

# HOUSE BILL No. 5444

January 24, 2018, Introduced by Reps. Yaroch, Brann, Sabo, Faris, Lasinski, Pagan and Zemke 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.

**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, **PHYSICAL**  
6 **THERAPIST, PHYSICAL THERAPIST ASSISTANT**, marriage and family  
7 therapist, licensed professional counselor, social worker, licensed  
8 master's social worker, licensed bachelor's social worker,  
9 registered social service technician, social service technician, a  
10 person employed in a professional capacity in any office of the  
11 friend of the court, school administrator, school counselor or

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

26 (b) A department employee who is 1 of the following and has  
27 reasonable cause to suspect child abuse or child neglect shall make

1 a report of suspected child abuse or child neglect to the  
2 department in the same manner as required under subdivision (a):

- 3 (i) Eligibility specialist.  
4 (ii) Family independence manager.  
5 (iii) Family independence specialist.  
6 (iv) Social services specialist.  
7 (v) Social work specialist.  
8 (vi) Social work specialist manager.  
9 (vii) Welfare services specialist.

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

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

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

1 (4) The written report required in this section ~~shall~~**MUST** be  
2 mailed or otherwise transmitted to centralized intake.

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

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

1 transmit a copy of the written report or the results of the  
2 investigation to the child care regulatory agency with authority  
3 over the child care provider's child care organization or adult  
4 foster care location authorized to care for a child.

5 (7) If a local law enforcement agency receives an allegation  
6 or written report of suspected child abuse or child neglect or  
7 discovers evidence of or receives a report of an individual  
8 allowing a child to be exposed to or to have contact with  
9 methamphetamine production, and the allegation, written report, or  
10 subsequent investigation indicates that the child abuse or child  
11 neglect or allowing a child to be exposed to or to have contact  
12 with methamphetamine production, was committed by a person  
13 responsible for the child's health or welfare, the local law  
14 enforcement agency shall refer the allegation or provide a copy of  
15 the written report and the results of any investigation to the  
16 county department of the county in which the abused or neglected  
17 child is found, as required by subsection (1)(a). If an allegation,  
18 written report, or subsequent investigation indicates that the  
19 individual who committed the suspected child abuse or child neglect  
20 or allowed a child to be exposed to or to have contact with  
21 methamphetamine production, is a child care provider and the local  
22 law enforcement agency believes that the report has basis in fact,  
23 the local law enforcement agency shall transmit a copy of the  
24 written report or the results of the investigation to the child  
25 care regulatory agency with authority over the child care  
26 provider's child care organization or adult foster care location  
27 authorized to care for a child. ~~Nothing in this~~ **NEITHER THIS**

1 subsection ~~or~~**NOR** subsection (1) relieves the department of its  
2 responsibilities to investigate reports of suspected child abuse or  
3 child neglect under this act.

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

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

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