Child Protective Services (CPS) receives report of abuse or neglect. Does it involve very serious claims such as sexual abuse or severe physical injury?

YES → CPS refers the case to the police.

NO → Is the complaint reasonable? CPS can reject a complaint as unreasonable if:

- already investigated
- unfounded after contact with reliable source with first hand info
- allegations not abuse/neglect
- vague/insufficient, can't establish any basis in fact
- and more.

NO → Complaint is rejected within 24 hours.

YES → CPS opens an investigation within 24 hours. Is the child in immediate danger?

NO → CPS must complete the investigation within 30 days. It will rank the case Category I-IV. Categories I and II are the most serious. Names of Respondents in these cases will be added to the Child Abuse and Neglect Central Registry. What category did CPS rank the case?

YES → CPS (with a court order) or the police may remove a child from their home during the investigation.

→ The child will go to the other parent, foster care, or other temporary shelter. CPS will file a petition with the court. This starts a child protective proceeding. The preliminary hearing must be held within 24 hours of removal

III or IV → CPS will require or recommend community services. If the family does not cooperate CPS can change the ranking.

II → CPS will open a protective services case and provide services to the family. If the family does not cooperate with services, CPS can change the ranking to Category I.

I → CPS must start a court case

CPS files a petition to start a child protective proceeding in court. The judge will appoint a lawyer-guardian ad litem to represent the child, and an attorney for any parent named as a Respondent.

In a court case related to a Child Protective Services (CPS) investigation, parents who are accused of abuse or neglect have the right to a free lawyer if they can't afford one.

Was the child already removed from the home? If not, does the petition include a request to remove the child from their home?

YES → A **preliminary hearing** will be held. Did the judge find probable cause that one or more of the abuse/neglect claims are true?

YES → The judge or referee will authorize the petition.The judge may decide to (1) release the child to a non-offending parent, guardian, or legal custodian w/conditions to keep child safe, or (2) order placement of the child with a relative or foster care.

Was the child placed with one of their parents, or with someone who is not a parent?

Parent → A trial must be held within 6 months, unless a plea was entered

Nonparent → A trial must be held within 63 days, unless a plea was entered.

NO → Petition dismissed. If the child was removed, they will be returned home. Family may be referred for services. Names added to the Central Registry will be removed.

NO → The judge or referee may hold a **preliminary inquiry**. Did the judge find that the abuse and neglect claims are true?

NO → Petition dismissed. If the child was removed, they will be returned home. Family may be referred for services. Names added to the Central Registry will be removed.

YES → Family may be referred for services. The judge or referee may authorize the petition. If the petition is authorized, a trial must be held within 6 months.

→ A **trial** will be held. At trial, did the judge/jury decide the child was abused or neglected?

NO → Petition dismissed. If the child was removed, they will be returned home. Family may be referred for services. Names added to the Central Registry will be removed.

YES → The first **dispositional hearing** should be held within 28 days after the trial ends, if the child was removed from parent's home. Periodic review hearings will continue to occur whether or not the child was removed, as long as the court retains jurisdiction.

At the **dispositional hearing** the Judge may:

- Dismiss the petition
- Order in-home services
- Appoint a guardian
- Place the child in foster care
- Order child support
- Terminate parental rights, but only if MDHHS asked for termination of parental rights at this stage. Termination at this stage is rare, and is reserved for very serious abuse and neglect.

→ A **permanency planning hearing** must be held one year after the petition was filed, and then once per year after that as long as the child is a ward of the court. At the permanency planning hearing, did the judge order MDHHS to file a petition to terminate parental rights?

NO → The judge may:

- Return the child home
- Order permanent guardianship
- Place the child with a relative
- Order some other permanent resolution when none of the above are available

YES → There will be a hearing held on whether or not to terminate parental rights. Both the parents and MDHHS have the right to present evidence.