

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 503

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 8 (MCL 722.628), as amended by 1997 PA 59.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) Within 24 hours after receiving a report made
2 ~~pursuant to~~ UNDER this act, the department shall refer the
3 report to the prosecuting attorney if the report meets the
4 requirements of section 3(6) or shall commence an investigation
5 of the child suspected of being abused or neglected. Within
6 24 hours after receiving a report whether from the reporting
7 person or from the department under section 3(6), the local law
8 enforcement agency shall refer the report to the department if
9 the report meets the requirements of section 3(7) or shall
10 commence an investigation of the child suspected of being abused
11 or neglected. If the child suspected of being abused is not in

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1 the physical custody of the parent or legal guardian and
2 informing the parent or legal guardian would not endanger the
3 child's health or welfare, the agency or the department shall
4 inform the child's parent or legal guardian of the investigation
5 as soon as the agency or the department discovers the identity of
6 the child's parent or legal guardian.

7 (2) In the course of its investigation, the department shall
8 determine if the child is abused or neglected. The department
9 shall cooperate with law enforcement officials, courts of compe-
10 tent jurisdiction, and appropriate state agencies providing human
11 services in relation to preventing, identifying, and treating
12 child abuse and neglect; shall provide, enlist, and coordinate
13 the necessary services, directly or through the purchase of serv-
14 ices from other agencies and professions; and shall take neces-
15 sary action to prevent further abuses, to safeguard and enhance
16 the welfare of the child, and to preserve family life where
17 possible.

18 (3) In conducting its investigation, the department shall
19 seek the assistance of and cooperate with law enforcement offi-
20 cials within 24 hours after becoming aware that 1 or more of the
21 following conditions exist:

22 (a) Abuse or neglect is the suspected cause of a child's
23 death.

24 (b) The child is the victim of suspected sexual abuse or
25 sexual exploitation.

26 (c) Abuse or neglect resulting in severe physical injury to
27 the child requires medical treatment or hospitalization. For

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1 purposes of this subdivision AND SECTION 17, "severe physical
2 injury" means brain damage, skull or bone fracture, subdural hem-
3 orrhage or hematoma, dislocation, sprains, internal injuries,
4 poisoning, burns, scalds, severe cuts, or any other physical
5 injury that seriously impairs the health or physical well-being
6 of a child.

7 (d) Law enforcement intervention is necessary for the pro-
8 tection of the child, a department employee, or another person
9 involved in the investigation.

10 (e) The alleged perpetrator of the child's injury is not a
11 person responsible for the child's health or welfare.

12 (4) Law enforcement officials shall cooperate with the
13 department in conducting investigations under subsections (1) and
14 (3) and shall comply with sections 5 and 7. THE DEPARTMENT AND
15 LAW ENFORCEMENT OFFICIALS SHALL CONDUCT INVESTIGATIONS IN COMPLI-
16 ANCE WITH THE PROTOCOL ADOPTED AND IMPLEMENTED AS REQUIRED BY
17 SUBSECTION (6).

18 (5) Involvement of law enforcement officials ~~pursuant to~~
19 UNDER this section does not relieve or prevent the department
20 from proceeding with its investigation or treatment if there is
21 reasonable cause to suspect that the child abuse or neglect was
22 committed by a person responsible for the child's health or
23 welfare.

24 (6) In each county, the prosecuting attorney and the depart-
25 ment shall develop and establish procedures for involving law
26 enforcement officials as provided in this section. IN EACH
27 COUNTY, THE PROSECUTING ATTORNEY AND THE DEPARTMENT SHALL ADOPT

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1 AND IMPLEMENT A STANDARD CHILD ABUSE AND NEGLECT INVESTIGATION
2 AND INTERVIEW PROTOCOL USING AS A MODEL THE PROTOCOL DEVELOPED BY
3 THE GOVERNOR'S TASK FORCE ON CHILDREN'S JUSTICE AS PUBLISHED IN
4 DSS PUBLICATION 794 (8-93).

5 (7) If there is reasonable cause to suspect that a child in
6 the care of or under the control of a public or private agency,
7 institution, or facility is an abused or neglected child, the
8 agency, institution, or facility shall be investigated by an
9 agency administratively independent of the agency, institution,
10 or facility being investigated. If the investigation produces
11 evidence of a violation of section 145c or sections 520b to 520g
12 of the Michigan penal code, 1931 PA 328, MCL 750.145c and
13 750.520b to 750.520g, the investigating agency shall transmit a
14 copy of the results of the investigation to the prosecuting
15 attorney of the county in which the agency, institution, or
16 facility is located.

17 (8) Schools and other institutions shall cooperate with the
18 department during an investigation of a report of child abuse or
19 neglect. Cooperation includes allowing access to the child with-
20 out parental consent if access is necessary to complete the
21 investigation or to prevent abuse or neglect of the child.
22 However, the department shall notify the person responsible for
23 the child's health or welfare about the department's contact with
24 the child at the time or as soon afterward as the person can be
25 reached. The department may delay the notice if the notice would
26 compromise the safety of the child or child's siblings or the

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1 integrity of the investigation, but only for the time 1 of those
2 conditions exists.

3 (9) If the department has contact with a child in a school,
4 all of the following apply:

5 (a) Before contact with the child, the department investiga-
6 tor shall review with the designated school staff person the
7 department's responsibilities under this act and the investiga-
8 tion procedure.

9 (b) After contact with the child, the department investiga-
10 tor shall meet with the designated school staff person and the
11 child about the response the department will take as a result of
12 contact with the child. The department may also meet with the
13 designated school staff person without the child present and
14 share additional information the investigator determines may be
15 shared subject to the confidentiality provisions of this act.

16 (c) Lack of cooperation by the school does not relieve or
17 prevent the department from proceeding with its responsibilities
18 under this act.

19 (10) A child shall not be subjected to a search at a school
20 that requires the child to remove his or her clothing to expose
21 his buttocks or genitalia or her breasts, buttocks, or genitalia
22 unless the department has obtained an order from a court of com-
23 petent jurisdiction permitting such a search. If the access
24 occurs within a hospital, the investigation shall be conducted so
25 as not to interfere with the medical treatment of the child or
26 other patients.

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1 (11) ~~Upon~~ EXCEPT AS PROVIDED IN SUBSECTION (12), UPON
2 completion of the investigation by the local law enforcement
3 agency or the department, the law enforcement agency or depart-
4 ment may inform the person who made the report as to the disposi-
5 tion of the report.

6 (12) IF THE PERSON WHO MADE THE REPORT IS MANDATED TO REPORT
7 UNDER SECTION 3, UPON COMPLETION OF THE INVESTIGATION BY THE
8 DEPARTMENT, THE DEPARTMENT SHALL INFORM THE PERSON IN WRITING AS
9 TO THE DISPOSITION OF THE CASE AND SHALL INCLUDE IN THE INFORMA-
10 TION AT LEAST ALL OF THE FOLLOWING:

11 (A) WHETHER THE CASE WAS SUBSTANTIATED AND THE RATIONALE FOR
12 THAT DECISION.

13 (B) WHETHER LEGAL ACTION WAS COMMENCED AND, IF SO, THE
14 NATURE OF THAT ACTION.

15 (C) NOTIFICATION THAT THE INFORMATION BEING CONVEYED IS
16 CONFIDENTIAL.

17 (13) INFORMATION SENT UNDER SUBSECTION (12) SHALL NOT
18 INCLUDE PERSONALLY IDENTIFYING INFORMATION FOR A PERSON NAMED IN
19 A REPORT OR RECORD MADE UNDER THIS ACT.

20 Enacting section 1. This amendatory act does not take
21 effect unless Senate Bill No. 515 of the 89th Legislature is
22 enacted into law.