

HOUSE BILL No. 5541

February 8, 2018, Introduced by Rep. Hauck and referred to the Committee on Law and Justice.

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

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

27 (b) A department employee who is 1 of the following and has

1 reasonable cause to suspect child abuse or child neglect shall make
2 a report of suspected child abuse or child neglect to the
3 department in the same manner as required under subdivision (a):

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

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

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

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

1 is made by the reporting person.

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

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

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

1 **OF THE ALLEGATION, WRITTEN REPORT, OR SUBSEQUENT INVESTIGATION,**
2 transmit a copy of the written report or the results of the
3 investigation to the child care regulatory agency with authority
4 over the child care provider's child care organization or adult
5 foster care location authorized to care for a child.

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

1 authorized to care for a child. ~~Nothing in this~~ **NEITHER THIS**
2 subsection ~~or~~ **NOR** subsection (1) relieves the department of its
3 responsibilities to investigate reports of suspected child abuse or
4 child neglect under this act.

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

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

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