

# HOUSE BILL No. 5334

December 6, 2017, Introduced by Rep. Miller and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 3 (MCL 722.623), as amended by 2016 PA 35, and by adding section 3b.

**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  
9 technician, a person employed in a professional capacity in any

1 office of the friend of the court, school administrator, school  
2 counselor or teacher, law enforcement officer, member of the  
3 clergy, ~~or~~ regulated child care provider, **OR SCHOOL BUS DRIVER OR**  
4 **SCHOOL BUS AIDE WHETHER HE OR SHE IS EMPLOYED BY A SCHOOL OR BY AN**  
5 **ENTITY UNDER CONTRACT WITH A SCHOOL**, who has reasonable cause to  
6 suspect child abuse or child neglect shall make an immediate report  
7 to centralized intake by telephone, or, if available, through the  
8 online reporting system, of the suspected child abuse or child  
9 neglect. Within 72 hours after making an oral report by telephone  
10 to centralized intake, the reporting person shall file a written  
11 report as required in this act. If the immediate report has been  
12 made using the online reporting system and that report includes the  
13 information required in a written report under subsection (2), that  
14 report is considered a written report for the purposes of this  
15 section and no additional written report is required. If the  
16 reporting person is a member of the staff of a hospital, agency, or  
17 school, the reporting person shall notify the person in charge of  
18 the hospital, agency, or school of his or her finding and that the  
19 report has been made, and shall make a copy of the written or  
20 electronic report available to the person in charge. A notification  
21 to the person in charge of a hospital, agency, or school does not  
22 relieve the member of the staff of the hospital, agency, or school  
23 of the obligation of reporting to the department as required by  
24 this section. One report from a hospital, agency, or school is  
25 adequate to meet the reporting requirement. A member of the staff  
26 of a hospital, agency, or school shall not be dismissed or  
27 otherwise penalized for making a report required by this act or for

1 cooperating in an investigation.

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

6 (i) Eligibility specialist.

7 (ii) Family independence manager.

8 (iii) Family independence specialist.

9 (iv) Social services specialist.

10 (v) Social work specialist.

11 (vi) Social work specialist manager.

12 (vii) Welfare services specialist.

13 (c) Any employee of an organization or entity that, as a  
14 result of federal funding statutes, regulations, or contracts,  
15 would be prohibited from reporting in the absence of a state  
16 mandate or court order. A person required to report under this  
17 subdivision shall report in the same manner as required under  
18 subdivision (a).

19 (2) The written report or a report made using the online  
20 reporting system shall contain the name of the child and a  
21 description of the child abuse or child neglect. If possible, the  
22 report shall contain the names and addresses of the child's  
23 parents, the child's guardian, the persons with whom the child  
24 resides, and the child's age. The report shall contain other  
25 information available to the reporting person that might establish  
26 the cause of the child abuse or child neglect, and the manner in  
27 which the child abuse or child neglect occurred.

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

4           (4) The written report required in this section shall be  
5 mailed or otherwise transmitted to centralized intake.

6           (5) Upon receipt of a written report of suspected child abuse  
7 or child neglect, the department may provide copies to the  
8 prosecuting attorney and the probate court of the counties in which  
9 the child suspected of being abused or neglected resides and is  
10 found.

11           (6) If an allegation, written report, or subsequent  
12 investigation of suspected child abuse or child neglect indicates a  
13 violation of sections 136b, 145c, 462a to 462h, or 520b to 520g of  
14 the Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c,  
15 750.462a to 750.462h, and 750.520b to 750.520g, or section 7401c of  
16 the public health code, 1978 PA 368, MCL 333.7401c, involving  
17 methamphetamine has occurred, or if the allegation, written report,  
18 or subsequent investigation indicates that the suspected child  
19 abuse or child neglect was committed by an individual who is not a  
20 person responsible for the child's health or welfare, including,  
21 but not limited to, a member of the clergy, a teacher, or a  
22 teacher's aide, the department shall transmit a copy of the  
23 allegation or written report and the results of any investigation  
24 to a law enforcement agency in the county in which the incident  
25 occurred. If an allegation, written report, or subsequent  
26 investigation indicates that the individual who committed the  
27 suspected child abuse or child neglect is a child care provider and

1 the department believes that the report has basis in fact, the  
2 department shall, within 24 hours of completion, transmit a copy of  
3 the written report or the results of the investigation to the child  
4 care regulatory agency with authority over the child care  
5 provider's child care organization or adult foster care location  
6 authorized to care for a child.

7 (7) If a local law enforcement agency receives an allegation  
8 or written report of suspected child abuse or child neglect or  
9 discovers evidence of or receives a report of an individual  
10 allowing a child to be exposed to or to have contact with  
11 methamphetamine production, and the allegation, written report, or  
12 subsequent investigation indicates that the child abuse or child  
13 neglect or allowing a child to be exposed to or to have contact  
14 with methamphetamine production, was committed by a person  
15 responsible for the child's health or welfare, the local law  
16 enforcement agency shall refer the allegation or provide a copy of  
17 the written report and the results of any investigation to the  
18 county department of the county in which the abused or neglected  
19 child is found, as required by subsection (1)(a). If an allegation,  
20 written report, or subsequent investigation indicates that the  
21 individual who committed the suspected child abuse or child neglect  
22 or allowed a child to be exposed to or to have contact with  
23 methamphetamine production, is a child care provider and the local  
24 law enforcement agency believes that the report has basis in fact,  
25 the local law enforcement agency shall transmit a copy of the  
26 written report or the results of the investigation to the child  
27 care regulatory agency with authority over the child care

1 provider's child care organization or adult foster care location  
2 authorized to care for a child. Nothing in this subsection or  
3 subsection (1) relieves the department of its responsibilities to  
4 investigate reports of suspected child abuse or child neglect under  
5 this act.

6 (8) For purposes of this act, the pregnancy of a child less  
7 than 12 years of age or the presence of a sexually transmitted  
8 infection in a child who is over 1 month of age but less than 12  
9 years of age is reasonable cause to suspect child abuse or child  
10 neglect has occurred.

11 (9) In conducting an investigation of child abuse or child  
12 neglect, if the department suspects that a child has been exposed  
13 to or has had contact with methamphetamine production, the  
14 department shall immediately contact the law enforcement agency in  
15 the county in which the incident occurred.

16 **SEC. 3B. (1) AN INDIVIDUAL REQUIRED TO REPORT CHILD ABUSE OR**  
17 **CHILD NEGLECT UNDER SECTION 3 IS ALSO REQUIRED TO REPORT WHEN HE OR**  
18 **SHE HAS REASONABLE CAUSE TO SUSPECT HARM OR THREATENED HARM TO A**  
19 **CHILD'S HEALTH OR WELFARE THAT OCCURS THROUGH NONACCIDENTAL SEXUAL**  
20 **ABUSE BY ANOTHER CHILD.**

21 **(2) AN INDIVIDUAL REQUIRED TO REPORT UNDER SUBSECTION (1)**  
22 **SHALL MAKE A REPORT TO THE DEPARTMENT IN THE SAME MANNER AS**  
23 **REQUIRED UNDER SECTION 3(1) (A) .**

24 Enacting section 1. This amendatory act takes effect 90 days  
25 after the date it is enacted into law.