

SENATE BILL No. 966

July 1, 1988, Introduced by Senators DINGELL, BINSFELD, WELBORN, NICHOLS, DI NELLO, CROPSEY, BARCIA, SCHWARZ and VAUGHN and referred to the Committee on Criminal Justice, Urban Affairs, and Economic Development.

A bill to amend the title and sections 2 and 3 of Act No. 238 of the Public Acts of 1975, entitled "Child protection law," as amended by Act No. 418 of the Public Acts of 1984, being sections 722.622 and 722.623 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 2 and 3 of Act No. 238 of
2 the Public Acts of 1975, as amended by Act No. 418 of the Public
3 Acts of 1984, being sections 722.622 and 722.623 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 TITLE

6 An act to require the reporting of child abuse and neglect
7 by certain persons; to permit the reporting of child abuse and
8 neglect by all persons; to provide for the protection of children
9 who are abused or neglected; to authorize limited detainment in

1 protective custody; to authorize medical examinations; to
2 prescribe powers and duties of the state department of ~~social~~
3 CHILDREN AND YOUTH services to prevent child abuse and neglect;
4 to safeguard and enhance the welfare of children and preserve
5 family life; to provide for the appointment of legal counsel; to
6 provide for the abrogation of privileged communications; to pro-
7 vide civil and criminal immunity for certain persons; to provide
8 rules of evidence in certain cases; to provide for confidential-
9 ity of records; to provide for the expungement of certain
10 records; to prescribe penalties; and to repeal certain acts and
11 parts of acts.

12 Sec. 2. As used in this act:

13 (a) "Central registry" means the system or organized mode of
14 keeping a record of all reports filed with the department pursu-
15 ant to this act in which relevant and accurate evidence of child
16 abuse or neglect is found to exist and which is maintained at the
17 department.

18 (b) "Child" means a person under 18 years of age.

19 (c) "Child abuse" means harm or threatened harm to a child's
20 health or welfare by a person responsible for the child's health
21 or welfare which occurs through nonaccidental physical or mental
22 injury; sexual abuse; sexual exploitation; or maltreatment.

23 (d) "Child neglect" means harm to a child's health or wel-
24 fare by a person responsible for the child's health or welfare
25 which occurs through negligent treatment, including the failure
26 to provide adequate food, clothing, shelter, or medical care.

1 (e) "Sexual abuse" means engaging in sexual contact or
2 sexual penetration as defined in section 520a of the Michigan
3 penal code, Act No. 328 of the Public Acts of 1931, being section
4 750.520a of the Michigan Compiled Laws, with a child by a person
5 responsible for the child's health or welfare.

6 (f) "Sexual exploitation" includes allowing, permitting, or
7 encouraging a child to engage in prostitution by a person respon-
8 sible for the child's welfare; or allowing, permitting, encourag-
9 ing, or engaging in the photographing, filming, or depicting of a
10 child engaged in a listed sexual act as defined in section 145c
11 of Act No. 328 of the Public Acts of 1931, being section 750.145c
12 of the Michigan Compiled Laws, by a person responsible for the
13 child's health or welfare.

14 (g) "Relevant evidence" means evidence having a tendency to
15 make the existence of a fact that is at issue more probable than
16 it would be without the evidence.

17 (h) "Department" means the state department of ~~social~~
18 CHILDREN AND YOUTH services.

19 (i) "Expunge" means to physically remove or eliminate and
20 destroy a record or report.

21 (j) "Local office file" means the system or organized mode
22 of keeping a record of a written report, document, or photograph
23 filed with and maintained by a county or a regionally based
24 office of the department.

25 (k) "Person responsible for the child's health or welfare"
26 includes, but is not limited to, a parent, legal guardian,

1 stepparent, or any other individual to whom a parent or legal
2 guardian delegates the care of the child.

3 Sec. 3. (1) A physician, coroner, dentist, medical examin-
4 er, nurse, a person licensed to provide emergency medical care,
5 audiologist, psychologist, family therapist, certified social
6 worker, social worker, social work technician, school administra-
7 tor, school counselor or teacher, law enforcement officer, or
8 duly regulated child care provider who has reasonable cause to
9 suspect child abuse or neglect immediately, by telephone or oth-
10 erwise, shall make an oral report, or cause an oral report to be
11 made, of the suspected child abuse or neglect to the department.
12 Within 72 hours after making the oral report, the reporting
13 person shall file a written report as required in this act. If
14 the reporting person is a member of the staff of a hospital,
15 agency, or school, the reporting person shall notify the person
16 in charge of the hospital, agency, or school of his or her find-
17 ing and that the report has been made, and shall make a copy of
18 the written report available to the person in charge. One report
19 from a hospital, agency, or school shall be considered adequate
20 to meet the reporting requirement. A member of the staff of a
21 hospital, agency, or school shall not be dismissed or otherwise
22 penalized for making a report required by this act.

23 (2) The written report shall contain the name of the child
24 and a description of the abuse or neglect. If possible, the
25 report shall contain the names and addresses of the child's par-
26 ents, the child's guardian, the persons with whom the child
27 resides, and the child's age. The report shall contain other

1 information available to the reporting person which might
2 establish the cause of the abuse or neglect and the manner in
3 which the abuse or neglect occurred.

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

7 (4) The written report required in this section shall be
8 mailed or otherwise transmitted to the county department of
9 ~~social~~ CHILDREN AND YOUTH services of the county in which the
10 child suspected of being abused or neglected is found.

11 (5) Upon receipt of a written report of suspected child
12 abuse or neglect, the department may provide copies to the prose-
13 cuting attorney and the probate court of the counties where the
14 child suspected of being abused or neglected resides and is
15 found.

16 (6) If the report indicates a violation of section 145c of
17 the Michigan penal code, Act No. 328 of the Public Acts of 1931,
18 being section 750.145c of the Michigan Compiled Laws, and the
19 department believes that the report has basis in fact, the
20 department shall transmit a copy of the written report to the
21 prosecuting attorney of the counties in which the child resides
22 and is found.

23 (7) 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
26 shall be reasonable cause to suspect child abuse and neglect.

1 Section 2. This amendatory act shall not take effect unless
2 all of the following bills of the 84th Legislature are enacted
3 into law:

4 (a) Senate Bill No. 956.

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6 (b) Senate Bill No. 957.

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8 (c) Senate Bill No. 958.

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10 (d) Senate Bill No. 959.

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12 (e) Senate Bill No. 960.

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14 (f) Senate Bill No. 961.

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16 (g) Senate Bill No. 962.

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18 (h) Senate Bill No. 963.

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20 (i) Senate Bill No. 964.

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22 (j) Senate Bill No. 965.

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24 (k) Senate Bill No. 967.

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26 (l) Senate Bill No. 968.

1 (m) Senate Bill No. 969.

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3 (n) Senate Bill No. 970.

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5 (o) Senate Bill No. 971.

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7 (p) Senate Bill No. 972.

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9 (q) Senate Bill No. 973.

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11 (r) Senate Bill No. 974.

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13 Section 3. This amendatory act shall take effect October 1,
14 1988.