

**SUBSTITUTE FOR
HOUSE BILL NO. 4376**

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 3 (MCL 722.623), as amended by 2016 PA 35.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) An individual is required to report under this act
2 as follows:

3 (a) A physician, dentist, physician's assistant, registered
4 dental hygienist, medical examiner, nurse, person licensed to
5 provide emergency medical care, audiologist, psychologist, marriage
6 and family therapist, licensed professional counselor, social
7 worker, licensed master's social worker, licensed bachelor's social
8 worker, registered social service technician, social service
9 technician, ~~a~~ person employed in a professional capacity in any



1 office of the friend of the court, school administrator, school
2 counselor or teacher, **athletic trainer**, law enforcement officer,
3 member of the clergy, or regulated child care provider who has
4 reasonable cause to suspect child abuse or child neglect shall make
5 an immediate report to centralized intake by telephone, or, if
6 available, through the online reporting system, of the suspected
7 child abuse or child neglect. Within 72 hours after making an oral
8 report by telephone to centralized intake, the reporting person
9 shall file a written report as required in this act. If the
10 immediate report has been made using the online reporting system
11 and that report includes the information required in a written
12 report under subsection (2), that report is considered a written
13 report for the purposes of this section and no additional written
14 report is required. If the reporting person is a member of the
15 staff of a hospital, agency, or school, the reporting person shall
16 notify the person in charge of the hospital, agency, or school of
17 his or her finding and that the report has been made, and shall
18 make a copy of the written or electronic report available to the
19 person in charge. A notification to the person in charge of a
20 hospital, agency, or school does not relieve the member of the
21 staff of the hospital, agency, or school of the obligation of
22 reporting to the department as required by this section. One report
23 from a hospital, agency, or school is adequate to meet the
24 reporting requirement. A member of the staff of a hospital, agency,
25 or school shall not be dismissed or otherwise penalized for making
26 a report required by this act or for cooperating in an
27 investigation.

28 (b) A department employee who is 1 of the following and has
29 reasonable cause to suspect child abuse or child neglect shall make



1 a report of suspected child abuse or child neglect to the
2 department in the same manner as required under subdivision (a):

- 3 (i) Eligibility specialist.
4 (ii) Family independence manager.
5 (iii) Family independence specialist.
6 (iv) Social services specialist.
7 (v) Social work specialist.
8 (vi) Social work specialist manager.
9 (vii) Welfare services specialist.

10 (c) Any employee of an organization or entity that, as a
11 result of federal funding statutes, regulations, or contracts,
12 would be prohibited from reporting in the absence of a state
13 mandate or court order. A person required to report under this
14 subdivision shall report in the same manner as required under
15 subdivision (a).

16 (2) The written report or a report made using the online
17 reporting system shall contain the name of the child and a
18 description of the child abuse or child neglect. If possible, the
19 report shall contain the names and addresses of the child's
20 parents, the child's guardian, the persons with whom the child
21 resides, and the child's age. The report shall contain other
22 information available to the reporting person that might establish
23 the cause of the child abuse or child neglect, and the manner in
24 which the child abuse or child neglect occurred.

25 (3) The department shall inform the reporting person of the
26 required contents of the written report at the time the oral report
27 is made by the reporting person.

28 (4) The written report required in this section shall be
29 mailed or otherwise transmitted to centralized intake.



1 (5) Upon receipt of a written report of suspected child abuse
2 or child neglect, the department may provide copies to the
3 prosecuting attorney and the probate court of the counties in which
4 the child suspected of being abused or neglected resides and is
5 found.

6 (6) If an allegation, written report, or subsequent
7 investigation of suspected child abuse or child neglect indicates a
8 violation of sections 136b, 145c, 462a to 462h, or 520b to 520g of
9 the Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c,
10 750.462a to 750.462h, and 750.520b to 750.520g, or section 7401c of
11 the public health code, 1978 PA 368, MCL 333.7401c, involving
12 methamphetamine has occurred, or if the allegation, written report,
13 or subsequent investigation indicates that the suspected child
14 abuse or child neglect was committed by an individual who is not a
15 person responsible for the child's health or welfare, including,
16 but not limited to, a member of the clergy, a teacher, or a
17 teacher's aide, the department shall transmit a copy of the
18 allegation or written report and the results of any investigation
19 to a law enforcement agency in the county in which the incident
20 occurred. If an allegation, written report, or subsequent
21 investigation indicates that the individual who committed the
22 suspected child abuse or child neglect is a child care provider and
23 the department believes that the report has basis in fact, the
24 department shall, within 24 hours of completion, transmit a copy of
25 the written report or the results of the investigation to the child
26 care regulatory agency with authority over the child care
27 provider's child care organization or adult foster care location
28 authorized to care for a child.

29 (7) If a local law enforcement agency receives an allegation



1 or written report of suspected child abuse or child neglect or
2 discovers evidence of or receives a report of an individual
3 allowing a child to be exposed to or to have contact with
4 methamphetamine production, and the allegation, written report, or
5 subsequent investigation indicates that the child abuse or child
6 neglect or allowing a child to be exposed to or to have contact
7 with methamphetamine production, was committed by a person
8 responsible for the child's health or welfare, the local law
9 enforcement agency shall refer the allegation or provide a copy of
10 the written report and the results of any investigation to the
11 county department of the county in which the abused or neglected
12 child is found, as required by subsection (1)(a). If an allegation,
13 written report, or subsequent investigation indicates that the
14 individual who committed the suspected child abuse or child neglect
15 or allowed a child to be exposed to or to have contact with
16 methamphetamine production, is a child care provider and the local
17 law enforcement agency believes that the report has basis in fact,
18 the local law enforcement agency shall transmit a copy of the
19 written report or the results of the investigation to the child
20 care regulatory agency with authority over the child care
21 provider's child care organization or adult foster care location
22 authorized to care for a child. Nothing in this subsection or
23 subsection (1) relieves the department of its responsibilities to
24 investigate reports of suspected child abuse or child neglect under
25 this act.

26 (8) For purposes of this act, the pregnancy of a child less
27 than 12 years of age or the presence of a sexually transmitted
28 infection in a child who is over 1 month of age but less than 12
29 years of age is reasonable cause to suspect child abuse or child



1 neglect has occurred.

2 (9) In conducting an investigation of child abuse or child
3 neglect, if the department suspects that a child has been exposed
4 to or has had contact with methamphetamine production, the
5 department shall immediately contact the law enforcement agency in
6 the county in which the incident occurred.

7 Enacting section 1. This amendatory act takes effect 90 days
8 after the date it is enacted into law.

