

HOUSE BILL No. 5418

January 22, 2004, Introduced by Reps. Hager, Vander Veen, Stahl, Voorhees, Sheen, Elkins, Clack and Hardman and referred to the Committee on Family and Children Services.

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 8d (MCL 722.628d), as amended by 2002 PA
661.

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

7 (b) Category IV - community services recommended. Following
8 a field investigation, the department determines that there is
9 not a preponderance of evidence of child abuse or neglect, but
10 the structured decision-making tool indicates that there is

1 future risk of harm to the child. The department shall assist
2 the child's family in voluntarily participating in
3 community-based services commensurate with the risk to the
4 child.

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

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

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

1 (i) A court petition is required under another provision of
2 this act.

3 (ii) The child is not safe and a petition for removal is
4 needed.

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

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

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

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

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

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

25 (3) The department is not required to use the structured
26 decision-making tool for a nonparent adult who resides outside
27 the child's home who is the victim or alleged victim of child

1 abuse or neglect or for an owner, operator, volunteer, or
2 employee of a licensed or registered child care organization or a
3 licensed or unlicensed adult foster care family home or adult
4 foster care small group home as those terms are defined in
5 section 3 of the adult foster care facility licensing act, 1979
6 PA 218, MCL 400.703.

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

12 (5) The department shall furnish a written report described
13 in subsection (6) to the appropriate legislative standing
14 committees and the house and senate appropriations subcommittees
15 for the department within 4 months after each of the following
16 time periods:

17 (a) Beginning October 1, ~~1999~~ **2002** and ending September 30,
18 ~~2000~~ **2003**.

19 (b) Beginning October 1, ~~2000~~ **2003** and ending September 30,
20 ~~2001~~ **2004**.

21 (c) Beginning October 1, ~~2001~~ **2004** and ending September 30,
22 ~~2002~~ **2005**.

23 (6) The department shall include in a report required by
24 subsection (5) at least all of the following information
25 regarding all families that were classified in category III at
26 some time during the time period covered by the report:

27 (a) The total number of families classified in category III.

1 (b) The number and percentage classified in category III that
2 voluntarily participated in services and that did not participate
3 in services.

4 (c) The number for which the department entered more than 1
5 determination that there was evidence of child abuse or neglect.

6 (d) The number the department reclassified from category III
7 to category II.