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REPORTING CHILD ABUSE

House Bill 4757 (House Substitute H-1)
First Analysis (5-26-93)

Sponsor: Rep. David M. Gubow
Committee: Mental Health

THE APPARENT PROBLEM:

Currently, under the Child Protection Law (Public Act 238 of 1975), a number of professionals are required to report suspected child abuse or neglect. The act applies now to physicians, coroners, dentists, medical examiners, nurses, people licensed to provide emergency medical care, audiologists, psychologists, family therapists, social workers, school administrators, school counselors, teachers, law enforcement officers, and regulated child care providers. However, since the enactment of the Child Protection Act, professional counselors have been regulated (and their titles protected) under the Public Health Code, while the Occupational Act, which governs marriage and family therapists, has been amended to protect the titles of marriage and family therapists. At the request of the Legislative Service Bureau, legislation has been proposed to amend the Child Protection Law to reflect these changes. In addition, dental hygienists have requested to be added to this reporting section of the law.

THE CONTENT OF THE BILL:

The bill would amend the Child Protection Law to add licensed professional counselors, marriage and family therapists, and registered dental hygienists to the list of professionals required to report suspected child abuse.

MCL 722.623

BACKGROUND INFORMATION:

Counselors are licensed under Part 181 of Article 15 of the Public Health Code (Public Act 368 of 1978, MCL 333.18101 et seq.) and marriage and family therapists are licensed under Article 15 of the Occupational Code (Public Act 299 of 1908, MCL 339.1501 et seq.). Public Act 421 of 1988 added counselors to the Public Health Code, and protects the titles "licensed professional counselor," "licensed counselor," "professional counselor," and the initials

"l.p.c." Public Act 173 of 1991 amended the Occupational Code to revise the article governing marriage counselors to restrict the titles "licensed marriage and family therapist," "licensed marriage counselor," and the initials "L.M.F.T."

FISCAL IMPLICATIONS:

Fiscal information is not yet available. (5-24-93)

ARGUMENTS:

For:

The list of professionals required to report suspected child abuse or neglect was made before the titles of marriage and family therapists were statutorily protected, and before licensed professional counselors were statutorily regulated in 1988. (A 1984 amendment to the Child Protection Law added people licensed to provide emergency medical care, psychologists, and family therapists.) Since marriage and family therapists now have statutorily protected titles, it makes sense to amend the Child Protection Law to refer to them by these titles. In addition, since school counselors have a legal obligation to report suspected child abuse or neglect, so, too, should licensed professional counselors, who may see children in other settings. Finally, registered dental hygienists have asked to be added to the law's reporting requirements, as they, too, are licensed health professionals who have frequent contact with children and are in a position to detect signs of child abuse and neglect.

Against:

Currently, the Child Protection Law allows the Department of Social Services to provide to the prosecuting attorney and county probate court copies of any written reports the department receives of suspected child abuse or neglect. Perhaps provision of these reports to prosecuting attorneys and probate courts should be made mandatory, rather than merely permissible, and

House Bill 4757 (5-26-93)

local law enforcement agencies should also be added to the list of those receiving such reports, in order to ensure that possibly abused or neglected children do not "slip through the cracks" in the existing system.

POSITIONS:

The Michigan Association of Marriage and Family Therapists supports the bill. (5-24-93)

The Michigan Dental Hygienists' Association supports the bill. (5-20-93)

The Michigan Association for Counseling and Development (which incorporates the Michigan School Counselors Association) supports the bill. (5-20-93)