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BILL ANALYSIS



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Senate Bill 1116 (as introduced 3-2-06)
Sponsor: Senator Bill Hardiman
Committee: Families and Human Services

Date Completed: 3-14-06

CONTENT

The bill would amend the Child Protection Law to require reporting and investigation by the Department of Human Services (DHS) and law enforcement agencies if a report or investigation of child abuse indicated a drug lab violation involving methamphetamine (meth), or if there were evidence that a child was being exposed to meth production.

The Child Protection Law (CPL) requires certain professionals (including physicians, nurses, medical examiners, psychologists, social workers, teachers, members of the clergy, and regulated child care providers) to report to the DHS if they have reasonable cause to suspect child abuse or neglect.

If an allegation, written report, or subsequent investigation of suspected child abuse or child neglect indicates that a violation of the Michigan Penal Code involving child abuse and child sexually abusive activity, or criminal sexual conduct (CSC), has occurred, the DHS must transmit a copy of the allegation or written report and the results of any investigation to a law enforcement agency in the county where the incident occurred.

Under the bill, this requirement also would apply if an allegation, written report, or subsequent investigation indicated that a violation of Section 7401c of the Public Health Code involving methamphetamine had occurred. (Section 7401c prescribes criminal penalties for owning, possessing, or using a vehicle, building, or place used to manufacture a controlled substance, counterfeit substance, or controlled substance analogue in violation of the Code; owning or possessing any chemical or laboratory equipment used for that purpose; or providing any chemical or lab equipment to another person who intends to use it for that purpose.)

The bill also would require the DHS immediately to contact the law enforcement agency in the county in which the incident occurred if, in conducting an investigation of child abuse or neglect, the Department suspected that a child had been exposed to or had contact with meth production.

Under the CLP, if a local law enforcement agency receives an allegation or written report of suspected child abuse or child neglect and the allegation, report, or subsequent investigation indicates that the abuse or neglect was committed by a person responsible for the child's health or welfare, the law enforcement agency must refer the allegation or provide a copy of the written report and the results of any investigation to the DHS. The bill would require a law enforcement agency to do the same if it discovered evidence of or received a report of an individual causing a child to be exposed to or to have contact with

meth production, and the allegation, report, or investigation indicated that a person responsible for the child's health or welfare caused the child to be exposed to or have contact with meth production.

Also, under the CPL, if the allegation, report, or investigation indicates that the individual who committed the suspected abuse or neglect is a child care provider and the law enforcement agency believes that the report has basis in fact, the agency must send a copy of the report or the results of the investigation to the child care regulatory agency having authority over the provider. Under the bill, this also would apply if a child care provider were suspected of causing a child to be exposed to or have contact with meth production.

The CPL requires the Department, within 24 hours of receiving a report made under the Law, to refer the report to the prosecuting attorney if it indicates that a violation involving criminal child abuse, child sexually abusive activity, or CSC occurred. Under the bill, the DHS also would have to refer the report to the prosecuting attorney within 24 hours if the Department, in its investigation, suspected that a child had been exposed to or had contact with meth production.

Under the CPL, within 24 hours after receiving a report involving criminal child abuse, child sexually abusive activity, or CSC, the local law enforcement agency must refer the report to the DHS if there is an indication that the abuse or neglect was committed by a person responsible for the child's health or welfare, or the law enforcement agency must begin an investigation of the child. Under the bill, the law enforcement agency also would have to begin an investigation if it received a report from the DHS that a child had been exposed to or had contact with meth production.

Currently, if the child suspected of being abused is not in the physical custody of the parent or legal guardian and informing the parent or guardian would not endanger the child's health or welfare, the DHS or law enforcement agency must inform the child's parent or guardian of the investigation. Under the bill, this also would apply if the child suspected of having been exposed to or caused to have contact with meth production were not in the physical custody of the parent or legal guardian.

The CPL requires the Department, in conducting its investigation, to seek the assistance of and cooperate with law enforcement officials within 24 hours after becoming aware of certain conditions (e.g., abuse or neglect is the suspected cause of a child's death, or the child is the victim of suspected sexual abuse or sexual exploitation). Under the bill, the DHS also would have to seek the assistance of and cooperate with law enforcement officials within 24 hours after becoming aware that the child had been exposed to or had contact with meth production.

MCL 722.623 & 722.628

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government. The changes apparently would codify existing practice of the Department of Human Services.

Fiscal Analyst: Constance Cole

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.