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House Bill 4493 (Substitute H-5 as passed by the House)  
Sponsor: Representative Klint Kesto  
House Committee: Families, Children, and Seniors  
Senate Committee: Families, Seniors and Human Services

Date Completed: 4-29-14

### **CONTENT**

**The bill would amend the Child Protection Law to do the following:**

- **Extend to other school employees the requirement to report suspected child abuse or neglect.**
- **Include abuse by "any other school employee" in the definition of "child abuse".**
- **Define "other school employee", and include staff of a community college, college, or university who regularly work with children.**
- **Require a staff member of a community college, college, or university to notify the person in charge of the institution of his or her finding and that a report was filed, and to make the report available to the person in charge.**

The bill would take effect 180 days after it was enacted.

The Law requires medical professionals, marriage therapists, licensed counselors, social workers, social service technicians, school counselors, professionals employed in a friend of the Court office, school administrators, counselors, teachers, law enforcement officers, members of the clergy, and regulated child care providers who have reasonable cause to suspect child abuse or neglect to make an oral report, or cause an oral report to be made, to the Department of Human Services (DHS). Within 72 hours of making the oral report, the reporting individual is required to file a written report. The bill would include other school employees in the list of people required to report suspected child abuse or neglect.

The Law defines "child abuse" as "harm or threatened harm to a child's health or welfare that occurs through nonaccidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment, by a parent, legal guardian, or any other person responsible for the child's health or welfare or by a teacher, a teacher's aide, or a member of the clergy". The bill would add "any other school employee" to this definition.

The bill would define "other school employee" as "an individual employed by a public or nonpublic school, or by another entity contracted by a public or nonpublic school, who works regularly and continuously for compensation with children on the school premises, including, but not limited to, a janitor or coach or an individual employed by a community college, college, or university in this state to work regularly and continuously with children on behalf of the community college, college, or university". The term would not include an individual compensated or employed by a third party to work on the school premises on an incidental or temporary basis if that work does include regular interaction with children, or an individual who is under 18 years of age.

Currently, if the reporting person is a staff member at a hospital, agency, or school, he or she is required to notify the person in charge of the hospital, agency, or school of his or her finding and that the report has been made. The individual also must make a copy of the written report available to the person in charge. Notification to the person in charge does not relieve the staff member of his or her obligation to report to the DHS. The bill would extend these requirements to a staff member of a community college, college, or university.

The Law also provides for the creation of the Task Force on the Prevention of Sexual Abuse and specifies its members must serve without compensation, or reimbursement of expenses. The bill would eliminate that requirement.

MCL 722.622 et al.

Legislative Analyst: Jeff Mann

### **FISCAL IMPACT**

The bill could result in some additional costs to the Department of Human Services and local courts, depending on the extent to which the number of child protective services and foster care cases increased. In order for the Department and the courts to realize additional costs, the marginal costs of these additional cases would have to exceed the level of funding that is currently available.

The bill also would enable the Department to use \$30,000 Gross and GF/GP that was appropriated in Article X of Public Act 59 of 2013 for the Task Force on the Prevention of Sexual Abuse of Children for member compensation and reimbursement for expenditures. Currently, Section 590, Article X places some restrictions on the nature of the reimbursements, but states, "Use of funds shall be limited to providing reimbursements to task force members for travel costs related to task force operations."

Fiscal Analyst: Frances Carley

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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.