

# Legislative Analysis

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## IDENTIFICATION OF CPS WORKERS

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**House Bill 5589 as enrolled**  
**Public Act 195 of 2004**  
**Sponsor: Rep. Fulton Sheen**

**House Committee: Family and Children Services**  
**Senate Committee: Judiciary**  
**Second Analysis (7-30-04)**

**BRIEF SUMMARY:** The bill would require child protective service workers to identify themselves and disclose the existence of a child abuse allegation when they contact individuals against whom allegations have been made.

**FISCAL IMPACT:** It appears that the legislation would have no fiscal impact.

### **THE APPARENT PROBLEM:**

In many instances, child protective services (CPS) workers from the Family Independence Agency do not explicitly state their identity and the reasons why they are talking with an individual when they investigate allegations of child abuse. This is troublesome, say critics, because then parents aren't fully aware during their discussion with a CPS worker of any allegation of child abuse made against them. This situation leaves many unable to refute allegations, even those allegations that are based, for example, on spurious claims by an angry former spouse. Moreover, there is anecdotal evidence that many parents have had their children removed from their homes without ever knowing the nature of the allegation. Legislation has been introduced that would require CPS workers to identify themselves when investigating allegations of child abuse.

### **THE CONTENT OF THE BILL:**

The bill would amend the Child Protection Law to specify that at the time an FIA investigator contacts an individual about whom a report of child abuse has been made or contacts an individual responsible for the health and welfare of a child who is the subject of a child abuse report, the investigator would state his or her name, whom he or she is representing, and the specific complaints or allegations made against that individual. The FIA would be required to ensure that its policies, procedures, and administrative rules comply with the CPL.

In addition, all FIA employees involved in investigating child abuse or neglect cases would have to be trained in the legal duties to protect the state and federal constitutional and statutory rights of children and families at the time of the initial contact through the time services are provided.

MCL 722.628

***ARGUMENTS:***

***For:***

This bill puts in statute what is generally FIA training and policy regarding CPS workers. When CPS workers do not openly identify themselves or indicate the purpose and nature of the discussions with a person named in a child abuse report or a person responsible for the well-being of a child who is the subject of a child abuse report, they invariably undermine their investigation, as these individuals cannot properly defend themselves against an allegation. Moreover a person accused of child abuse should be afforded the basic (and constitutional) right to be informed of the nature and cause of any allegation.

***Response:***

There is some concern that requiring upfront notification in all instances can make certain hostile situations even more hostile. It is not always helpful in cases of child abuse allegations for a CPS worker to approach an alleged abuser and flatly state he or she is here to investigate an allegation of abuse. Rather, CPS workers often engage alleged abusers in a more indirect way so as to ascertain the circumstances of the home life and other possible reasons for the allegation, without directly confronting the allegation.

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