



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1410 (Substitute S-1 as passed by the Senate)
Sponsor: Senator Bill Hardiman
Committee: Families and Human Services

Date Completed: 9-28-06

RATIONALE

Cases of child abuse or neglect, or other situations involving children at risk require close communication between law enforcement agencies and the Department of Human Services (DHS). Law enforcement agencies frequently must conduct criminal investigations to determine if any laws have been broken, and the DHS must investigate reports of abuse or neglect to ensure the safety of the child. In the course of an investigation into methamphetamine production, for example, law enforcement agencies may discover evidence that a child has been exposed to meth production or other evidence of child abuse or neglect, which must be reported to the DHS. Other situations may require the DHS to inform local law enforcement officials of potential criminal violations.

The Child Protection Law (CPL) requires the DHS to report to law enforcement agencies the results of investigations involving certain potential offenses, and also requires law enforcement officials to report to the DHS if, in the investigation of a crime, evidence of suspected child abuse or neglect is discovered. Many of these reports must be made within 24 hours, and it has been suggested that the time limit should be extended to other reporting requirements within the CPL.

CONTENT

The bill would amend the Child Protection Law (CPL) to do the following:

-- Establish time limits on current reporting requirements for certain DHS employees, requiring them to

make an oral report of suspected child abuse or neglect within 24 hours, to be followed by a written report within 72 hours.

- Include a 24-hour time limit in a current requirement that the DHS transmit to a regulatory agency a copy of a report that an individual suspected of committing abuse or neglect is a child care provider.**
- Require a local law enforcement agency and the DHS to notify each other within 24 hours after receiving reports indicating that abuse or neglect was the cause of a child's death or serious injury, or that sexual abuse or exploitation of a child occurred.**

The CPL requires certain professionals (including physicians, nurses, medical examiners, psychologists, social workers, teachers, members of the clergy, and regulated child care providers) immediately to make an oral report to the DHS if they have reasonable cause to suspect child abuse or neglect, to be followed within 72 hours by a written report.

In addition, the CPL requires certain DHS employees (including an eligibility specialist, family independence specialist, family independence manager, social service specialist, social work specialist, and welfare services specialist) to make a report to the DHS of suspected child abuse or neglect. Under the bill, the report by DHS employees would have to be made in the same manner as is required for social workers or other professionals (i.e., an immediate oral report followed within 72 hours by a written report).

Under the CPL, if an allegation, written report, or subsequent investigation indicates that the individual who committed the suspected abuse or neglect is a child care provider, and the Department believes the report to be true, it must transmit a copy of the written report or the results of the investigation to the child care regulatory agency with authority over the provider's child care organization or foster care location. The bill would require the DHS to transmit that report or the results of the investigation within 24 hours of completion.

Under the CPL, within 24 hours after receiving a report that violations involving second-degree child abuse, child sexually abusive activity or material, criminal sexual conduct (CSC) or attempted CSC, or certain methamphetamine offenses have occurred, the DHS must refer the report to the prosecuting attorney or commence an investigation. The DHS also must notify the prosecutor within 24 hours if an investigation indicates that the suspected abuse or neglect was committed by a person who was not responsible for the child's health or welfare. The bill would require the DHS to notify the local law enforcement agency as well as the prosecuting attorney, and would require the same response if a report indicated that abuse or neglect was the suspected cause of a child's death, the child was the victim of suspected sexual abuse or exploitation, or the child was the victim of abuse or neglect resulting in severe physical injury that required medical treatment or hospitalization.

The CPL also requires law enforcement agencies to notify the DHS or to commence an investigation within 24 hours if an allegation, written report, or subsequent investigation indicates that violations involving second-degree child abuse, child sexually abusive activity or material, CSC or attempted CSC, or certain methamphetamine offenses have occurred. Under the bill, those provisions also would apply to a report indicating that abuse or neglect was the suspected cause of a child's death, the child was the victim of suspected sexual abuse or exploitation, or the child was the victim of abuse or neglect resulting in severe physical injury that required medical treatment or hospitalization.

MCL 722.623 & 722.628

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Although the CPL requires reporting between law enforcement agencies and the DHS, some believe that the communication is not always prompt or effective. There is concern that slow communication may allow some children in dangerous situations to fall through the cracks and not receive immediate assistance from the agencies charged with protecting them. Children who have been abused or neglected, or who have been in homes containing meth labs or exposed to meth production, are in very difficult situations that need to be addressed immediately. In extreme cases, the failure to act can lead to the loss of the child's life. The bill would reinforce the urgency of these matters by setting a 24-hour deadline on certain reporting requirements, and extending the current time limit to cases in which abuse or neglect was the cause of serious physical injury or the death of a child, or in cases of suspected sexual abuse or exploitation.

In some cases, however, requiring a report to be filed within 24 hours would not be the most helpful approach, since DHS employees and others do not always have the time or opportunity to produce a thorough written report while working. Under such a time limit, the individual would be able to produce only handwritten notes or a brief description of the incident, which would not be as helpful as a detailed report. Currently, the CPL requires professionals such as social workers and health officials to make an initial oral report to the DHS, to be followed by a written report within 72 hours. The bill would extend the same requirement to DHS employees making a report under the Law, ensuring timeliness in the initial report, but also allowing for enough time to write a detailed explanation of the situation.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the Department of Human Services. The expeditiousness of reporting

would increase administrative costs, but at this time the extent cannot be determined. Public Act 345 of 2006, Section 1004 appropriates funds for five additional high risk investigators, which would offset additional administrative costs.

The bill would have no fiscal impact on the Department of State Police.

Fiscal Analyst: Bruce Baker
Constance Cole

A0506\s1410a

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.