

HOUSE BILL No. 5984

April 10, 2008, Introduced by Reps. Ebli, Rick Jones, Valentine, Leland, Condino, Young, Sheltroun, Vagnozzi, Angerer, Hopgood and Bieda and referred to the Committee on Judiciary.

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 3 (MCL 722.623), as amended by 2006 PA 583.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) An individual is required to report under this act
2 as follows:

3 (a) A physician, dentist, physician's assistant, registered
4 dental hygienist, medical examiner, nurse, person licensed to
5 provide emergency medical care, audiologist, psychologist, marriage
6 and family therapist, licensed professional counselor, social
7 worker, licensed master's social worker, licensed bachelor's social
8 worker, registered social service technician, social service

1 technician, school administrator, school counselor or teacher, law
2 enforcement officer, member of the clergy, or regulated child care
3 provider who has reasonable cause to suspect child abuse or neglect
4 shall make immediately, by telephone or otherwise, an oral report,
5 or cause an oral report to be made, of the suspected child abuse or
6 neglect to the department. Within 72 hours after making the oral
7 report, the reporting person shall file a written report as
8 required in this act. If the reporting person is a member of the
9 staff of a hospital, agency, or school, the reporting person shall
10 notify the person in charge of the hospital, agency, or school of
11 his or her finding and that the report has been made, and shall
12 make a copy of the written report available to the person in
13 charge. A notification to the person in charge of a hospital,
14 agency, or school does not relieve the member of the staff of the
15 hospital, agency, or school of the obligation of reporting to the
16 department as required by this section. One report from a hospital,
17 agency, or school is adequate to meet the reporting requirement. A
18 member of the staff of a hospital, agency, or school shall not be
19 dismissed or otherwise penalized for making a report required by
20 this act or for cooperating in an investigation.

21 (b) A department employee who is 1 of the following and has
22 reasonable cause to suspect child abuse or neglect shall make a
23 report of suspected child abuse or neglect to the department in the
24 same manner as required under subdivision (a):

25 (i) Eligibility specialist.

26 (ii) Family independence manager.

27 (iii) Family independence specialist.

- (iv) Social services specialist.
- (v) Social work specialist.
- (vi) Social work specialist manager.
- (vii) Welfare services specialist.

(C) ANY EMPLOYEE OF AN ORGANIZATION OR ENTITY THAT, AS A RESULT OF FEDERAL FUNDING STATUTES, REGULATIONS, OR CONTRACTS, WOULD BE PROHIBITED FROM REPORTING IN THE ABSENCE OF A STATE MANDATE OR COURT ORDER. A PERSON REQUIRED TO REPORT UNDER THIS SUBDIVISION SHALL REPORT IN THE SAME MANNER AS REQUIRED UNDER SUBDIVISION (A).

(2) The written report shall contain the name of the child and a description of the abuse or neglect. If possible, the report shall contain the names and addresses of the child's parents, the child's guardian, the persons with whom the child resides, and the child's age. The report shall contain other information available to the reporting person that might establish the cause of the abuse or neglect, and the manner in which the abuse or neglect occurred.

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

(4) The written report required in this section shall be mailed or otherwise transmitted to the county department of the county in which the child suspected of being abused or neglected is found.

(5) Upon receipt of a written report of suspected child abuse or neglect, the department may provide copies to the prosecuting attorney and the probate court of the counties in which the child

1 suspected of being abused or neglected resides and is found.

2 (6) If an allegation, written report, or subsequent
3 investigation of suspected child abuse or child neglect indicates a
4 violation of sections 136b and 145c, sections 520b to 520g of the
5 Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c, and
6 750.520b to 750.520g, or section 7401c of the public health code,
7 1978 PA 368, MCL 333.7401c, involving methamphetamine has occurred,
8 or if the allegation, written report, or subsequent investigation
9 indicates that the suspected child abuse or child neglect was
10 committed by an individual who is not a person responsible for the
11 child's health or welfare, including, but not limited to, a member
12 of the clergy, a teacher, or a teacher's aide, the department shall
13 transmit a copy of the allegation or written report and the results
14 of any investigation to a law enforcement agency in the county in
15 which the incident occurred. If an allegation, written report, or
16 subsequent investigation indicates that the individual who
17 committed the suspected abuse or neglect is a child care provider
18 and the department believes that the report has basis in fact, the
19 department shall, within 24 hours of completion, transmit a copy of
20 the written report or the results of the investigation to the child
21 care regulatory agency with authority over the child care
22 provider's child care organization or adult foster care location
23 authorized to care for a child.

24 (7) If a local law enforcement agency receives an allegation
25 or written report of suspected child abuse or child neglect or
26 discovers evidence of or receives a report of an individual
27 allowing a child to be exposed to or to have contact with

1 methamphetamine production, and the allegation, written report, or
2 subsequent investigation indicates that the child abuse or child
3 neglect or allowing a child to be exposed to or to have contact
4 with methamphetamine production, was committed by a person
5 responsible for the child's health or welfare, the local law
6 enforcement agency shall refer the allegation or provide a copy of
7 the written report and the results of any investigation to the
8 county department of the county in which the abused or neglected
9 child is found, as required by subsection (1)(a). If an allegation,
10 written report, or subsequent investigation indicates that the
11 individual who committed the suspected abuse or neglect or allowed
12 a child to be exposed to or to have contact with methamphetamine
13 production, is a child care provider and the local law enforcement
14 agency believes that the report has basis in fact, the local law
15 enforcement agency shall transmit a copy of the written report or
16 the results of the investigation to the child care regulatory
17 agency with authority over the child care provider's child care
18 organization or adult foster care location authorized to care for a
19 child. Nothing in this subsection or subsection (1) shall be
20 construed to relieve the department of its responsibilities to
21 investigate reports of suspected child abuse or child neglect under
22 this act.

23 (8) For purposes of this act, the pregnancy of a child less
24 than 12 years of age or the presence of a venereal disease in a
25 child who is over 1 month of age but less than 12 years of age is
26 reasonable cause to suspect child abuse and neglect have occurred.

27 (9) In conducting an investigation of child abuse or child

1 neglect, if the department suspects that a child has been exposed
2 to or has had contact with methamphetamine production, the
3 department shall immediately contact the law enforcement agency in
4 the county in which the incident occurred.