

# HOUSE BILL NO. 4708

June 11, 2019, Introduced by Reps. Meerman, Crawford, Schroeder, Hall, Rendon, Webber, Reilly, Liberati, LaFave, Cynthia Johnson, Camilleri and Allor and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1975 PA 238, entitled  
"Child protection law,"  
by amending section 8d (MCL 722.628d), as amended by 2014 PA 30.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 8d. (1) For the department's determination required by  
2 section 8, the categories, and the departmental response required  
3 for each category, are the following:

4           (a) Category V - services not needed. Following a field



1 investigation, the department determines that there is no evidence  
2 of child abuse or child neglect.

3 (b) Category IV - community services recommended. Following a  
4 field investigation, the department determines that there is not a  
5 preponderance of evidence of child abuse or child neglect, but the  
6 structured decision-making tool indicates that there is future risk  
7 of harm to the child. The department shall assist the child's  
8 family in voluntarily participating in community-based services  
9 commensurate with the risk to the child.

10 (c) Category III - community services needed. The department  
11 determines that there is a preponderance of evidence of child abuse  
12 or child neglect, and the structured decision-making tool indicates  
13 a low or moderate risk of future harm to the child. The department  
14 shall assist the child's family in receiving community-based  
15 services commensurate with the risk to the child. If the family  
16 does not voluntarily participate in services, or the family  
17 voluntarily participates in services, but does not progress toward  
18 alleviating the child's risk level, the department shall consider  
19 reclassifying the case as category II.

20 (d) Category II - child protective services required. The  
21 department determines that there is evidence of child abuse or  
22 child neglect, and the structured decision-making tool indicates a  
23 high or intensive risk of future harm to the child. The department  
24 shall open a protective services case and provide the services  
25 necessary under this act. The department shall also list the  
26 perpetrator of the child abuse or child neglect, based on the  
27 report that was the subject of the field investigation, on the  
28 central registry as provided in section 7(7), either by name or as  
29 "unknown" if the perpetrator has not been identified.



1 (e) Category I - court petition required. The department  
2 determines that there is evidence of child abuse or child neglect  
3 and 1 or more of the following are true:

4 (i) A court petition is required under another provision of  
5 this act.

6 (ii) The child is not safe and a petition for removal is  
7 needed.

8 (iii) The department previously classified the case as category  
9 II and the child's family does not voluntarily participate in  
10 services.

11 (iv) There is a violation, involving the child, of a crime  
12 listed or described in section 8a(1)(b), (c), (d), or (f) or of  
13 child abuse in the first or second degree as prescribed by section  
14 136b of the Michigan penal code, 1931 PA 328, MCL 750.136b.

15 (2) In response to a category I classification, the department  
16 shall do all of the following:

17 (a) If a court petition is not required under another  
18 provision of this act, submit a petition for authorization by the  
19 court under section 2(b) of chapter XIIIA of the probate code of  
20 1939, 1939 PA 288, MCL 712A.2.

21 (b) Open a protective services case and provide the services  
22 necessary under this act.

23 (c) List the perpetrator of the child abuse or child neglect,  
24 based on the report that was the subject of the field  
25 investigation, on the central registry as provided in section 7(7),  
26 either by name or as "unknown" if the perpetrator has not been  
27 identified.

28 (3) The department is not required to use the structured  
29 decision-making tool for a nonparent adult who resides outside the



1 child's home who is the victim or alleged victim of child abuse or  
2 child neglect or for an owner, operator, volunteer, or employee of  
3 a licensed ~~or registered~~ child care organization, **an unlicensed**  
4 **child development and care program child care provider**, or a  
5 licensed or unlicensed adult foster care family home or adult  
6 foster care small group home as those terms are defined in section  
7 3 of the adult foster care facility licensing act, 1979 PA 218, MCL  
8 400.703.

9 (4) If following a field investigation the department  
10 determines that there is a preponderance of evidence that an  
11 individual listed in subsection (3) was the perpetrator of child  
12 abuse or child neglect, the department shall list the perpetrator  
13 of the child abuse or child neglect on the central registry as  
14 provided in section 7(7).

