

**House Bill 5418 as introduced**  
**First Analysis (2-5-04)**

**Sponsor: Rep. Lauren Hagar**  
**Committee: Family and Children**  
**Services**

***THE APPARENT PROBLEM:***

The Child Protection Law requires the Family Independence Agency to submit a child abuse-related report to the appropriate legislative standing committees and appropriations subcommittees regarding "category III" families. (see Content section.) The report is to include information on the number of families, the number and percentage that have voluntarily participated or did not participate in services, the number of families for which the FIA made a determination that there was evidence of child abuse or neglect, and the number of families reclassified as "category II". The report was to be issued annually for fiscal years 2000 through 2002. Legislation has been introduced to require the report be filed for fiscal years 2003 through 2005.

***THE CONTENT OF THE BILL:***

The bill would amend the Child Protection Law to require the Family Independence Agency to submit its child abuse-related report on "category III" families for fiscal years 2003 through 2005.

The FIA categorizes child abuse allegations based on available evidence, perceived risk level, and a safety assessment utilizing "structured decision making" (SDM). The FIA categorizes a child abuse allegation as "category III" if there is a preponderance of evidence of child abuse or neglect, and the risk assessment indicates a low or moderate risk of future harm to the child. For these cases, the FIA must assist the child's family in receiving community-based services appropriate to the level of risk. If the family does not voluntarily participate in the services or fails to make progress in reducing the risk of further harm to the child, the FIA could classify the case as "category II" when concern for the child's safety warrants such an action. The alleged perpetrator is not listed in the central registry, unless he or she is a non-household member and the abuse or neglect is the suspected cause of the child's death, the child is the victim of suspected sexual abuse or sexual exploitation, or the abuse or neglect results in

severe physical injury to the child and requires medical treatment or hospitalization.

MCL 722.628d

***BACKGROUND INFORMATION:***

According to committee testimony, the report has never included information on the number and percentage of families classified in category III that have voluntarily participated in services and the number that did not participate in services. The reason for this failure is apparently due to problems with data collection with the department's automated system. The information is contained in individual case files held in local offices, but collection and analysis of such data is rather time consuming for an already overburdened CPS staff. It is expected that such information could be reported in 2005 after modifications to the automated system occur.

Further, in a January 2004 report to the legislature, the FIA reported that in FY 2003, it received 136,603 child abuse complaints. Of those cases, 75,115 were assigned for investigation. Of the cases assigned for investigation, 58,063 were unsubstantiated complaints - meaning that there was no preponderance of evidence of abuse (category IV) or there simply was no evidence of abuse (category V). There were 17,052 cases with a preponderance of evidence and substantiated, broken down as follows: category I - 5,251; category II - 5,265; and category III - 6,536. The FIA further reports that 193 category III cases were re-classified as category I or II.

***FISCAL IMPLICATIONS:***

The House Fiscal Agency notes that the bill would have no fiscal impact on the FIA, or any other state agency for that matter. (1-26-04)

***ARGUMENTS:***

***For:***

The bill is necessary to continue to provide for legislative oversight of the state's child protective service system.

***POSITIONS:***

The Family Independence Agency supports the bill.  
(2-4-04)

The Michigan Federation for Children and Families supports the bill. (2-4-04)

Michigan's Children indicated that it supports the bill. (2-4-04)

Dads of Michigan indicated that it supports the bill.  
(2-4-04)

Analyst: M. Wolf

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.