



STATE OF MICHIGAN

DEPARTMENT OF HUMAN SERVICES
LANSING

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February 26, 2013

The Honorable Bruce Caswell, Chair
Senate Appropriations Subcommittee on DHS
Michigan State Senate
Lansing, Michigan 48933

The Honorable Peter MacGregor, Chair
House Appropriations Subcommittee on DHS
Michigan House of Representatives
Lansing, Michigan 48933

Dear Senator Caswell and Representative MacGregor:

This report is provided pursuant to PA 200 of 2012, Section 517 of the Department of Human Services (DHS) Fiscal Year 2013 Appropriations Act. This section requires that DHS submit a report on the findings of a work group convened to explore the feasibility of implementing a dual-track child protective services pilot program and to determine whether the state's definition of child abuse should be amended.

The work group assembled on January 28, 2013, and February 20, 2013. The workgroup included representatives from both the legislature and DHS Children's Services Administration. The work group established the following tasks:

- Determine if Michigan's definition of abuse was outdated, and how it compared to other states.
- An evaluation of whether corporal punishment should be included in the definition of abuse.
- Assess whether corporal punishment complaints should be investigated on a separate track (dual-track/differential response).
- Conduct a review of available research to determine the impact of dual-track response in addressing issues of racial disparity and out-of-home placement rates for minorities compared to non-minorities.
- Research evidence of whether a dual-track response resulted in improved safety and well-being of minority children.

I. Definitions of Abuse:

1. The federal Children's Bureau Child Welfare Information Gateway was utilized to review the definition of child abuse for all of the states and United States (U.S) territories.
2. According to the Children's Bureau, "physical abuse is generally defined as any non-accidental physical injury to the child" and can include striking, kicking, burning, biting of a child, or any action that results in a physical impairment of the child. In approximately 38 states, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands, the definition of abuse also includes, "acts or circumstances that threaten the child with harm or create a substantial risk of harm to the child's health or welfare."
3. This statutory review confirmed that Michigan's definition of abuse is not outdated, but rather consistent with most other states' definitions.

II. Corporal Punishment in Statute:

The Michigan Child Protection Law does not expressly prohibit the use of corporal punishment of children by their parents/caregivers. At least 16 states and/or territories address forms of corporal punishment within their definitions of abuse. Those definitions vary significantly from state-to-state. Some states/territories confirm abuse when the punishment of a child by his/her parent is egregious or unreasonable. In some states, a reasonable person standard is used to test whether corporal punishment has gone too far and therefore should be classified as abusive.

III. Corporal Punishment and Dual -Track Investigations:

The dual- track approach to Children's Protective Services (CPS) complaints allows CPS to bypass a full investigation and instead assess a family's needs and provide services and support. Although state-to-state there is significant variance in dual-track responses, it is viewed as a more "strength-based approach" to working with families.

The question of whether a dual-track response may be appropriate for corporal punishment complaints was assessed by the work group. A review of dual- track reports and literature was completed through the Children's Bureau State Liaison Listserv.

In some states, complaints alleging corporal punishment are occasionally assigned a dual-track response. However, no state makes a determination to use a dual-track response to complaints based solely on allegations of corporal punishment. Instead, the determination is based upon factors such as type and

severity of alleged maltreatment, previous complaint history, the child's level of vulnerability, and the parents' willingness to participate in services. Dual-track investigations are generally applied in low and moderate risk cases with no immediate safety concerns. Typically, these cases include a family assessment and strength-based services with no formal determination of abuse/neglect.

IV. Impact of Dual-Track Response on Minority Children:

The work group reviewed at least fifteen reports on the efficacy of dual-track response in multiple states in reducing maltreatment rates. In conclusion, there is little or no evidence to support that dual-track response results in a decrease in minority maltreatment rates compared to non-minorities, a reduction in out-of-home placement rates for minorities compared to non-minorities, or an improvement in safety or well-being for minority children.

This review was also expanded to include the impact of dual-track response on non-minority children and revealed that there appears to be no change in out-of-home removal rates and no overall cost savings to the state. Dual-track response does appear to have the greatest impact on poor families. In one study, African American families were substantially more impoverished.

V. Findings:

The work group concluded:

- Michigan's definition of child abuse is consistent with the majority of other states' statutes. However, there is significant variance across states regarding inclusion of corporal punishment in the definition of child abuse. Current Michigan law and policies provide the ability for CPS to protect a child when corporal punishment has gone too far while enabling complaints of harmless parental discipline to be rejected.
- Michigan's ability to balance child protection with parental autonomy to discipline would not be enhanced by expressly incorporating corporal punishment into Michigan law.
- Dual-track response is dependent upon a number of factors including, but not limited to: severity of abuse/neglect, previous complaint history and the parent's willingness to work with services. No existing dual-track response program appears to be utilized solely for one type of complaint such as corporal punishment.
- Dual-track response has the greatest impact on poor families by enhancing the use of community resources.
- Dual-track response does not seem to affect the overall out-of-home placement rates.
- Dual-track response does not generate cost savings for the states/territories that have used it.
- Dual-track response does lead to an increase in family satisfaction and possible long-term stability for the families that have worked with it.

- Michigan DHS utilizes a number of programs designed to meet the needs of families identified to be at risk of abuse and neglect. These programs include, but are not limited to, prevention services, wraparound services, Families Together Building Solutions, and Pathways to Potential.
- Beginning in 2014, the Title IV-E Waiver demonstration project pilot will debut in Kalamazoo, Macomb and Muskegon counties. The project will provide services to those families identified through CPS investigations to be at high or intensive risk for maltreatment and will include an evaluative process to assess outcomes and service efficacy.

VI. Recommendations:

- DHS should continue to assist families identified at greatest need of services to address child safety and to minimize risk.
- As a result of the evaluation of the state's definition of abuse, DHS identified a need to review CPS policy as it relates to the existing definition of injury to a child and determine whether changes are warranted.
- DHS should look for opportunities to expand prevention services that support families prior to the need for CPS intervention.

If you have any questions, please contact Suzanne Stiles Burke, Bureau of Child Welfare director, at (517) 241-8606.

Sincerely,



Susan Kangas
Chief Financial Officer

cc: Senate and House Appropriations Committees
Senate and House Fiscal Agencies
Senate and House Policy Offices
Senate and House Standing Committees on Families and Children