suspected Child Abuse and Neglect ...	13
CPS and FOC Information Sharing	14
QUICK GUIDES:	
1. Recommendations for Coordinating Local CPS and FOC Activities.....	16
2. Local County FOC Suggested Communication Document for Sharing with CPS.....	17
3. Local County CPS Suggested Communication Document for Sharing with FOC.....	19
4. Recommendations for Information Sharing Between FOC and CPS.....	21
5. Information Sharing Desk Reference	22
6. Information for Parents Needing Services Not Provided by FOC or CPS...	23
Workgroup Members.....	25
APPENDIX:	
How to Change a Custody or Parenting Time Court Order, DHS-1450.....	26

Introduction

In Michigan, Children's Protective Services (CPS) and Friend of the Court (FOC) offices operate separately in the executive and judicial branches of the government. However, they are equally dedicated to the best interests and safety of the children they serve. Because families may be involved with both CPS and the FOC, there is a need to coordinate activities between these agencies. Several state and county agencies appointed employees to form a workgroup to make recommendations for coordinating local CPS and FOC activities.

The workgroup included representatives from the Friend of the Court Association, the State Court Administrative Office, the Governor's Task Force on Children's Justice, the Prosecuting Attorneys Association of Michigan, the Office of the Children's Ombudsman, and the Department of Human Services' Office of Child Support, Children's Protective Services, and the Michigan Domestic Violence Prevention and Treatment Board.

Local CPS and FOC staff can use these recommendations to coordinate activities that work best in their respective counties. The recommendations are also intended to assist families in understanding the roles and responsibilities of CPS and FOC.

Roles and Responsibilities of Children’s Protective Services (CPS)

Michigan CPS Law

In Michigan, the Department of Human Services (DHS) is responsible for investigating reports of suspected child abuse and neglect and it does so through the Children’s Protective Services program. The [child protection law](#) (MCL 722.621 et. seq.) governs reporting and investigation of child abuse or neglect and the powers and duties of CPS.

The Role of CPS

The purpose of CPS is to ensure that Michigan protects its children from abuse or neglect caused by a parent or other adult responsible for the child’s health and welfare. When possible, CPS also must assist families in functioning responsibly and independently while providing care for their children.

CPS has the legal responsibility to receive and respond to complaints of suspected child abuse, neglect, sexual abuse, sexual exploitation, or maltreatment. Using the criteria in the child protection law, CPS must decide whether or not to investigate a complaint. When complaints do not satisfy the criteria, they are not assigned for investigation. However, CPS may refer the complaint to another agency for investigation or the family to another agency for services.

Who May Report Child Abuse or Neglect?

Anyone *may* report suspected child abuse or neglect to CPS. However, the law *requires* some individuals to report suspected abuse or neglect. These individuals are called mandated reporters.

Strict *state and federal* confidentiality laws govern CPS investigations. The identity of a reporting person is confidential under the law. The identity of the reporting person is subject to disclosure only with the consent of that person, by judicial process, or to those listed under [Section 5 of the Child Protection Law](#) (MCL 722.625).

Mandated Reporters of Child Abuse and Neglect

The law *requires* certain people to report suspected child abuse or neglect to CPS. These people are called mandated reporters and have established relationships with children based on their profession. Mandated reporters include:

- Physicians
- Dentists
- Physician's assistants
- Registered dental hygienists
- Medical examiners
- Nurses
- Licensed emergency medical care providers (emergency medical technicians, paramedics, etc.)
- Audiologists

- Psychologists
- Marriage and family therapists
- Licensed professional counselors
- Social workers
- Licensed master's social workers
- Licensed bachelor's social workers
- Registered social service technicians
- Persons employed in a professional capacity in any office of the Friend of the Court
- Social service technicians
- School administrators
- School counselors
- Teachers
- Law enforcement officers
- Members of the clergy
- Regulated child care providers
- Employees of an organization or entity that as a result of federal funding statues, regulations or contracts would be prohibited from reporting in the absence of a state mandate or court order (e.g., domestic violence providers).

Specific DHS staff members also have a legal mandate to report suspected child abuse or neglect. These staff members include:

- Eligibility specialists
- Family independence managers or specialists
- Social services specialists
- Social work specialists
- Social work specialist managers
- Welfare services specialists

Mandated reporters must **immediately** make an oral report of suspected child abuse and/or neglect to the local county DHS office. Within 72 hours after making the oral report, the mandated reporter must file a written report. DHS encourages mandated reporters to use the [Report of Actual or Suspected Child Abuse or Neglect form](#) (DHS-3200), which includes all the information required under the law.

For additional information, see the [Mandated Reporter's Resource Guide](#) (DHS Pub 112).

How to Report Child Abuse or Neglect

Suspected child abuse or neglect should be reported to the local county DHS hotline number. The [county DHS office directory](#) may be accessed on the [DHS public Web site](#). The contact information for the counties includes a CPS daytime and after-hours telephone number.

An individual may also report child abuse or neglect occurring anywhere in Michigan by calling 1-800-942-4357. This central number will connect the person to the appropriate county office.

Anyone can call these telephone numbers; they are not limited to mandated reporters.

When to Report Suspected Child Abuse and/or Neglect

Determining when to report situations of suspected child abuse or neglect can be difficult. For example, a bruise on a toddler's forehead may be the result of learning to walk or the result of abuse. When in doubt, contact your DHS office for consultation. Some of the commonly accepted physical and behavioral warning signs associated with various forms of child abuse and neglect are listed in the [Potential Indicators of Child Abuse and/or Neglect](#).

The physical and behavioral indicators, in themselves, are not the only indicators of child abuse and neglect and, if present, do not always mean a child is being abused or neglected.

NOTE: A parent should not make a report of abuse or neglect for the sole purpose of gaining an advantage in a custody dispute. Making a false report of child abuse is against the law in Michigan and has [criminal penalties](#) (MCL 722.633(5)).

General Outline of CPS Investigative Process

If CPS determines a complaint is appropriate for investigation, a CPS worker will be assigned to conduct an investigation. During the investigation, the CPS worker will do the following:

1. Begin an investigation within 24 hours of receiving the complaint.
2. Interview the child, the parents, household members, caregivers, and other people who know the child or family.
3. Determine whether there is a preponderance of evidence of abuse or neglect.
 - a. If there is **not** a preponderance of evidence that abuse or neglect occurred, the CPS worker will refer the family to community-based services.
 - b. If a preponderance of evidence of abuse or neglect is found to exist, the CPS worker will:
 - i. Work with the family by providing direct services or referring the family to community-based services if the child can remain safely in the home.
 - ii. Petition the court to provide in-home services to the family, if services are determined to be necessary.
 - iii. Petition the court to request removal of the child from his/her home, if the child is unsafe in the home and there are no services that will keep the child safe in the home.
4. Record his/her findings in a report called an *Investigation Report* (DHS-154). The report details:
 - a. Evidence gathered.

- b. Whether a preponderance of the evidence indicates that abuse or neglect occurred.
- c. The risk for future abuse or neglect.
- d. The results of the safety assessment.
- e. Whether services are needed.

CPS **cannot** remove a child from his/her home without a court order. The court may deny a request for removal.

When will CPS Contact the Friend of the Court (FOC)?

CPS will contact the FOC when information from the FOC file is needed for an abuse or neglect investigation. FOC staff are required to provide this information by [Michigan Court Rule](#) (MCR 3.218(D)). CPS staff should consult local policy for information on how to obtain information from the FOC.

CPS worker must also determine if there is an open Friend of the Court (FOC) case when:

- CPS finds that a preponderance of evidence of abuse and/or neglect has occurred.
- A petition is filed and accepted by the Family Division of Circuit Court.

If CPS determines there is an open FOC case in the situations listed above, CPS must use the DHS-729, Confidential Notice to Friend of the Court of CPS Disposition and Family Court Action form to notify FOC of the following:

- The disposition of the CPS investigation.
- The initial Family Division of Circuit Court action.
- Any change in the child's placement.

Note: If a case is transferred to foster care, foster care will continue to notify FOC of any change in the child's placement using the DHS-69, Foster Care/Juvenile Action Summary.

When will the FOC Contact CPS? How will Information be Shared?

The FOC may contact CPS when the FOC determines it is necessary to obtain CPS records.

Who Can File a Motion for a Change in Custody and/or Parenting Time when Abuse and/or Neglect is Suspected? How Is this Done?

When child abuse or neglect is suspected, parents or their attorneys are responsible for filing a motion to change the custody or parenting time court order. Custody and parenting time determinations are part of a domestic relations case. CPS **cannot** file a motion in a domestic relations case to change a custody or parenting time order.

Once a motion is filed by either the parent or his/her attorney, there will be a custody or parenting time hearing before a judge or referee, unless the issues raised in the motion are settled before the hearing by means of mediation or a joint meeting between the

parties. If a hearing is held, a judge will decide if the custody or parenting time order should be changed. Often judges will order the FOC to conduct a custody or parenting time investigation. The investigation helps the judge decide what is best for the child. However, the custody or parenting time order can be changed without the FOC conducting an investigation.

For more information see: [When Does the FOC Conduct a Custody and/or Parenting Time Investigation](#) (page 11).

Can CPS Take Any Type of Court Action?

Yes. During the course of a CPS case, CPS **can** petition the juvenile court to request removal of a child from his/her home or request removal of the person who committed the abuse from the child's home. If granted, and for as long as either of these orders is in force, these child protective orders will supersede the domestic relations order involving custody and parenting time.

Parents can file a motion to change a custody or parenting time order at the same time that CPS petitions the court for removal of a child or removal of the offending parent, or as a result of any finding of abuse and/or neglect by CPS. **CPS can inform parents about this option.** If CPS determines there is an open FOC case, CPS must provide the non-custodial parent with the DHS-1450, How to Change a Custody or Parenting Time Order.

The court handling the domestic relations case may enter an order restricting parenting time for the duration of the protective services court proceeding. It may also adjourn the custody and parenting time hearing for six months pending the outcome of the protective services court proceedings.

If neither the parents nor their attorney have requested a change in the domestic relations order since the juvenile court protective services case began, the FOC will continue to enforce the original court order once the protective services court jurisdiction ends. If the domestic relations order has been changed, the FOC will enforce the revised order.

Example: The CPS worker files a petition and the court grants the removal of child A from the custodial parent and places child A with the non-custodial parent. While the child protective proceeding is pending, the non-custodial parent can file a motion with the domestic relations court to have the custody or parenting time order changed to be consistent with the child protective order. If the non-custodial parent does not file a motion with the domestic relations court to have custody or parenting time changed, when the protective proceeding ends, the non-custodial parent will not retain custody. The original order will be enforced.

CPS cannot advise a parent to disobey a court order. CPS can inform parents of their rights to file a motion to change a custody or parenting time order.

In order to file a motion, parents may either hire an attorney or represent themselves (*in pro per*). Parents should contact their local FOC office serving the county where their current custody or parenting time court order was signed to obtain local instructions, forms and local rules and practices..

When an individual files a motion, that person must pay a filing fee. These fees may be waived for low-income individuals by meeting certain financial requirements and completing the [*Affidavit and Order Suspensions and Fees/Costs form*](#) (MC 20). A judge will then determine if the fees will be waived.

Role and Responsibilities of Friend of the Court (FOC)

The Laws Governing FOC Activities

The Friend of the Court's (FOC) powers and responsibilities are prescribed by statutes and court rules. The principal statutes that govern the FOC's responsibilities are the [Friend of the Court Act](#) (MCL 552.501 et. seq.) and the [Support and Parenting Time Enforcement Act](#) (MCL 552.601 et. seq.).

Additional powers and duties are set forth in the [Michigan Court Rule](#) (MCR 3.208).

In addition to the Friend of the Court Act and the Support and Parenting Time Enforcement Act, FOCs and the circuit courts may apply any other applicable laws to the administration and adjudication of domestic relations cases, including the [Child Custody Act](#) (MCL 722.21 et. seq.), the [Divorce Act](#) (MCL 552.101 et. seq.), the [Emancipation of Minors Act](#) (MCL 722.1 et. seq.) the [Family Support Act](#) (MCL 552.451 et. seq.), the [Paternity Act](#) (MCL 722.711 et. seq.), the [Uniform Child Custody Jurisdiction Enforcement Act](#) (MCL 722.1101 et. seq.), and the [Uniform Interstate Family Support Act](#) (MCL 552.1101 et. seq.).

General Role of the FOC

The Family Division of the Circuit Court hears and decides domestic relations cases and other family law cases. These cases include divorce, paternity, custody, parenting time, child and spousal support matters, plus other family-centered disputes. The FOC office is part of the circuit court and is supervised by the Chief Judge of the Family Division. The FOC assists the court in those domestic relations cases that involve minor children by:

- Investigating child custody, parenting time, and child support.
- Enforcing the court's orders in those areas.
- Offering mediation services.
- Providing administrative oversight for domestic relations cases.

Can the FOC File a Motion for a Change in Custody and/or Parenting Time when Abuse and/or Neglect is Suspected?

No. There are certain parental responsibilities that the FOC cannot assume. Only a parent and/or his/her attorney can file a motion for a change in custody and/or parenting time. For example, if parents want the court to change their custody or parenting time order, they must either hire an attorney to file a motion on their behalf, or file the motion themselves. This is true even if an investigation of child abuse and/or neglect is ongoing.

Specific FOC Custody, Parenting Time, and Mediation Services

Most FOC offices will utilize some type of Alternative Dispute Resolution process to resolve custody or parenting time disputes. Domestic relations cases are exempt from Alternative Dispute Resolution by the FOC if one or more of the following are true:

- There is a personal protection order against one of the parents.
- A child abuse or neglect case is pending.

- There is a belief that domestic violence has occurred between the parents or that one of the parents has been convicted of a crime against another parent.
- A parent is unable to represent his/her own interests due to undue influence, unequal bargaining position, substance abuse, mental illness, or other disability.
- The behavior of someone involved in the case would endanger the FOC employee or either parent.

When Does the FOC Conduct a Custody and/or Parenting Time Investigation?

The FOC will conduct a custody and/or a parenting time investigation when the court orders such an investigation.

NOTE: The FOC does not initiate an investigation when a parent contacts the office and alleges child abuse or neglect or when the parent simply requests an investigation; [the court must order an investigation](#) (MCL 552.505(1)(g)).

Child Custody, Best Interest, and Parenting Time Factors

When the court or the FOC addresses custody issues, the twelve statutory “best interest” factors are reviewed. When the court and FOC consider parenting time issues, they will look at those same twelve “best-interest” factors, and may also consider the eight parenting time factors.

Best Interest Factors (MCL 722.23):

- (1) The love, affection, and other emotional ties existing between the parties involved and the child.
- (2) The capacity and disposition of the parties involved to give the child love, affection, and guidance and to continue the education and raising of the child in his or her religion or creed, if any.
- (3) The capacity and disposition of the parties involved to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in place of medical care, and other material needs.
- (4) The length of time the child has lived in a stable, satisfactory environment, and the desirability of maintaining continuity.
- (5) The permanence, as a family unit, of the existing or proposed custodial home or homes.
- (6) The moral fitness of the parties involved.
- (7) The mental and physical health of the parties involved.
- (8) The home, school, and community record of the child.
- (9) The reasonable preference of the child, if the court considers the child to be of sufficient age to express preference.
- (10) The willingness and ability of each of the parties to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent or the child and the parents.
- (11) Domestic violence, regardless of whether the violence was directed against or witnessed by the child.
- (12) Any other factor considered by the court to be relevant to a particular child custody dispute.

Parenting Time Factors (MCL 722.27a(6)):

- (1) The existence of any special circumstances or needs of the child.
- (2) Whether the child is a nursing child less than 6 months of age, or less than 1 year of age if the child receives substantial nutrition through nursing.
- (3) The reasonable likelihood of abuse or neglect of the child during parenting time.
- (4) The reasonable likelihood of abuse of a parent resulting from the exercise of parenting time.
- (5) The inconvenience to, and burdensome impact or effect on, the child of traveling for purposes of parenting time.
- (6) Whether a parent can reasonably be expected to exercise parenting time in accordance with the court order.
- (7) Whether a parent has frequently failed to exercise reasonable parenting time.
- (8) The threatened or actual detention of the child with the intent to retain or conceal the child from the other parent or from a third person who has legal custody. A custodial parent's temporary residence with the child in a domestic violence shelter shall not be construed as evidence of the custodial parent's intent to retain or conceal the child from the other parent.

And any other relevant factors.

What Is an FOC Custody and Parenting Time Investigation?

Child custody investigation: When evaluating a child custody dispute, the FOC staff:

- Interviews the parents, child(ren), and other individuals.
- Gathers relevant information (e.g., school records, counseling reports, interviews with teachers and coaches, CPS reports). This information can come directly from the parents or be gathered by the FOC from the source.
- Weighs each of the 12 [best-interest factors](#) to determine whether that factor favors the mother, the father, both parents equally, or neither parent.

Before making a report and recommendation, the FOC may also consider the eight [parenting time factors](#). The FOC's report is sent to the parents, their attorneys, and the court. The FOC and the court may use their discretion in weighing the factors; thus, the FOC could recommend, and the court could determine that it is in the child's best interest to award custody to a parent, even if fewer best-interest factors were considered in that parent's favor.

Parenting time investigation: As with custody, [the law](#) (MCL 552.505(1)(g)) sets forth the FOC's responsibility to investigate parenting time. There are two types of parenting time investigations:

- (1) Investigations conducted at the same time custody is addressed, or
- (2) Investigations addressing parenting time as a part of a separate proceeding.

When a dispute exists concerning the custody of a child, the court may provide the parties, grandparents, or other third parties with parenting time of the child. The law requires that the [best interests factors](#) above be addressed during a parenting time

investigation. This means the investigator will have to address the 12 best interest factors of the Child Custody Act even if instructed to do a parenting time investigation only. Michigan law also provides that the eight [parenting time factors](#) may also be considered when determining parenting time

FOC Enforcement of Custody and Parenting Time

If a parent is denied court-ordered parenting time or custody, the FOC is required to initiate enforcement proceedings if the parents are unable to resolve the parenting time dispute and the parent being denied provides the FOC with a written complaint that states the specific facts. Those enforcement procedures are provided for and described in [Michigan law](#) (MCL 552. 641).

FOC Mediation Services

Most FOCs provide, either directly or by contract, [domestic relations mediation services](#) (MCL 552.513) to help the parties voluntarily settle a dispute concerning child custody or parenting time that arises in a FOC case.

Other FOC Alternative Dispute Resolution Services

Many FOC offices offer alternative dispute resolution services to assist parents in resolving a dispute. Two of the most common are [joint meetings and conciliation](#) (MCL 552.642a).

Conciliation is an alternate dispute resolution procedure, in which the FOC staff gathers information about the case from the parties and, when needed, from other sources. The parties are informed about court processes and are assisted in reaching an agreement. Many times, if an agreement is not reached, the FOC staff may make a recommendation to the court. If neither party objects to the recommendation, it becomes a court order. In the absence of an agreement, the FOC staff may use conciliation in its discretion to resolve issues deemed by the court to be reasonable for conciliation.

Joint meetings are very similar to conciliation. The main difference is that joint meetings are defined in the Support and Parenting Time Enforcement Act.

FOC Screening Process for Child Abuse and Neglect

Currently there is no mandated screening protocol for FOC staff to screen cases for child abuse and neglect. The State Court Administrative Office has developed two [Domestic Violence Child Abuse/Neglect Screening Questionnaires for Domestic Relations Mediation](#). There is also a [Domestic Violence Abbreviated Questionnaire](#). The questionnaires were developed for screening domestic relations cases prior to mediation.

FOC Staff Reporting to CPS about Suspected Child Abuse and Neglect

Professional employees of the FOC are [mandated reporters](#) under the Child Protection Law. As mandated reporters, professional employees of the FOC must immediately make an oral report of suspected child abuse and/or neglect to the local county DHS office.

Within 72 hours after making the oral report, the mandated reporter must file a written report. DHS encourages mandated reporters to use the [Report of Actual or Suspected Child Abuse or Neglect form](#) (DHS-3200), which includes all the information required under the law. For more information, see the [Mandated Reporter's Resource Guide](#) (DHS Pub 112) and [How to Report Child Abuse or Neglect](#) (page 5).

FOC employees who are not mandated reporters should consult local FOC policy regarding the reporting of child abuse and neglect. Note: Each local FOC will determine who is employed in a professional capacity at their local office.

A parent should not make a report of abuse or neglect for the sole purpose of gaining an advantage in a custody dispute. Making a false report of child abuse is against the law in Michigan and has [criminal penalties](#) (MCL 722.633(5)).

CPS and FOC Information Sharing

CPS workers must be given access to FOC records related to an alleged abuse and neglect investigation per [Michigan Court Rule](#) (MCR 3.218(D)).

The FOC may contact CPS when the FOC determines it is necessary to obtain CPS records.

***THE FOLLOWING QUICK GUIDES CAN BE USED BY LOCAL
FOC AND CPS STAFF AS A RESOURCE FOR DEVELOPING
LOCAL COMMUNICATION PROCESSES***

Quick Guide #1: Recommendations for Coordinating Local CPS and FOC Activities

The following are specific recommendations for coordinating local CPS and FOC activities:

- Schedule consistent meetings between local CPS and FOC staff. The following are possible meeting agenda items:
 - Complete and exchange contact information. Please see Suggested Communication Documents on page 17 through 20.
 - Office processes.
 - Staff responsibilities.
 - Local office structures.
 - Appointment and performance of a communication point person in each office.
 - How to advise customers on the options available to change the custody/parenting time court order. Please see [“How to Change Your Custody and Parenting Time Court Order”](#) (in Appendix)
 - CPS recommendations to the FOC when child abuse and or neglect cannot be confirmed.
 - Local resources available to parents and the courts (supervised parenting time services, parenting classes).
 - Grant opportunities.
 - Changes to applicable laws, policies, or court rules.
- Assign a CPS point person in the local DHS office who is knowledgeable about the local FOC processes. This point person can serve as a valuable resource for both FOC and CPS workers. Inform the local FOC office who the point person is.
- Assign an FOC point person in the local FOC office who is knowledgeable about the CPS processes. This point person can serve as a valuable resource for both FOC and CPS workers. Inform the local CPS office who the point person is.
- Provide documentation that explains your agency’s responsibilities.
- When applicable, coordinate training.
- Identify mandated reporters in the local FOC office and coordinate mandated reporter trainings.
- Identify policy for child abuse/neglect reporting for non-mandated reporters. If one does not exist, jointly develop a policy to outline the process by which FOC staff who are not mandated reporters will report suspected child abuse or neglect to CPS.

**Quick Guide #2: Local County FOC Suggested Communication
Document for Sharing with CPS**

Page 1

_____ County(ies) Friend of the Court Office Structure

Contact Person:

Name _____ Phone number _____
Email address _____
Fax Number _____

_____ County(ies) Friend of the Court Staff:

Friend of the Court Director _____

Phone number _____
Email Address _____
Fax Number _____

FOC Custody, Parenting Time, and Alternative Dispute Resolution Positions

Name	Title	Phone Number	E-Mail	FAX Number

*Quick Guide #2: Local County FOC Suggested Communication
Document for Sharing with CPS*

Page 2

Office Structure

Please describe (or provide an organizational chart) your local FOC office. Examples of information to include are:

- Is the office divided into teams?
- How many?
- Are there staff dedicated solely to custody or are most staff responsibilities divided between different FOC functions?

Typical FOC Case Process

Please briefly describe the following FOC staff responsibilities and when those responsibilities would be utilized:

Custody and Parenting Time Investigation:

Custody and Parenting Time Enforcement:

Mediation:

Other Alternative Dispute Resolution Services:

**Quick Guide #3: Local County CPS Suggested Communication
Document for Sharing with FOC**

Page 1

_____ County(ies) Children's Protective Services Office Structure

Contact Person:

Name _____ Phone number _____
Email address _____
Fax Number _____

_____ County(ies)
Children's Protective Services Staff:

Name	Title	Phone Number	E-Mail	FAX Number

*Quick Guide #3: Local County CPS Suggested Communication Document
for Sharing with FOC*

Page 2

Office Structure

Please describe or provide an organizational chart of your local CPS office. Examples of information to include are:

- How many supervisors work in your office?
- Who do they supervise?
- Do you have specific intake CPS workers who receive and process CPS complaints?
- Does every call get investigated?
- Are CPS workers dedicated to investigation and providing ongoing services for families, or do separate CPS workers handle these functions?
- Do CPS workers have other roles and responsibilities such as providing services in foster care cases?

Typical CPS Case Process

Please detail or provide a flow chart to illustrate the process that occurs during the life of a CPS case. Examples of information to include are:

- Who is the first person a reporter usually contacts?
- When does custody become a consideration?

Quick Guide #4: Recommendations for Information Sharing between FOC and CPS

The following are recommendations for CPS and FOC staff to exchange information. Any method used must conform to legal confidentiality requirements and ensure respect for the privacy of the families involved. Secure fax and mail are options. Please note that email outside of an internal network is not secure. Only DHS intranet email addresses are considered secure for communicating case sensitive information. All FOC offices have confidential Michigan.gov email accounts. Local FOC offices may consider using these email accounts when sending confidential case information via email.

FOC Staff Request for CPS Records

Because the FOC offices vary in every county, it is important for each office to establish its own process for obtaining needed information from CPS. Best practice dictates that the information request be sent as early in the process as possible. Expecting families to disclose CPS involvement may result in unreliable or overlooked, crucial information. The law requires that FOC staff requests for CPS information must be in writing.

For more information see: [When will the FOC Contact CPS? How Will Information Be Shared?](#) (Page 7).

CPS Staff Request for FOC Records

CPS may request information from FOC staff during the course of a child abuse and neglect investigation. FOC staff are required to provide information (MCR 3.218(D)). CPS may also contact the FOC office and request copies of the custody and parenting time court order. If there is a custody or parenting time court order parents can be informed about their responsibilities to file a motion to change a custody or parenting time court order.

Quick Guide #5: CPS and FOC Information Sharing Desk Reference

Please note that the chosen method of communication for your county must be secure to protect the confidentiality of the families.

Children's Protective Services

To request information from FOC as a part of a CPS investigation, follow these steps:

1. Request the information via confidential email.
2. _____ County's confidential email address is: _____.

Friend of the Court Request for CPS Information

To request information from CPS the FOC should:

1. Contact the local DHS office, preferably in writing.

Quick Guide #6: Information for Parents Needing Services Not Provided by FOC or CPS

Page 1

Below is a list of statewide resources for families in need of services that are not provided by FOC or CPS:

Legal Resources

State Bar of Michigan- Legal Aid

http://www.michbar.org/public_resources/legalaid.cfm

Resources

State Court Administrators Office-

Custody and Parenting Time Investigation Manual, Custody Guidelines, Parenting Time Guidelines, Friend of the Court Model Handbook, and Court Forms:

<http://courts.michigan.gov/scao/resources/publications/>

Michigan Department of Community Mental Health- Mental Health and Substance Abuse Administration

<http://www.michigan.gov/mdch/0,1607,7-132-2941---,00.html>

Michigan Domestic Violence Prevention and Treatment Board- Resource Directory

http://www.michigan.gov/som/0,1607,7-192-29941_30586_240-2884--,00.html

Michigan Fatherhood Coalition

<http://www.michiganfatherhood.org/Home/tabid/74/Default.aspx>

Michigan Head Start Association- Parent Resources

<http://www.mhsa.ws/resources.asp?category=Parent%20Resources#searchresults>

Michigan Supervised Visitation Network

<http://www.svnetwork.net/mi/chapter>

Michigan Coalition Against Domestic and Sexual Violence

www.mcadsv.org

Quick Reference Guide #6: Information for Parents Needing Services Not Provided by FOC or CPS

Page 2

Michigan Resource Center on Domestic and Sexual Violence

www.mcadsv.org/mrcdsv

National Domestic Violence Hotline (Web site and phone number)

<http://www.ndvh.org/> 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY)

Rape, Abuse, & Incest National Network

<http://www.rainn.org/> - 1-800-656-HOPE (4673)

National Stalking Resource Center

<http://www.ncvc.org/src/Main.aspx>

Here are local resources for families in need of services that are not provided by FOC or CPS:

Legal Services

Local Legal Aid:

Self-Help Services

Local parenting classes:

Local counseling resources:

Local domestic violence advocacy program:

Local maternal and infant mental health program:

Local supervised visitation network:

Workgroup Members

Sarah Levinthal
Project Coordinator
Office of Child Support
Department of Human Services

Bonnie Bracken
Children's Protective Services
St. Clair County

Maria Candy
Office of Child Support
Department of Human Services

Katie Cogley
Friend of the Court
St. Clair County

Tim Cole
State Court Administrators Office

Sarah Heuser
Michigan Domestic Violence
Prevention and Treatment Board

Bill Lansat
Governor's Task Force on Children's
Justice

Colleen Nelson
Children's Protective Services
Department of Human Services

Ted Forrest
Children's Protective Services
Department of Human Services

Suzanne Hollyer
Friend of the Court Association

Mary Lovik
Michigan Domestic Violence
Prevention and Treatment Board

Brenda Konieczki
Office of the Children's Ombudsman

Carol Kraklan
Office of Child Support
Department of Human Services

Luther Lovell
Children's Protective Services
Wexford Missaukee Counties

Sue Prine
Friend of the Court
Saginaw County

Tom Robertson
Michigan Prosecuting Attorney's
Association

Luci Stibitz
Field Operations
Department of Human Services

Susan Thorman
Friend of the Court Association

William Weston
Children's Protective Services
Saginaw County

Steve Yager
Office of the Family Advocate
Department of Human Services

HOW TO CHANGE A CUSTODY OR PARENTING TIME COURT ORDER

State of Michigan
Department of Human Services

If you believe your current custody and/or parenting time court order is not in your child's best interest for any reason, including a belief your child is being abused or neglected during custody or parenting time, it is your responsibility to ask the judge to change the court order. It is also your responsibility to file a complaint with the Department of Human Services Children's Protective Services if you believe your child is being abused or neglected (<http://www.michigan.gov/dhs>, Report Abuse Now link or call 1 (800) 942-4357).

NOTE: A parent should not make a report of abuse or neglect for the sole purpose of gaining an advantage in a custody dispute. Making a false report of child abuse is a crime in Michigan and has criminal penalties (MCL 722.633(5)).

Changing a Custody or Parenting Time Court Order

For detailed self-help information, go to www.courts.michigan.gov/scao/selfhelp/family/custody_help.htm.

Parents may ask the court to change the custody or parenting time order by filing a motion with the court. Parents may have an attorney file the motion for them or file the motion on their own. Parents should check with the friend of court (FOC) office serving the county where their current custody or parenting time court order was signed to obtain local forms, instructions and local rules and practices.

A parent will be required to pay a fee when filing a motion unless that parent asks the court to waive the fee and the court determines a parent is indigent. To request fees be waived, a parent must complete form MC-20 (<http://courts.michigan.gov/scao/courtforms/general/mc20.pdf>).

A parent who files a motion without an attorney is required to follow the same court rules that attorneys are required to follow. Because there are many complex issues in custody or parenting time hearings, most people decide to have an attorney represent them. Although the FOC will provide motion forms, the FOC **cannot** actually file a motion for a parent. The FOC cannot provide a parent with an attorney or give the parent legal advice about what to say in the motion.

Ex Parte Orders

An ex parte order is a court order issued in emergency situations. Either parent may file an affidavit or verified pleading with the court for an ex parte order to respond to an emergency situation when there is serious risk of harm to a child that could occur before a hearing is held to decide custody or parenting time. If the court grants a parent an ex parte order, the other parent will have an opportunity to object and request a hearing before a judge or referee.

Because there are many legal requirements for obtaining an ex parte order and many courts are reluctant to enter an ex parte order without substantial proof of harm, a parent may want to seek the assistance of an attorney. Parents should check with the friend of court office serving the county where the current custody or parenting time court order was signed to obtain information about local rules or practices.

Legal Resources

State Bar of Michigan Lawyer Referral:
<http://www.michbar.org/programs/lawyerreferral.cfm>
1 (800) 968-0738

Michigan Legal Aid Organization:
<http://www.michiganlegalaid.org>