



MiPSAC

Newsletter of the Michigan Professional Society on the Abuse of Children, Inc., the Michigan Chapter of APSAC.

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PRESIDENT'S CORNER: THE CURRENT STATE OF MiPSAC

By Charles Enright, JD MSW



The Michigan Professional Society on the Abuse of Children (MiPSAC) is the state chapter affiliate of the American Professional society on the Abuse of Children (APSAC). MiPSAC was formed in 1996 by several committed professionals from a variety of disciplines that accepted the challenge of improving Michigan's response to child maltreatment. Since its formation, MiPSAC has continued to strive for improved methods of responding to child maltreatment, to foster networking, to be an information resource for the media, legislators, and policymakers, and to sponsor quality training for Michigan professionals involved with child maltreatment.

The MiPSAC Newsletter, edited by Vince Palusci and Leni Cowling and the Child Abuse Listserv hosted by Steve Ondersma have been excellent mechanisms to increase communication and foster networking among Michigan professionals involved with child maltreatment and are benefits of MiPSAC membership. MiPSAC also collaborates with the University of Michigan Medical School in sponsoring a speaker at the annual Michigan Statewide Conference on Child Abuse and Neglect in Ypsilanti. This involves monetary as well as planning support.

MiPSAC strives to strengthen ties with other organizations involved with child maltreatment. Nancy Skula's, active participation in Board meetings and as guest co-editor of April-September, 2004 issue of the MiPSAC Newsletter is one outcome of this effort. She was/is Chairperson of the Michigan Chapter of the National Children's Alliance. There is talent and experience in these other groups working to ameliorate CAN, and collectively we could be a powerful voice for Michigan's children.

While each of us contributes to the cause individually, we have also striven collectively to define an organizational strategy. We started by using a SWOT analysis of MiPSAC. That is Strengths, Weaknesses, Opportunities and Threats. From that it became clear that while we have an enormous amount of passion and expertise, we don't have significant financial resources or the organizational clout to do what we would like.

We have considered a web page for posting the Newsletter for all to see rather than just members. We have considered a speakers bureau utilizing speakers from our ranks and as a clearinghouse for other experts. Neither of these has been fully implemented yet. We will continue to develop a strategic plan to leverage our collective strengths while recognizing our limits and I will try real hard not to spawn a Dilbert cartoon in the process. What can we realistically do, given the resources we have?

I look forward to presiding over MiPSAC Board meetings this coming year and getting together with others who are passionate about seeing that everyone affected by child maltreatment receives the best possible professional response.

"Do all you can, with what you have, in the time you have, in the place you are." (Xolani) Nkosi Johnson, February 4, 1989 – June 1, 2001

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MiPSAC ANNOUNCEMENTS & UPCOMING MEETINGS



MiPSAC Board Meeting

SPECIAL MEETING: Strategic Planning 10am-12N

...to develop a strategic plan for 2005-2008

Board of Directors Meeting, 12N – 2pm

April 29, 2005

(2nd Friday, even months, 12 noon – 2 PM)

Michigan Children's Ombudsman's Office, Lansing
Harmonm@michigan.gov

NCA National Symposium on Child Abuse

March 8 – 11, 2005, Huntsville, Alabama

NCA.org

15th National Conference on Child Abuse & Neglect:

Supporting Promising Practices and Positive Outcomes,
a Shared Responsibility, April 13-23, 2005. Boston, MA

11th Annual FIA Physicians' Medical Conference

May 24-25, 2004, Frankenmuth, MI

VitaD@michigan.gov

MiPSAC's Goals

- To bring together professionals working in the area of child maltreatment
- To foster networking
- To be an information resource
- To sponsor quality training

Michigan Professional Society on the Abuse of Children, Inc.

2005 MiPSAC Board of Directors

President: Charles Enright, JD, MSW, Midland,
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*MiPSAC was founded in 1995 and incorporated in 1996 as
the Michigan non-profit 501(C)3 state chapter of APSAC.
The comments expressed in this newsletter reflect the views
of the author(s) and do not necessarily represent the views
of MiPSAC or the American Professional Association on the
Abuse of Children (APSAC).*

Join the MiPSAC member email listserv

(sponsored by Wayne State University)

by contacting Vince Palusci at

Vincent.Palusci@Spectrum-Health.org

or leave a message for MiPSAC at (616) 391-2297

Adoption Law Changes

By Carol A. Siemon, JD
Michigan Office of the Children's Ombudsman
Lansing, MI

A convoluted and highly publicized termination of parental rights and adoption case in 2002-2003 was the primary impetus for a series of adoption bills clarifying adoption procedures that took effect December 28, 2004. The case involved the termination of parental rights in one county, the children's adoption by the foster parents in a second county, and, in a third county, a separate petition for adoption and challenge to the Michigan Children's Institute (MCI) superintendent's consent to adopt.

House Bill 6008, 2004 PA 486, amended section 45 of the Adoption Code (MCL 710.45) to require that when more than one applicant is seeking adoption of a particular child, each applicant must file the petition for adoption in the county where the parents' parental rights were terminated. Previous law provided for the applicant to file an adoption petition in the county of the applicant's residence. The amended section 45 also requires the court to provide notice to all interested parties, including the applicant who received the MCI superintendent's consent to adopt, of a motion brought under that section challenging the MCI superintendent's consent to adopt decision.

House Bill 6009, 2004 PA 470, amended sections 3 and 9 of 1935 PA 220 (MCL 400.203 and 400.209) to update obsolete references and, more importantly, to specify that the MCI superintendent (and not the FIA director or other individual) has the power to make decision on behalf of a child committed to the MCI. Additionally, the new language specifies that the attorney general's office shall represent the MCI superintendent in any court proceeding in which the superintendent considers representation necessary to carry out his or her duties. This new provision clarifies that it is the MCI superintendent's right to be represented and that the representation decision is not made by the FIA director.

House Bill 6010, 2004 PA 487, amended numerous sections of the Adoption Code, however, the most important provisions include:

- Adding definitions of "applicant" and "relative" in section 22 (MCL 710.22).
- Requiring under section 24 (MCL 710.24) that if the prospective adoptive parent and child live out of state, the petition to adopt must be filed in the county where the parents' parental rights were terminated or are pending termination.
- If the petition to adopt is filed in a county other than where the applicant lives or the child is found, the chief judge of the court may transfer jurisdiction of the matter to the county in which the applicant lives or the child is found.
- Specifying in section 56 (MCL 710.56) that a court cannot enter an adoption order until all appeals of the termination of parental rights are resolved.
- Adding a provision in section 56 that precludes the court from entering an adoption order if a hearing under section 45 is pending (to challenge the MCI superintendent's consent to adopt) until the motion under section 45 is decided and all appeals of the court's decision are resolved.

REMINDER!

Please renew your annual membership for APSAC.
You must have APSAC membership to be a member of MiPSAC.
Part of you dues to APSAC pays for MiPSAC membership automatically!

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Grandparent Visitation Legislation

By Carol A. Siemon, JD
Michigan Office of the Children's Ombudsman
Lansing, MI

After the Michigan Supreme Court found the then-existing grandparent visitation provision of the Child Custody Act of 1970 to be unconstitutional, the Legislature passed new legislation to rewrite the provision (MCL 722.27b). While the new law clarifies the rights of "fit"¹ parents to make decisions about who can have visitation with their children, it also expands the circumstances under which a grandparent may seek court-ordered visitation ("grandparenting time").

Grandparenting time may only be ordered in child custody cases and does not apply in child protective proceedings (abuse and neglect cases). A grandparent may seek grandparenting time if one or more of the following apply:

- The child's parents are divorced, or a divorce, legal separation, or annulment is pending.
- The child's parent is deceased and the parent was a child of the grandparent seeking grandparenting time.
- The child's parents have never been married and are not living together, but the father's paternity has been established.
- The child is placed outside the home or the legal custody of the child is with someone other than a parent (except if the child was adopted by someone other than a stepparent).
- Within a year before seeking grandparenting time, the grandparent provided an "established custodial environment" for the child.

Section 7b of the Child Custody Act of 1970 now provides that the court must give deference to the decisions of fit parents and further provides that a grandparent must prove by a preponderance of the evidence that the parent's decision to deny grandparenting time creates a substantial risk of harm to the child's mental, physical, or emotional health.

Section 7b also states that if two fit parents both oppose grandparenting time, the court shall dismiss the grandparenting time request. Subsection 7b(6) further provides a list of factors for the court to consider in determining whether or not it's in the child's best interests to enter an order for grandparenting time.

In an unusual move to break the impasse between the house-passed and senate-passed versions of the legislation, the final version includes a provision for the higher burden of proof of clear and convincing evidence to replace the preponderance of evidence burden of proof if an appellate court finds that the preponderance of evidence burden of proof unconstitutionally deprives parents of their fundamental rights. A court challenge on this issue is very likely.

While some questions about the application of the law remain, it is helpful for the courts and all parties to once again have a specific legal process by which grandparents can seek a court order for grandparenting time and under which a court may render its decision.

¹ A "fit" parent is not defined under this act or elsewhere in Michigan law.

Website resources for information on child maltreatment, local and national organizations, statistics, legislative updates and prevention,

by Rosalynn Bliss

www.apsac.org

www.michiganschildren.org

www.michigan.gov/fia

www.childtrauma.org

www.firststar.org

www.nationalcalltoaction.com

www.preventchildabuse.org

www.cwla.org

www.childrensdefense.org

HOW TO GET INFORMATION ABOUT UPCOMING MICHIGAN LEGISLATION

By Pat Sorenson
Michigan's Children, Lansing, MI

To participate in public policymaking related to children and families, it is important to have access to the basics: timely information about upcoming legislation and any opportunities for public input. There are a variety of avenues for securing information about legislation under consideration by the Michigan Legislature.

The Michigan Legislature Web Site: The Michigan Legislature web site (www.michiganlegislature.org) is a free service of the Michigan Legislative Council, the Michigan House of Representatives and the Michigan Senate. On the site, you can search bills by category (e.g. children), by legislative session, by legislative sponsor(s), by keyword, or by the bill's assigned number. The telephone number for current bill status is 517-373-0630.

Once you have the bill's assigned number, you can track the bill's status on the Michigan Legislature website. Included on the site are the sponsors, a copy of the bill as it was introduced, and as it was subsequently amended and passed by both the House and the Senate. In addition, a history of committee and other legislative actions on the bill is included. Finally, the web site will link you to any analyses of the bill done by the House Legislative Analysis Section (517-373-6466) or the Legislative Analysis Unit of the Senate Fiscal Agency (517-373-5383). These analyses often provide good summaries of the content of the bills and how they change current law, as well as arguments for and against the changes. The Michigan Legislature web site also gives you easy access to the legislative calendar, scheduled committee meetings and agendas, and legislative committee assignments and contact information.

The Legislative Service Bureau: The Legislative Service Bureau maintains the Legislative Document Room that provides legislative staff and the public with paper copies of legislative materials from the current session of the Legislature, including bills introduced, amended versions of bills, conference committee reports, and bill summaries and analyses. The Legislative Document Room can be reached at 517-373-0169 or DocRoom@lsb.state.mi.us.

The House and Senate Fiscal Agencies: Some of the most important legislation addressed by the Michigan Legislature each year is the budget bills that carve up the state's limited resources. The state budget process can be lengthy, complicated and unpredictable. One additional way to track the progress of the budget bills is through the House and Senate Fiscal Agencies. The fiscal agencies are nonpartisan, legislative agencies that assist the Michigan Senate and the Michigan House of Representatives with budget and fiscal matters. Their web sites (<http://senate.michigan.gov/sfa/> and <http://www.house.mi.gov/hfa/home.asp>) include an updated status of each of the major budget bills and budget background briefing materials, budget bill analyses and links.

Non-Governmental Sources of Legislative Information: There are numerous non-governmental sources of information about pending legislation, often available for a fee. Examples include:

- *The Gongwer News Service and the Michigan Information & Research Services's (MIRS) Legislative Report.* Both Gongwer and MIRS are published daily (Monday through Friday). In addition to general bill status information, they include behind-the-scenes political reporting, quotations from legislators and lobbyists made during legislative debates. Gongwer (www.gongwer.com) has services for the public, as well as subscribers including legislative calendars, directories of officials and links to important state government sites.
- *Advocacy Organizations.* Many advocacy organizations track legislation related to the issues they are addressing. One good example is Michigan's Children, a statewide child advocacy organization. Michigan's Children (www.michiganschildren.org) maintains a legislative bulletin board and bill status service that tracks legislation introduced in Michigan that affects children and families in a range of areas including child abuse and neglect, poverty, youth violence, child health, education, prevention, child care and early education, youth development and the state budget. The Michigan's Children web site also includes information about upcoming legislative meetings, and legislative contact information. Users can sign up for Michigan's Children weekly e-bulletin that alerts them to new information added to the web site. Other advocacy organizations to connect with include Children's Charter of the Courts of Michigan (www.childcrt.org), BRIDGES for Kids (www.bridges4kids.org), the Michigan Association for Infant Mental Health (<http://mi-aimh.msu.edu/intro/index.html>), and the Michigan Federation for Children and Families (<http://www.michfed.org>).

New Federal Requirement for Referral to Early Intervention

By Lynne Martinez
Michigan's Children's Ombudsman

In 2003, the US Congress amended the Child Abuse Prevention and Treatment Act (CAPTA). The Keeping Children and Families Safe Act of 2003 amends and extends CAPTA's original goal of child safety to focus more on child well-being and permanency. Among its provisions, the law requires states to establish referral mechanisms to the State Early Intervention Program (EIP) for children under age three involved in substantiated abuse and neglect cases. Michigan's EIP is "Early On."

This referral requirement opens the door to an assessment and an array of services for children under age three involved in substantiated cases of abuse or neglect and the families who care for them. Additionally, the referral provides child welfare advocates and courts with a tool for permanency planning and decision making. The EIP referral requirement responds to national indicators that are drawing attention to young children's needs, including:

- data revealing that most children in the child welfare system are very young, have high rates of developmental delay and disability, and are often not linked to the EIP
- standards by the American Academy of Pediatrics that recommend that children in foster care receive a developmental evaluation as early as possible
- recommendations of the National Institute of Medicine that all children under age three in the protective services system should be referred to the EIP
- scientific evidence that early intervention can reduce the harm caused by abuse or neglect
- trends in child welfare law to focus on children's well-being and permanency

The Early Intervention Program

The early intervention law entitles eligible children under age three and their parents to many services including:

- _ physical, occupational, and special therapies
- _ psychological testing
- _ special instruction
- _ adaptive technology devices such as wheelchairs and hearing aids
- _ nursing services
- _ nutrition counseling
- _ transportation
- _ family support services

The early intervention law also permits biological, adoptive, and foster parents to receive family support services, including training, counseling, support groups, home visits and special instruction to enhance their child's development. The regulations allow states to provide respite care—a critical service for those families caring for a child with a disability in or at-risk of entering foster care. If a child is found eligible for the EIP, the child's parent, evaluator, and service coordinator collaboratively develop an individualized family service plan (IFSP) that ensures service providers communicate and collaborate and who can partner with child welfare workers, often relieving their workload.

Referral to the Early Intervention Program

While anyone can make a referral, early intervention law requires states to have a referral mechanism for primary referral sources including hospitals, physicians, and social service providers such as child welfare caseworkers and day care providers. Primary referral sources must make a referral no more than two working days after identifying the child.

Once the Early On Program receives a referral, it must appoint a service coordinator. Within 45 days, the program must help the family obtain a comprehensive, multidisciplinary evaluation of the child's level of functioning and convene a meeting to develop the Individual Family Service Plan.

The referral requirement is critical. Caregivers and caseworkers often do not identify abused or neglected children as having developmental delays and many of these children lack a stable relationship with an adult who can

observe their development over time and advocate on their behalf. Additionally, unlike other children who are referred to the EIP by their pediatrician, abused and neglected children often lack a medical home.

Questions remain for Michigan and other states regarding the best practices to ensure that the Early On Program assessment and services assist caseworkers in meeting the developmental needs of young children. The capacity of the Early On Program to meet the needs of children referred will also need to be closely monitored.

Amendments to State Laws Increase Information Available to the Public about Child Welfare Cases

By Lynne Martinez, Michigan's Children's Ombudsman

Amendments to Michigan's Child Protection Law and Children's Ombudsman Act that were adopted by the Legislature in December 2004 make significant changes to the information that is available to certain individual and members of the public regarding child welfare cases involving Children's Protective Service, Foster Care and Adoption Services.

The Child Protection Law (CPL) was amended to require the Director of the Family Independence Agency (FIA) to release specified information in a child abuse or neglect case in which a child who was a part of the case has died. "Specified information" means information in a children's protective services case record related specifically to the department's actions in responding to a complaint of child abuse or neglect. Director Udow worked closely with the Legislature to craft this amendment to the CPL, believing that the public needs to know what efforts the FIA made to protect the child.

Amendments to the Children's Ombudsman Act made several significant changes. The Ombudsman has new authority to receive complaints from people who are required to report suspected child abuse and neglect and provide them with a report of the Ombudsman's investigation. Another change allows the OCO for the first time to release investigative findings of the OCO to a "statutory complainant". Finally, the amendments allow anyone not listed as a "statutory complainant" to make a complaint to the OCO, and allows the OCO to provide some information regarding our investigation of the complaint.

The OCO is an independent state agency with authority to receive complaints from specified people, and to investigate cases handled by the Family Independence Agency (FIA), adoption agencies, and private child-placing agencies. It was created by the legislature in 1994 (1) "*as a means of monitoring and ensuring [public and private agency] compliance with relevant statutes, rules, and policies pertaining to children's protective services and the placement, supervision, and treatment of children in foster care and adoptive homes.*" The names of complainants to the OCO are confidential and all materials provided to and created by the OCO as the result of an investigation are confidential. The records of the OCO are not subject to subpoena and are exempt from the Michigan Freedom of Information Act.

Under Michigan's Child Protection Law, mandated reporters are required to make a report to the Family Independence Agency if they have reasonable cause to suspect child abuse and neglect.(2) In the past, it has often been frustrating that little information was available to the reporting person about the actions that FIA may have taken in response to a report of child abuse or neglect. Previously, if a mandated reporter called the OCO, an investigation could only be opened listing the Ombudsman as the complainant and the mandatory reporter could not receive a report of the Ombudsman's investigation. The amendments to the Children's Ombudsman Act allow the Ombudsman to provide a report of the OCO investigation to a mandated reporter who submits a complaint. This change is a welcome opportunity for greater partnership between the OCO and mandated reporters, who are often providing services to children and their families.

Amendments to the Children's Ombudsman act also changed the information that may be provided in a report to the complainant after an investigation has been completed. Previously, the OCO could provide a complainant with a report of the actions taken by the OCO and the involved agency, the recommendations made by the OCO to the agency and the agency's response. Under the amended act, the OCO may release its findings to statutory complainants as listed in the act, as well as the recommendations, agency response, and actions taken by the OCO and the involved agency.

Finally, the amendments to the Act allow any individual to submit a complaint to the Ombudsman and specifies that the individual is entitled to receive the recommendations of the Ombudsman and the FIA response to the recommendations in accordance with state and federal laws governing confidentiality and other issues.

State and federal law place various restrictions on the information that may be released to an individual, dependent on their relationship to the child involved and other factors. All of these restrictions will be considered by the Ombudsman, the FIA and private child placing agencies as reports of investigated complaints are created.

To receive more information about the role of the Children's Ombudsman or to file a complaint with the OCO, please contact: Office of Children's Ombudsman, PO Box 30026, Lansing, Michigan 48909, phone: 517 / 373-3077, toll free: 800 / 642-4326, fax 517 / 335-4471, www.michigan.gov, or e-mail childombud@michigan.gov.

¹ The Children's Ombudsman Act, 1994 PA 204 (MCL 722.921-722.934)

² Mandated reporters, as defined in Michigan's Child Protection Law Section 3 (MCL 722.623), include: "a physician, dentist, physician's assistant, registered dental hygienist, medical examiner, nurse, person licensed to provide emergency medical care, audiologist, psychologist, marriage and family therapist, licensed professional counselor, certified social worker, social worker, social work technician, school administrator, school counselor or teacher, law enforcement officer, member of the clergy, or regulated child care provider who has reasonable cause to suspect child abuse or neglect."

³The author wishes to acknowledge the contribution of Steve Yager for this article- Ed

Book Report: "'Huck's Raft" - A History of American Childhood' by Steven Mintz

By Leni Cowling, M.Ed.
Bellaire, MI

I think this book is a "must read" for anyone working with families and children.

Steven Mintz has written the first overview of American childhood which addresses the opposing conflicts that have arisen in the transition from childhood to adulthood. He notes that when the Mayflower left Plymouth, England, on September 15, 1620, the ship had three pregnant women on it, and only one child survived. In colonial New England, childbirth was very difficult and usually life threatening due to dehydration, infection, hemorrhage, or convulsions. Since the death of infants and children were common, most families experienced the loss of many of their children. Also the epidemics of smallpox, measles, mumps, diphtheria, scarlet fever and whooping cough took many children as happened with the smallpox epidemic in Boston in 1677. The life of a Puritan was also surrounded by religion with a view that play was a sinful waste of time and belonged to Satan. The parents were responsible to teach their children and literacy was religion. Children were rigorously indoctrinated with religious lessons with a strong emphasis on saving the soul spending twelve hours in church on Sabbath. Laws in Massachusetts in 1643 and 1646 specifically charged parents and masters to instill an honest calling on their children, apprentices and slaves. In the early 1700's, children were apprenticed out to learn a trade, as early as seven years of age. And during this time, fathers had total control over property, women and children.

A Puritan childhood is totally alien to 21st century Americans as was an Indian childhood was to the 17th century New Englanders. The Puritans were not nostalgic about childhood and viewed infants as sinners born in sin, basically small adults. In 1753 Benjamin Franklin described the situation in which white English colonist children, either who ran away or were taken captive by Native Americans, refused to return to the white culture, preferring to stay with the Indians. Young Indian children who were brought into the white culture, if a return visit to their native culture happened, refused to come back to the white culture. He goes on through the decades describing how the "system" addressed children in need and talks about the Orphan Trains. (I have a dear friend, 78 years old, who was put on the Orphan train at four years of age. I have a taped interview I did with her as she relates her experiences. It is most revealing.) He discusses the decade of the Sixties and its effect on children. He then includes the new millennium and the influences at the present time.

I think this book addresses how our culture and society provide, or does not provide, for the needs of children. It is imperative that we discuss it as the failure of the Human services to do this is clear. Who said that, "whoever does not understand the past, is doomed to repeat it."? Excellent book, I recommend it.