

PROCEDURE MANUAL

07-05



MICHIGAN STATE POLICE

Investigating Incidents Involving Juveniles, Child Abuse and Missing Juveniles

Purpose: This manual provides procedure to properly investigate incidents involving juveniles when there have been violations of criminal laws, civil offenses in which the state is a party, or the probate code, as well as the responsibilities for the juvenile areas outlined below.

Effective Date: April 19, 2022

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Definitions:

None

Section 1: Investigating Child Abuse/Neglect and Missing Children

1.1 Investigating Child Abuse/Neglect

- a. In all matters brought to the attention of the department concerning abuse, abandonment, or neglect of minor children, the enforcement member shall conduct a complete investigation.
- b. Enforcement members shall take appropriate measures to ensure the safety of the child, MDHHS worker, or any person involved in the investigation of child abuse/neglect incidents.
- c. Removal of Children from the Home
 - i. There are some instances when it will be necessary to remove children from the home; it shall be done only by order of the family division of circuit court, except when the life or health of a child is in danger.
 - ii. Regardless of whether a child is removed from their home, enforcement members shall also ensure that an abused child receives necessary medical attention whenever the health or welfare of the child is endangered.
- d. In child abuse and neglect investigations, enforcement members shall satisfy the legal obligations to conduct a criminal investigation and, as such, the findings of the investigation shall be submitted to the prosecutor.
- e. Child Protection Law, [MCL 722.621-722.636](#)
 - i. Investigating enforcement members shall cooperate with the MDHHS when conducting investigations under authority of the Child Protection Law.
 1. Whenever possible, the investigating enforcement member shall respond to the initial report of suspected child abuse or neglect situation accompanied by a protective service worker from the local Michigan Department of Health and Human Services.
 - ii. The Child Protection Law specifies reporting procedures for suspected abuse or neglect cases. The following procedures shall be used to report this type of incident.

1. The investigating enforcement member shall immediately report the incident by telephone or other means to MDHHS Centralized Intake for Abuse and Neglect, 855-444-3911.
2. Within a 72-hour period following receipt of a child abuse or neglect incident, a completed Report of Actual or Suspected Child Abuse or Neglect form, DHS-3200, shall be submitted to Centralized Intake by fax at 616-977-1154 or email at MDHHS-CPS-CIGroup@michigan.gov.
3. If the investigating enforcement member is not the reporting officer, they are not required to submit the Report of Actual or Suspected Child Abuse or Neglect form, DHS-3200. However, when someone other than the investigating enforcement member submits the form, it shall be noted in the incident report.
4. When the enforcement member submits the required form, a copy shall be attached to the work and master file copies of the incident report.
5. [MCL 722.628](#) requires the prosecuting attorney of each county to adopt and implement a standard child abuse and neglect investigation and interview protocol, using the protocol developed by the Governor's Task Force on Child Abuse and Neglect as a model.
 - a) The statute also requires the prosecuting attorney to establish procedures for involving law enforcement officials in the investigation.
 - b) Law enforcement officers investigating suspected child abuse or neglect cases are mandated by the Child Protection Law to follow the [established protocol](#).
 - c) If no protocol has been established, enforcement members must review and have knowledge of the model policy developed by the Governor's Task Force on Child Abuse and Neglect.
 - d) Except in extreme cases, juvenile victims are to be interviewed only by enforcement members who have received the appropriate training in Michigan's Juvenile Forensic Interviewing Protocol.

1.2 Investigating Incidents of Missing Children

- a. Reports of missing children shall be treated as serious incidents and complete investigations shall be conducted.
- b. When conducting a missing child investigation, enforcement members shall:
 - i. Immediately enter the information into LEIN/NCIC (National Crime Information Center) and relay a detailed description of the missing child to their dispatcher for immediate broadcast. The Adam Walsh Child Protection and Safety Act of 2006 requires law enforcement agencies to enter missing individuals under the age of 21 into the LEIN/NCIC missing person files within two hours of receipt of the minimum mandatory fields required for entry.
 - ii. Submit an incident report.

- iii. Complete and submit an Official Missing Person Report, UD-003E.
 - iv. Complete and submit a Missing/Unidentified Person Dental Report according to the requirements in directives regarding missing persons.
 - v. Notify their shift commander, who in turn shall notify the post commander and post detective.
- c. It is recommended that enforcement members conducting a missing child investigation refer to the [“Investigative Checklist for First Responders”](#) as a guide.
- i. Based on the available information, the investigating enforcement member shall determine the type of missing child incident being investigated (e.g., an abduction, a parental kidnapping, a runaway, or a false report intended to conceal some other type of incident, such as a homicide or accidental death).
 - 1. If there is not yet enough information to make an initial determination on the type of incident being investigated, enforcement members should treat the disappearance as an abduction until later information suggests otherwise.
 - ii. Enforcement members should also request investigative assistance or additional personnel at this time, if necessary.
 - iii. Enforcement members should interview the person who made the initial report, as well as the missing child’s family members, friends, associates, neighbors, school officials, teachers, and others known to them in order to gather additional information regarding the possible whereabouts of the missing child.
 - iv. Enforcement members should also gather information on what has already been done to locate the missing child and document these efforts in the incident report.
 - v. Custody status of the missing child shall be verified through court documents issued from the court of jurisdiction in cases where parental abduction is alleged.
 - vi. If the juvenile is not found within 30 days, the investigating enforcement member shall obtain the missing child’s latest medical and dental records, in accordance with [MCL 28.258](#) and NCIC policy, and shall enter the information into the NCIC missing person record via LEIN.
 - vii. Reports involving missing persons shall be completed prior to the end of the responding enforcement member’s tour of duty.
- d. The complainant shall be re-contacted within 24 hours of the original report concerning new information that they received regarding the whereabouts of the missing child.
- i. This shall be followed by periodic follow-up contacts throughout the course of the investigation.
- e. Incident reports involving missing children who have returned home shall not be closed until the subject has been personally interviewed by an enforcement member.
- i. The enforcement member shall document in the incident report the reasons why the child went missing. If further investigation is required because of allegations of abuse or

neglect, the enforcement member shall comply with departmental policy regarding investigations of this nature.

- ii. The enforcement member shall also question the child to determine if the child was a victim of a crime while missing. If the child was victimized, the enforcement member shall conduct an additional investigation into these allegations.

f. School Notification

When a missing child has not returned within 14 days and there is reason to believe the child may be enrolled in a school district in this state, the post commander shall notify the child's last known school district in writing.

- i. The correspondence to the child's school district shall include the following information:
 - 1. Information that the child is reported as missing.
 - 2. The child's name, address, physical description, date of birth, state of birth, and mother's birth name, if known.
 - 3. The date the child was reported missing and the date the child turns 17.
- ii. A copy of the correspondence shall be filed with the master file copy of the incident report.

g. AMBER Alert

- i. The Michigan AMBER Alert Program is a partnership between law enforcement, AMBER Alert partner agencies, and the broadcast media to facilitate the immediate dissemination of information to the public about an abducted and endangered missing child. MCL 28.751, et seq. establishes the Michigan AMBER Alert Program and places the responsibility for the Michigan AMBER Alert system with the Department of State Police.
- ii. The Michigan State Police is the sole agency responsible for reviewing all AMBER Alert requests and determining whether or not an AMBER Alert will be issued. A Michigan AMBER Alert may only be requested by a LEA that is actively investigating a case. If a LEA outside the state of Michigan requests a Michigan AMBER Alert; the same requirements apply.
 - 1. Enforcement members investigating incidents of missing children under the age of 18 shall consider using the Michigan AMBER Alert Program when the disappearance meets the following criteria:
 - a) Law enforcement believes a child under the age of 18 has been abducted and is in imminent danger of serious bodily injury or death.
 - b) There is sufficient information available to disseminate to the public that could assist with the safe recovery of the child and/or the apprehension of the suspect.

2. AMBER Alert cannot be activated for a runaway child or a child who is a victim of parental abduction involved in a civil dispute over custody, unless there is imminent danger of serious bodily injury or death.
 3. An enforcement member requesting AMBER Alert activation must enter the child into the LEIN/NCIC system as an “Endangered Missing Person,” pursuant to [MCL 28.258](#).
 4. The enforcement member requesting an AMBER Alert activation must contact MSP Operations Section and request an AMBER Alert within 24 hours of the child being reported missing.
 5. Activation may only occur outside of 24 hours if the investigating LEA has developed significant and reliable information that the child is still within the immediate area and/or has obtained eyewitness information on the abducted child’s possible location. The enforcement member shall contact MSP Operations Section at 517-241-8000 to speak to the on-duty lieutenant to request an AMBER Alert. All updates on a current AMBER Alert, including its cancellation, shall be submitted to MSP Operations Section.
 6. Enforcement members who have utilized the AMBER Alert system shall complete the required after-action report and submit it to: misp-missingpersons@michigan.gov.
 7. For incidents which do not meet the AMBER Alert protocol, enforcement members are encouraged to utilize the Endangered Missing Advisory.
- h. Endangered Missing Advisory (EMA)
- Reference department directives on missing persons for department policy and procedure regarding the Endangered Missing Advisory.
- i. Parental Abduction, [MCL 750.350a](#)
- i. According to MCL 750.350a, the adoptive or natural parents of a child are prohibited from taking or retaining the child for more than 24 hours, with the intent to detain or conceal the child from another parent or legal guardian who has custody or parenting time rights pursuant to a lawful court order.
 - ii. Youths reported as victims of parental abductions shall be immediately entered in LEIN as soon as the custodial parent produces court papers showing legal custody.
 - iii. The Uniform Child-Custody Jurisdiction and Enforcement Act (UCCJEA), [MCL 722.1101 to 722.1406](#):
 1. The UCCJEA entitles state courts to enforce valid custody and visitation orders from other states.
 2. The UCCJEA allows for a custody order from another state to be registered with a local court. If the court finds that a child is likely to suffer serious imminent physical harm or be imminently removed from this state, the court may issue an order directing law enforcement to take immediate physical custody of the child ([MCL 722.1310](#)).

- a) The order may authorize law enforcement officers to forcibly enter private property at any hour to take physical custody of a child if doing so is required by exigent circumstances.
 - b) Failure to comply with a valid court order requiring law enforcement officers to take physical custody of a child issued from a local jurisdiction in Michigan can place the officer and the department at risk of civil action. If failure results in serious harm to the child, the officer is at risk of being charged criminally for their inaction.
- 3. The UCCJEA allows the court the option to impose conditions upon placement of a child to ensure the appearance of the child and the child's custodian.
- j. Michigan's Missing Child Information Clearinghouse
 - i. [MCL 28.259](#) establishes a Missing Children's Information Clearinghouse in the department.
 - ii. The clearinghouse shall serve as a central repository of information regarding missing children. Information collected shall be disseminated to assist in the location of missing children.
 - iii. Responsibility for administration of the clearinghouse is assigned to the Michigan Intelligence Operations Center. The clearinghouse shall provide services considered appropriate to aid in the location of missing children, including the following:
 - 1. Ensure that LEAs in Michigan report missing children by entering them into the LEIN/NCIC system from their jurisdiction using established procedures found in the LEIN Operations Manual, and as required by law.
 - 2. Prepare an annual report for distribution, containing statistical information about missing children in Michigan.
- k. When a missing juvenile (entered or not entered in LEIN) has been recovered, enforcement members shall complete and submit a Missing Child Debrief, UD-196.