

SENATE BILL NO. 139

January 27, 1999, Introduced by Senator HART and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 3 (MCL 722.623), as amended by 1994 PA 177.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) A physician, coroner, dentist, registered
2 dental hygienist, medical examiner, nurse, ~~a~~ person licensed to
3 provide emergency medical care, audiologist, psychologist, mar-
4 riage and family therapist, licensed professional counselor, cer-
5 tified social worker, social worker, social work technician,
6 school administrator, school counselor or teacher, law enforce-
7 ment officer, JUVENILE PROBATION OFFICER, OFFICER OR EMPLOYEE
8 WITH RESPONSIBILITY FOR JUVENILES IN A CORRECTIONS OR OTHER
9 DETENTION FACILITY, or regulated child care provider who has
10 reasonable cause to suspect child abuse or neglect shall make
11 immediately, by telephone or otherwise, an oral report, or cause

1 an oral report to be made, of the suspected child abuse or
2 neglect to the department. Within 72 hours after making the oral
3 report, the reporting person shall file a written report as
4 required in this act. If the reporting person is a member of the
5 staff of a hospital, agency, or school, the reporting person
6 shall notify the person in charge of the hospital, agency, or
7 school of his or her finding and that the report has been made,
8 and shall make a copy of the written report available to the
9 person in charge. One report from a hospital, agency, or school
10 shall be considered adequate to meet the reporting requirement.
11 A member of the staff of a hospital, agency, or school shall not
12 be dismissed or otherwise penalized for making a report required
13 by this act or for cooperating in an investigation.

14 (2) The written report shall contain the name of the child
15 and a description of the abuse or neglect. If possible, the
16 report shall contain the names and addresses of the child's par-
17 ents, the child's guardian, the persons with whom the child
18 resides, and the child's age. The report shall contain other
19 information available to the reporting person ~~which~~ THAT might
20 establish the cause of the abuse or neglect, and the manner in
21 which the abuse or neglect occurred.

22 (3) The department shall inform the reporting person of the
23 required contents of the written report at the time the oral
24 report is made by the reporting person.

25 (4) The written report required in this section shall be
26 mailed or otherwise transmitted to the county ~~department of~~

1 ~~social services~~ FAMILY INDEPENDENCE AGENCY of the county in
2 which the child suspected of being abused or neglected is found.

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

8 (6) If the report or subsequent investigation indicates a
9 violation of sections 136b and 145c or sections 520b to 520g of
10 the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~
11 ~~being sections 750.136b, 750.145c and 750.520b to 750.520g of the~~
12 ~~Michigan Compiled Laws~~ 1931 PA 328, MCL 750.136B, 750.145C, AND
13 750.520B TO 750.520G, or if the report or subsequent investiga-
14 tion indicates that the suspected abuse was not committed by a
15 person responsible for the child's health or welfare, and the
16 department believes that the report has basis in fact, the
17 department shall transmit a copy of the written report and the
18 results of any investigation to the prosecuting attorney of the
19 counties in which the child resides and is found.

20 (7) If a local law enforcement agency receives a written
21 report of suspected child abuse or neglect, whether from the
22 reporting person or the department, the report or subsequent
23 investigation indicates that the abuse or neglect was committed
24 by a person responsible for the child's health or welfare, and
25 the local law enforcement agency believes that the report has
26 basis in fact, the local law enforcement agency shall provide a
27 copy of the written report and the results of any investigation

1 to the county ~~department of social services~~ FAMILY INDEPENDENCE
2 AGENCY of the county in which the abused or neglected child is
3 found. Nothing in this subsection or subsection (6) shall be
4 construed to relieve the department of its responsibility to
5 investigate reports of suspected child abuse or neglect under
6 this act.

7 (8) For purposes of this act, the pregnancy of a child less
8 than 12 years of age or the presence of a venereal disease in a
9 child who is over 1 month of age but less than 12 years of age
10 ~~shall be~~ IS reasonable cause to suspect child abuse and neglect
11 have occurred.