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## MISSING CHILDREN

### House Bill 5242 with committee amendments First Analysis (3-8-94)

Sponsor: Rep. Michelle McManus  
Committee: Human Services and  
Children

#### ***THE APPARENT PROBLEM:***

In 1988, according to a U.S. Department of Justice study, there were almost 1.5 million abducted, abandoned, lost, injured, or otherwise missing children in this country. Some are injured, some are abducted by family members or others, and some run away. Sadly, the statistics on finding these children are not good. In response, the National Center for Missing and Exploited Children (NCMEC), a private, nonprofit organization that operates under a Congressional mandate, was created as the lead agency in a nation-wide effort to mobilize efforts to locate missing children, and to raise the public consciousness about child abduction and sexual exploitation. The center coordinates states' efforts to collect information on these children by providing states that establish central "clearinghouses" with start-up funds for computers and software that allows each state to hook on to a national system containing data on all missing children. Once a state establishes a clearinghouse, the center provides training for law enforcement personnel on how to coordinate information on missing children; how to disseminate information to other law enforcement agencies; how to network with the general public and other local law enforcement agencies; and how to publicize state clearinghouse programs (for example, by establishing a toll-free number to report missing or sighted children; distributing "missing children" bulletins; and issuing weekly public service announcements). Since there are more than 2,000 children missing in Michigan at the present time, it has been proposed that the state establish a clearinghouse to share in this national pool of information.

#### ***THE CONTENT OF THE BILL:***

The bill would amend the act providing for crime and missing person reports, to establish a missing children information clearinghouse within the

Department of State Police. The department would administer the clearinghouse as a central repository of information regarding missing children; the information would be collected and disseminated to assist in locating missing children. The department director would have to designate a supervisor for the clearinghouse.

The clearinghouse would have to: record each missing child report received under the bill; accept and record a report about a missing child from a parent, guardian, or legal custodian; and exchange information on children suspected of interstate travel with the national crime information center. The clearinghouse also would receive dental records that local law enforcement agencies must under current law seek after someone has been missing for over 30 days. Reports of unidentified bodies of children also would be sent to the clearinghouse.

A law enforcement agency which received a report of a missing child would have to immediately report that information to the clearinghouse, as well as enter the information in the law enforcement information network (the LEIN system) and the national crime information center, as the law now requires. If a child was reported missing by a parent, guardian, or legal custodian, the law enforcement agency receiving the report would immediately inform all on-duty officers of the report, plus notify every other law enforcement agency having jurisdiction over where the child lived or was last seen.

A parent, guardian, or legal custodian would have to immediately report any information he or she had about the location of a child who was reported to the clearinghouse as missing. If the clearinghouse received reliable information that a child had been found, that child's record would be removed from the clearinghouse.

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### ***FISCAL IMPLICATIONS:***

According to the National Center for Missing and Exploited Children (NCMEC), the U.S. Department of Justice provides grants for computers, for software programs and for travel expenses to receive training and technical assistance from NCMEC headquarters in Arlington, Virginia. Costs for salaries and the monthly rental of a modem that would enable Michigan to hook up with other state clearinghouse systems would be the responsibility of the state. A state must first establish a clearinghouse program, however, and then apply for the federal funds. (3-4-94)

The Department of State Police (DSP) estimates that personnel costs would range from \$116,000, if two new staff persons were hired, to \$266,500, if four new staff persons were hired. (The cost for rental of a modem is approximately \$20 per month.) Reports submitted by other states indicate costs for establishing clearinghouses ranging from \$52,000 (Iowa) to \$144,975 (Texas). In some states, the costs were minimal, since they were able to use existing resources. According to the DSP, however, this would not be the case in Michigan, since the department suffered drastic personnel reductions during the fiscal year 1990-91 budget cuts (although the governor recently authorized the establishment of five new recruit schools to return department personnel to pre-1990 figures). (3-4-94)

### ***ARGUMENTS:***

#### ***For:***

Currently, Michigan is one of only seven states in the nation that does not have a central clearinghouse. (The other states are Hawaii, Idaho, Wisconsin, Utah, West Virginia and New Mexico; however, all except the last three states have legislation pending that would establish clearinghouses). The state of Iowa, for example, established a clearinghouse in 1985. Since then, Iowa's coordinator for the clearinghouse states that there has been a 40 percent increase in the number of missing juvenile reports filed, which the coordinator attributes to the establishment of better reporting procedures and an improvement in training in the area of missing persons, as well as an increased knowledge on filing reports by the general public.

Michigan currently enters information on missing persons in the Law Enforcement Information Network (LEIN) system and the National Crime Information Center (NCIC). However, according to NCMEC testimony before the committee, these systems neither meet the state's needs nor compare to the capabilities of clearinghouse programs in other states. The establishment of a clearinghouse would enable the Department of State Police to coordinate its efforts immediately with other state agencies that assist in returning missing children, and with agencies in other states. It would also allow more information to be disseminated to raise public awareness on ways to prevent some of the underlying reasons that cause children to disappear, such as child abduction, molestation, and sexual exploitation. Most importantly, it would serve to focus law enforcement attention specifically on missing children, separate from the general group of missing persons.

#### ***For:***

As was once the case with spousal abuse, the abduction of a child by one parent has historically been viewed as a "domestic" matter, and therefore not a "serious" problem. More often than not, police are reluctant to take action on a reported abduction case if there is a reason to believe that it might be a parental abduction. It is perhaps this viewpoint that has allowed Michigan to remain among one of the few states in the nation that has not established a central clearinghouse of information on missing children. As has been the case with many other "domestic" issues, however, a real-life drama became the catalyst for change in Michigan when it gained national significance. The case involved Betty Mahmoody -- now president of "One World: For Children" -- whose husband held her captive in Iran, along with her small daughter. Due to the efforts of Ms. Mahmoody this especially harmful form of terrorism against children has been exposed. Other individuals, unwilling to accept the status quo, have carried the torch to expose the extent of parental abduction in this country. Since the first few hours after a child is abducted are the most crucial in establishing leads, the bill's requirement that information on children suspected of interstate travel be reported immediately to the clearinghouse would provide the most important tool in recovering children who are abducted by a parent and whisked out of state. (Note: Law enforcement agencies have been prohibited since 1986 from having policies which require a waiting period before investigating reports of missing

children and entering such reports into the LEIN system and the NCIC. However, reports are that prohibition has not been adhered to by all law enforcement agencies.)

***Against:***

It is estimated by the Department of State Police that the provisions of the bill could result in costs of almost \$200,000. The department not only suffered drastic cuts in staffing during the 1990-91 budget cuts, it currently operates under a tight budget that cannot be stretched to accommodate additional demands.

***Response:***

Most people would agree that \$200,000 would be a small price to pay for the return of only one child. However, other states that have established central clearinghouses report higher success rates than that.

***POSITIONS:***

A representative from the National Center for Missing and Exploited Children (NCMEC) testified before the committee in support of the bill. (1-26-94)

A representative of "One World: For Children," a child advocacy organization, testified before the committee in support of the bill. (3-2-94)

The Department of State Police supports the concept of the bill, but expressed concerns that a clearinghouse could not be established unless sufficient funds were appropriated. (3-3-94)

The Michigan Association of Chiefs of Police supports the concept of the bill, but expressed concern that a clearinghouse could not be established unless sufficient funds were appropriated. (3-7-94)

The Department of Social Services has no position on the bill. (3-4-94)