

The Central Registry: Michigan's Secret Life Sentence

Michigan's Child Protection Law

In 1975, Michigan enacted the Child Protection Law, MCL 722.621, *et seq.* This law requires the Michigan Department of Human Services (“DHS”) maintain a statewide, electronic Central Registry. MCL 722.627(1). The Central Registry is a “system maintained at the DHS that is used to keep a record of all reports filed with the DHS under [the Child Protection Law] in which relevant and accurate evidence of child abuse or neglect is found to exist.” MCL 722.622(c). If the DHS believes that you have committed child abuse or neglect, it will place your name into the Central Registry, *where your name will remain for the rest of your life.* This is important because employers and others can gain access to this information and deny you employment and other privileges based upon the information contained within the Central Registry.

Non-Central Registry Cases

Whether or not your name is registered with the Central Registry depends on how serious DHS believes your case is. The DHS classifies every child protection investigation according to a 5-category classification system with Category V being the least serious and Category I being the most serious. MCL 722.628d(1). Category V and IV cases are non-central registry cases, which means that the DHS will not place your name into the Central Registry. Category III cases may result in your name being into the Central Registry if you refuse to participate in family services or do participate but show no progress towards removing the risk that is posed to the child. Category V, IV, and III cases are also known as “unsubstantiated” cases. MCL 722.622(aa).

Category V Cases

In order for a child abuse investigation case to be classified as a Category V case, the DHS must determine following a field investigation that there is no evidence of child abuse or neglect. In such cases, no services for the family are needed. MCL 722.628d(1)(a).

Category IV Cases

For a child abuse investigation case to be classified as a Category IV case, the DHS must determine following a field investigation that it is more likely than not that no child abuse or neglect occurred but there nevertheless is future risk of harm to the child. In such cases, the DHS must assist the child's family in voluntarily participating in community-based services. MCL 722.628d(1)(b).

Category III Cases

In order for a child abuse investigation case to be classified as a Category III case, the DHS must find that it is more likely than not that no child abuse or neglect occurred and there is a low or moderate risk of future harm to the child. In such cases, the DHS must assist the child's family in voluntarily participating in community-based services. Participation is crucial because if you refuse to participate or participate but do not progress towards alleviating the risk to your child, then the DHS must consider reclassifying the case as category II central registry case. MCL 722.628d(1)(c).

Central Registry Cases

Category II and I child abuse investigation cases are the most serious and are considered Central Registry cases, which means that the DHS will place your name into the Central Registry *where your name will remain for the rest of your life*. Category II and I cases are also known as “central registry cases” or “substantiated” cases. MCL 722.622(d); MCL 722.622(bb).

Category II Cases

To be classified as a Category II Central Registry case, the DHS must determine that there is evidence of child abuse or neglect and that there remains a high or intensive risk of future harm to the child. In such cases, the DHS must open a protective services case, provide services that it deems necessary, and list the person accused of the abuse or neglect in the Central Registry. MCL 722.628d(1)(d).

Category I Cases

Finally, to be classified as a Category I category Central Registry case, DHS must determine that there is evidence of child abuse or neglect *and* at least one of the following applies: (1) a court petition is required under the Child Protection Law, (2) the child is not safe and a petition for removal is needed, (3) the DHS previously classified the case as category II and the child’s family does not voluntarily participate in services, *or* (4) there is a violation, involving the child, of a crime listed or described in MCL 722.628a(1)(b), (c), (d), or (f) or of child abuse in the first or second degree as proscribed by MCL 750.136b. MCL 722.628d.

Whether the DHS classifies a case as Category I or as Category II, it must find “relevant and accurate evidence of child abuse or neglect. . .” MCL 722.622(c). “‘Relevant evidence’ means evidence having a tendency to make the existence of a fact that is at issue more probable than it would be without the evidence.” MCL 722.622(v). “‘Child abuse’ means harm or threatened harm to a child’s health or welfare that occurs through nonaccidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment, by a parent, a legal guardian, or any other person responsible for the child’s health or welfare or by a teacher, a teacher’s aide, or a member of the clergy.” MCL 722.622(f). “Child neglect” means harm or threatened harm to a child’s health or welfare that occurs through negligent treatment (failing to provide adequate food, clothing, shelter, or medical care) or by placing a child at an unreasonable risk to the child’s health or welfare by failing to intervene to eliminate the risk when the person is able to do so and has, or should have, knowledge of the risk. MCL 722.622(j)(i)-(ii).

If evidence of abuse or neglect exists, the DHA must maintain the information in the Central Registry until it “receives reliable information that the perpetrator of the abuse or neglect is dead.” MCL 722.627(7). This means that unless you challenge the DHS placing your name into the Central Registry, it will remain there at least until you die and even longer.

You Can Protect Your Rights

If DHS classifies a report of suspected child abuse or neglect as a Central Registry case, within 30 days it must place information into the Central Registry and notify the person that they have been identified as a perpetrator of child abuse or neglect. MCL 722.627(4). The person may request DHS to amend an inaccurate report or record from the Central Registry and local office file or to expunge a report or record in which no relevant and accurate evidence of abuse or neglect exists. MCL 722.627(5).

If DHS refuses to amend or expunge the report of child abuse or neglect or otherwise fails to act within 30 days after receiving the request, it must hold a hearing to determine whether it is more likely than not that the report should be amended or expunged from the Central Registry on the grounds that it is not relevant or accurate evidence of child abuse or neglect. MCL 722.627(6). A person has additional rights at this hearing pursuant to Michigan Administrative Procedures Act, MCL 24.201, *et seq.*

If your name has been placed in the Central Registry as a perpetrator of child abuse or neglect, you may be able to have your name expunged. For further information regarding your right to have your name expunged from the Central Registry, contact our office for your free consultation.

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