

MDHHS Redaction Unit Tribal Protocol 2022



How to Request

- Tribes may request CPS records in any format.
- Verbally
- MDHHS-5598 form
- Email
- Fax
- Written

• DHHS-Redaction-Unit@michigan.gov



County Sends Directly

- Tribes are entitled to immediately receive the following documents from the county:
- Reason for service which identifies the complaint date, case name, etc.
- Member household information.
- Allegation comments.
- Safety comments.
- Supervisor complaint action comments.
- Complaint action override comments.

• CI 21-002



Request Timeframe

- Local counties must forward all requests utilizing the CPS Record Request Form to the Redaction Unit (RU) mailbox within **1 business day** of receipt from a tribe.

• DHHS-Redaction-Unit@michigan.gov



RU Receipt Process

- Request for CPS record is received within the RU mailbox.
- Requests are assigned within **1 business day**.
- Response time to tribe is within **10 business days**.



Case not Found in MISACWIS

- County must immediately determine if request information is in MISACWIS.
- If information is not in MISACWIS the county must inform the RU immediately.
- If the county did not provide case information, RU manager will contact the county director to assist with timely receipt of documents.

• PSM 717-4, 717-5, 717-6



Case Review

- RU Tech will refer to SRM 131 policy.
- RU Tech is to assess the requestor's role for the record request and ensure the redaction is completed in accordance with SRM 131.

• SRM 131



Communication

- The RU Tech will communicate any concerns with the request or required clarifications with the tribe.



Request Completion

- RU Tech will complete a coverletter; attach all redacted documents; and forward requested CPS records with cover letter to the tribe.

• SRM 131, 700, PSM 717-4, 717-5, 717-6,



How to Determine Exceptions

- For more see detailed explanations included in the *CLSD Redaction Unit Tribal Request for CPS Information Training PowerPoint, Redaction Chart, and SRM 131*.
- CLSD may be contacted on a case-by-case basis for clarification.

• SRM 131



Section (a)

- Tribe requests record selecting Section (a) on form.
- Tribe is investigating C/AN solo.
- MDHHS is investigating C/AN and tribe is collaborating/assisting with investigating.

• NAA 200, 205, 210, 225, & 233



Section (d)

- Tribe requests record selecting (d) on the form.
- Tribal agency that is authorized to place an alleged Indian child victim of C/AN requests record to determine removal and/or placement of child into protective custody.

• SRM 131 & 700, PSM 717-4, 717-5, 717-6, NAA 233, & Federal Register ICWA Designated Tribal Agent List and Michigan



Section (e)

- Agency/Person - Tribe is/has been providing services to a child or family.
- Multidisciplinary Case Consultation Team, Person Responsible for the Child / Active Efforts - MDHHS investigating C/AN. - Alleged C/AN victim is a verified "Indian child."

• Note: MDHHS must perform active efforts, which creates a Multidisciplinary Team by default.



Section (x)

- CPS record requested is that of a verified "Indian Child."

• SRM 131 & 700, PSM 717-4, 717-5, 717-6, NAA 200, 205, 210, NAA 210 & 233

*See Tribal Redaction Chart for Items Redacted in a Tribal CPS Record Request.

Frequently Asked Questions (FAQS)

1. What information does the Redaction Unit (RU) provide?

- a. The RU is responsible for processing Children's Protective Services (CPS) records, the Initial Service Plan (ISP) and Updated Service Plan (USP), for public utilization pursuant to Child Protection Law (CPL) only. All other records must be requested at the local office and routed to the appropriate MDHHS units responsible for information releases.

2. Where do I request Centralized Intake (CI) Record Information?

- a. When CI transfers a case to tribal jurisdiction: Tribes should receive CI complaint information with any CI transfer to a tribe.
- b. When a tribe receives a MDHHS-5598 form: Tribes may contact the caseworker or RU to request this information in any format (verbal, email, MDHHS-5598 form submission, fax, or regular mail).
- c. When a tribe is investigating a CPS case: Tribes may submit a request for CPS record information under MCL 722.627(a) in any format to the local county or directly to the RU.

3. How do I request Foster Care records?

- a. If a tribe has intervened in a current ICWA/MIFPA case under the jurisdiction of a state court, a tribe is entitled to all the documents filed with the court and may request the documents through **either** the agency or the court. Note: MDHHS **must** provide a tribe that has formally intervened any report that is being provided to the court in the same form; for example, if information in the report provided to the court is not redacted, do not redact the report provided to the tribe.
- b. If a tribe has a tribal family under the jurisdiction of tribal court and tribal agency and is seeking any state court or state agency records, the tribal representative should contact the county court clerk to review any public foster care files at the court.
- c. If a tribe has a tribal family under the jurisdiction of tribal court and the tribal agency is seeking state foster care records for a closed state child abuse and neglect case, the tribe should provide a court order for release of foster care records to the local county.

CPL EXCEPTIONS – REDACTION CHART

Information	Exception MCL 722.627(2)				
	Child Protective Agency Investigating CA/N (a)	Agency/Person Authorized to Place a Child (d)	Agency/Person Providing Services to Child or Family (e)	Multidisciplinary Case Consultation Team, Person Responsible for Child – Active Efforts (e)	Indian Child’s Tribe (x)
Part 2 Substance Abuse Treatment Program Records (42 CFR Part 2)	X	X	X	X	X
Social Security Number (MCL 445.82-85)	X	X	X	X	X
LEIN Information MCL 28.215(5)	X	X	X	X	X
Open Law Enforcement Record MCL 722.627(8)	X	X	X	X	X
Reporting Source MCL 722.625		X	X	X	X
CPS Records of non-victim or non-perp.		X	If tribe is providing services to the person and the record is of that person as an alleged victim or perp.	X	X
CPS Records of alleged perp or victim (where alleged perp or victim is a perp or victim)		When record is necessary to determine removal or placement	X	Only for alleged victim or alleged perp.	Only for alleged victim, alleged perp.-parent, or alleged perp.-Indian custodian
Self-Reported information					
Lawfully Observed Information					
Information Reported by Child					
Public Criminal History					
Closed Law Enforcement Reports or Convictions					
Newborn Drug Screen Results from Hospital Maternity Ward or Lab					
Drug Screens Completed by MDHHS					

X and Blue Highlights = Information to be redacted.
 Blank cells = Information not redacted.