

**SUBSTITUTE FOR
HOUSE BILL NO. 5144**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 2, 7, 8, and 8d (MCL 722.622, 722.627, 722.628, and 722.628d), section 2 as amended by 1998 PA 531, section 7 as amended by 1998 PA 485, and section 8 as amended and section 8d as added by 1998 PA 484.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Attorney" means, if appointed to represent a child
3 under the provisions referenced in section 10, an attorney serv-
4 ing as the child's legal advocate in the manner defined and
5 described in section 13a of chapter XIIA of THE PROBATE CODE OF
6 1939, 1939 PA 288, MCL 712A.13a.

7 (b) "Central registry" means the system maintained at the
8 department that is used to keep a record of all reports filed

HB5144, As Passed House, February 9, 2000

House Bill No. 5144

2

1 with the department pursuant to this act in which relevant and
2 accurate evidence of child abuse or neglect is found to exist.

3 (c) "Central registry case" means a child protective serv-
4 ices case that the department classifies under sections 8 and 8d
5 as category I or category II. For a child protective services
6 case that was investigated before ~~the effective date of the act~~
7 ~~that added section 8d~~ JULY 1, 1999, central registry case means
8 an allegation of child abuse or neglect that the department
9 substantiated.

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

11 (e) "Child abuse" means harm or threatened harm to a child's
12 health or welfare by a parent, A legal guardian, or any other
13 person responsible for the child's health or welfare, or by a
14 teacher or teacher's aide, that occurs through nonaccidental
15 physical or mental injury; sexual abuse; sexual exploitation; or
16 maltreatment.

17 (f) "Child neglect" means harm or threatened harm to a
18 child's health or welfare by a parent, legal guardian, or any
19 other person responsible for the child's health or welfare that
20 occurs through either of the following:

21 (i) Negligent treatment, including the failure to provide
22 adequate food, clothing, shelter, or medical care.

23 (ii) Placing a child at an unreasonable risk to the child's
24 health or welfare by failure of the parent, legal guardian, or
25 ~~any~~ other person responsible for the child's health or welfare
26 to intervene to eliminate that risk when that person is able to
27 do so and has, or should have, knowledge of the risk.

HB5144, As Passed House, February 9, 2000

House Bill No. 5144

3

1 (G) "CITIZEN REVIEW PANEL" MEANS A PANEL ESTABLISHED AS
2 REQUIRED BY SECTION 106 OF TITLE I OF THE CHILD ABUSE PREVENTION
3 AND TREATMENT ACT, PUBLIC LAW 93-247, 42 U.S.C. 5106a.

4 (H) ~~(g)~~ "Controlled substance" means that term as defined
5 in section 7104 of the public health code, 1978 PA 368, MCL
6 333.7104.

7 (I) ~~(h)~~ "CPSI system" means the child protective service
8 information system, which is an internal data system maintained
9 within and by the department, and which is separate from the cen-
10 tral registry and not subject to section 7.

11 (J) ~~(i)~~ "Department" means the family independence
12 agency.

13 (K) ~~(j)~~ "Director" means the director of the department.

14 (L) ~~(k)~~ "Expunge" means to physically remove or eliminate
15 and destroy a record or report.

16 (M) ~~(l)~~ "Lawyer-guardian ad litem" means an attorney
17 appointed under section 10 who has the powers and duties refer-
18 enced by section 10.

19 (N) ~~(m)~~ "Local office file" means the system used to keep
20 a record of a written report, document, or photograph filed with
21 and maintained by a county or a regionally based office of the
22 department.

23 (O) ~~(n)~~ "Nonparent adult" means a person who is 18 years
24 of age or older and who, regardless of the person's domicile,
25 meets all of the following criteria in relation to a child: ~~over~~
26 ~~whom the court takes jurisdiction under section 2(b) of chapter~~
27 ~~XIIIA of 1939 PA 288, MCL 712A.2:~~

HB5144, As Passed House, February 9, 2000

House Bill No. 5144

4

1 (i) Has substantial and regular contact with the child.

2 (ii) Has a close personal relationship with the child's
3 parent or with a person responsible for the child's health or
4 welfare.

5 (iii) Is not the child's parent or a person otherwise
6 related to the child by blood or affinity to the third degree.

7 (P) ~~(o)~~ "Person responsible for the child's health or
8 welfare" means a parent, legal guardian, person 18 years of age
9 or older who resides for any length of time in the same home in
10 which the child resides, or, except when used in section 7(2)(e)
11 or 8(8), nonparent adult; or an owner, operator, volunteer, or
12 employee of 1 or more of the following:

13 (i) A licensed or unlicensed child care organization as
14 defined in section 1 of 1973 PA 116, MCL 722.111.

15 (ii) A licensed or unlicensed adult foster care family home
16 or adult foster care small group home as defined in section 3 of
17 the adult foster care facility licensing act, 1979 PA 218, MCL
18 400.703.

19 (Q) ~~(p)~~ "Relevant evidence" means evidence having a ten-
20 dency to make the existence of a fact that is at issue more prob-
21 able than it would be without the evidence.

22 (R) ~~(q)~~ "Sexual abuse" means engaging in sexual contact or
23 sexual penetration as those terms are defined in section 520a of
24 the Michigan penal code, 1931 PA 328, MCL 750.520a, with a
25 child.

26 (S) ~~(r)~~ "Sexual exploitation" includes allowing,
27 permitting, or encouraging a child to engage in prostitution, or

HB5144, As Passed House, February 9, 2000

House Bill No. 5144

5

1 allowing, permitting, encouraging, or engaging in the
2 photographing, filming, or depicting of a child engaged in a
3 listed sexual act as defined in section 145c of THE MICHIGAN
4 PENAL CODE, 1931 PA 328, MCL 750.145c.

5 (T) ~~(s)~~ "Specified information" means information in a
6 central registry case record that relates specifically to refer-
7 rals or reports of child abuse or neglect. Specified information
8 does not include any of the following:

9 (i) Except as provided in this subparagraph regarding a per-
10 petrator of child abuse or neglect, personal identification
11 information for any individual identified in a child protective
12 services record. The exclusion of personal identification infor-
13 mation as specified information prescribed by this subparagraph
14 does not include personal identification information identifying
15 an individual alleged to have perpetrated child abuse or neglect,
16 which allegation has been classified as a central registry case.

17 (ii) Information in a law enforcement report as provided in
18 section 7(8).

19 (iii) Any other information that is specifically designated
20 as confidential under other law.

21 (U) ~~(t)~~ "Structured decision-making tool" means the
22 department document labeled "DSS-4752 (P3)(3-95)" or a revision
23 of that document that better measures the risk of future harm to
24 a child.

25 (V) ~~(u)~~ "Substantiated" means a child protective services
26 case classified as a central registry case.

HB5144, As Passed House, February 9, 2000

House Bill No. 5144

6

1 (W) ~~(v)~~ "Unsubstantiated" means a child protective
2 services case the department classifies under sections 8 and 8d
3 as category III, category IV, or category V.

4 Sec. 7. (1) The department shall maintain a statewide,
5 electronic central registry to carry out the intent of this act.

6 (2) Unless made public as specified information released
7 under section 7d, a written report, document, or photograph filed
8 with the department as provided in this act is a confidential
9 record available only to 1 or more of the following:

10 (a) A legally mandated public or private child protective
11 agency investigating a report of known or suspected child abuse
12 or neglect.

13 (b) A police or other law enforcement agency investigating a
14 report of known or suspected child abuse or neglect.

15 (c) A physician who is treating a child whom the physician
16 reasonably suspects may be abused or neglected.

17 (d) A person legally authorized to place a child in protec-
18 tive custody when the person is confronted with a child whom the
19 person reasonably suspects may be abused or neglected and the
20 confidential record is necessary to determine whether to place
21 the child in protective custody.

22 (e) A person, agency, or organization, including a multidis-
23 ciplinary case consultation team, authorized to diagnose, care
24 for, treat, or supervise a child or family who is the subject of
25 a report or record under this act, or who is responsible for the
26 child's health or welfare.

HB5144, As Passed House, February 9, 2000

House Bill No. 5144

7

1 (f) A person named in the report or record as a perpetrator
2 or alleged perpetrator of the child abuse or neglect or a victim
3 who is an adult at the time of the request, if the identity of
4 the reporting person is protected as provided in section 5.

5 (g) A court that determines the information is necessary to
6 decide an issue before the court.

7 (h) A grand jury that determines the information is neces-
8 sary in the conduct of the grand jury's official business.

9 (i) A person, agency, or organization engaged in a bona fide
10 research or evaluation project. The person, agency, or organiza-
11 tion shall not release information identifying a person named in
12 the report or record unless that person's written consent is
13 obtained. The person, agency, or organization shall not conduct
14 a personal interview with a family without the family's prior
15 consent and shall not disclose information that would identify
16 the child or the child's family or other identifying
17 information. The department director may authorize the release
18 of information to a person, agency, or organization described in
19 this subdivision if the release contributes to the purposes of
20 this act and the person, agency, or organization has appropriate
21 controls to maintain the confidentiality of personally identify-
22 ing information for a person named in a report or record made
23 under this act.

24 (j) A lawyer-guardian ad litem or other attorney appointed
25 as provided by section 10.

26 (k) A child placing agency licensed under 1973 PA 116, MCL
27 722.111 to 722.128, for the purpose of investigating an applicant

HB5144, As Passed House, February 9, 2000

House Bill No. 5144

8

1 for adoption, a foster care applicant or licensee or an employee
2 of a foster care applicant or licensee, an adult member of an
3 applicant's or licensee's household, or other persons in a foster
4 care or adoptive home who are directly responsible for the care
5 and welfare of children, to determine suitability of a home for
6 adoption or foster care. The child placing agency shall disclose
7 the information to a foster care applicant or licensee under 1973
8 PA 116, MCL 722.111 to 722.128, or to an applicant for adoption.

9 (l) Juvenile court staff authorized by the court to investi-
10 gate foster care applicants and licensees, employees of foster
11 care applicants and licensees, adult members of the applicant's
12 or licensee's household, and other persons in the home who are
13 directly responsible for the care and welfare of children, for
14 the purpose of determining the suitability of the home for foster
15 care. The court shall disclose this information to the applicant
16 or licensee.

17 (m) Subject to section 7a, a standing or select committee or
18 appropriations subcommittee of either house of the legislature
19 having jurisdiction over protective services matters for
20 children.

21 (n) The children's ombudsman appointed under the children's
22 ombudsman act, 1994 PA 204, MCL 722.921 to 722.935.

23 (o) A child fatality review team established under section
24 7b and authorized under that section to investigate and review a
25 child death.

HB5144, As Passed House, February 9, 2000

Sub. H.B. 5144 (H-1) as amended February 9, 2000

9

1 (p) A county medical examiner or deputy county medical
2 examiner appointed under 1953 PA 181, MCL 52.201 to 52.216, for
3 the purpose of carrying out his or her duties under that act.

4 [(Q) A CITIZEN REVIEW PANEL ESTABLISHED BY THE DEPARTMENT.
ACCESS UNDER THIS SUBDIVISION SHALL BE LIMITED TO INFORMATION THE
DEPARTMENT DETERMINES IS NECESSARY FOR THE PANEL TO CARRY OUT ITS
PRESCRIBED DUTIES.]

5 (3) ~~A~~ SUBJECT TO SUBSECTION (9), A person or entity to
6 whom information described in subsection (2) is disclosed shall
7 make the information available only to a person or entity
8 described in subsection (2). This subsection does not require a
9 court proceeding to be closed that otherwise would be open to the
10 public.

11 (4) If the department classifies a report of suspected child
12 abuse or neglect as a central registry case, the department shall
13 maintain a record in the central registry and, within 30 days
14 after the classification, shall notify in writing each individual
15 who is named in the record as a perpetrator of the child abuse or
16 neglect. The notice shall set forth the individual's right to
17 request expunction of the record and the right to a hearing if
18 the department refuses the request. The notice shall state that
19 the record may be released under section 7d. The notice shall
20 not identify the person reporting the suspected child abuse or
21 neglect.

22 (5) A person who is the subject of a report or record made
23 under this act may request the department to amend an inaccurate
24 report or record from the central registry and local office
25 file. A person who is the subject of a report or record made
26 under this act may request the department to expunge from the
27 central registry a report or record in which no relevant and

HB5144, As Passed House, February 9, 2000

House Bill No. 5144

10

1 accurate evidence of abuse or neglect is found to exist. A
2 report or record filed in a local office file is not subject to
3 expunction except as the department authorizes, when considered
4 in the best interest of the child.

5 (6) If the department refuses a request for amendment or
6 expunction under subsection (5), or fails to act within 30 days
7 after receiving the request, the department shall hold a hearing
8 to determine by a preponderance of the evidence whether the
9 report or record in whole or in part should be amended or
10 expunged from the central registry on the grounds that the report
11 or record is not relevant or accurate evidence of abuse or
12 neglect. The hearing shall be before a hearing officer appointed
13 by the department and shall be conducted as prescribed by the
14 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
15 24.328.

16 (7) If the investigation of a report conducted under this
17 act fails to disclose evidence of abuse or neglect, the informa-
18 tion identifying the subject of the report shall be expunged from
19 the central registry. If evidence of abuse or neglect exists,
20 the department shall maintain the information in the central reg-
21 istry until the department receives reliable information that the
22 ~~individual alleged to have perpetrated~~ PERPETRATOR OF the abuse
23 or neglect is dead.

24 (8) In releasing information under this act, the department
25 shall not include a report compiled by a police agency or other
26 law enforcement agency. ~~related to an investigation of suspected~~
27 ~~child abuse or neglect.~~ This subsection does not prevent the

HB5144, As Passed House, February 9, 2000

House Bill No. 5144

11

1 department from including reports of convictions of crimes
2 related to child abuse or neglect.

3 (9) A MEMBER OR STAFF MEMBER OF A CITIZEN REVIEW PANEL SHALL
4 NOT DISCLOSE IDENTIFYING INFORMATION ABOUT A SPECIFIC CHILD PRO-
5 TECTION CASE TO AN INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIA-
6 TION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY. A MEMBER OR
7 STAFF MEMBER OF A CITIZEN REVIEW PANEL IS A MEMBER OF A BOARD,
8 COUNCIL, COMMISSION, OR STATUTORILY CREATED TASK FORCE OF A GOV-
9 ERNMENTAL AGENCY FOR THE PURPOSES OF SECTION 7 OF 1964 PA 170,
10 MCL 691.1407. INFORMATION OBTAINED BY A CITIZEN REVIEW PANEL IS
11 NOT SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL
12 15.231 TO 15.246.

13 Sec. 8. (1) Within 24 hours after receiving a report made
14 under this act, the department shall refer the report to the
15 prosecuting attorney if the report meets the requirements of
16 section 3(6) or shall commence an investigation of the child sus-
17 pected of being abused or neglected. Within 24 hours after
18 receiving a report whether from the reporting person or from the
19 department under section 3(6), the local law enforcement agency
20 shall refer the report to the department if the report meets the
21 requirements of section 3(7) or shall commence an investigation
22 of the child suspected of being abused or neglected. If the
23 child suspected of being abused is not in the physical custody of
24 the parent or legal guardian and informing the parent or legal
25 guardian would not endanger the child's health or welfare, the
26 agency or the department shall inform the child's parent or legal
27 guardian of the investigation as soon as the agency or the

HB5144, As Passed House, February 9, 2000

House Bill No. 5144

12

1 department discovers the identity of the child's parent or legal
2 guardian.

3 (2) In the course of its investigation, the department shall
4 determine if the child is abused or neglected. The department
5 shall cooperate with law enforcement officials, courts of compe-
6 tent jurisdiction, and appropriate state agencies providing human
7 services in relation to preventing, identifying, and treating
8 child abuse and neglect; shall provide, enlist, and coordinate
9 the necessary services, directly or through the purchase of serv-
10 ices from other agencies and professions; and shall take neces-
11 sary action to prevent further abuses, to safeguard and enhance
12 the child's welfare, and to preserve family life where possible.

13 (3) In conducting its investigation, the department shall
14 seek the assistance of and cooperate with law enforcement offi-
15 cials within 24 hours after becoming aware that 1 or more of the
16 following conditions exist:

17 (a) Abuse or neglect is the suspected cause of a child's
18 death.

19 (b) The child is the victim of suspected sexual abuse or
20 sexual exploitation.

21 (c) Abuse or neglect resulting in severe physical injury to
22 the child requires medical treatment or hospitalization. For
23 purposes of this subdivision and section 17, "severe physical
24 injury" means brain damage, skull or bone fracture, subdural hem-
25 orrhage or hematoma, dislocation, sprains, internal injuries,
26 poisoning, burns, scalds, severe cuts, or any other physical

HB5144, As Passed House, February 9, 2000

House Bill No. 5144

13

1 injury that seriously impairs the health or physical well-being
2 of a child.

3 (d) Law enforcement intervention is necessary for the pro-
4 tection of the child, a department employee, or another person
5 involved in the investigation.

6 (e) The alleged perpetrator of the child's injury is not a
7 person responsible for the child's health or welfare.

8 (4) Law enforcement officials shall cooperate with the
9 department in conducting investigations under subsections (1) and
10 (3) and shall comply with sections 5 and 7. The department and
11 law enforcement officials shall conduct investigations in compli-
12 ance with the protocol adopted and implemented as required by
13 subsection (6).

14 (5) Involvement of law enforcement officials under this sec-
15 tion does not relieve or prevent the department from proceeding
16 with its investigation or treatment if there is reasonable cause
17 to suspect that the child abuse or neglect was committed by a
18 person responsible for the child's health or welfare.

19 (6) In each county, the prosecuting attorney and the depart-
20 ment shall develop and establish procedures for involving law
21 enforcement officials as provided in this section. In each
22 county, the prosecuting attorney and the department shall adopt
23 and implement a standard child abuse and neglect investigation
24 and interview protocol using as a model the protocol developed by
25 the governor's task force on children's justice as published in
26 DSS Publication 794 (8-93).

HB5144, As Passed House, February 9, 2000

House Bill No. 5144

14

1 (7) If there is reasonable cause to suspect that a child in
2 the care of or under the control of a public or private agency,
3 institution, or facility is an abused or neglected child, the
4 agency, institution, or facility shall be investigated by an
5 agency administratively independent of the agency, institution,
6 or facility being investigated. If the investigation produces
7 evidence of a violation of section 145c or sections 520b to 520g
8 of the Michigan penal code, 1931 PA 328, MCL 750.145c and
9 750.520b to 750.520g, the investigating agency shall transmit a
10 copy of the results of the investigation to the prosecuting
11 attorney of the county in which the agency, institution, or
12 facility is located.

13 (8) A school or other institution shall cooperate with the
14 department during an investigation of a report of child abuse or
15 neglect. Cooperation includes allowing access to the child with-
16 out parental consent if access is determined by the department to
17 be necessary to complete the investigation or to prevent abuse or
18 neglect of the child. However, the department shall notify the
19 person responsible for the child's health or welfare about the
20 department's contact with the child at the time or as soon after-
21 ward as the person can be reached. The department may delay the
22 notice if the notice would compromise the safety of the child or
23 child's siblings or the integrity of the investigation, but only
24 for the time 1 of those conditions exists.

25 (9) If the department has contact with a child in a school,
26 all of the following apply:

HB5144, As Passed House, February 9, 2000

House Bill No. 5144

15

1 (a) Before contact with the child, the department
2 investigator shall review with the designated school staff person
3 the department's responsibilities under this act and the investi-
4 gation procedure.

5 (b) After contact with the child, the department investiga-
6 tor shall meet with the designated school staff person and the
7 child about the response the department will take as a result of
8 contact with the child. The department may also meet with the
9 designated school staff person without the child present and
10 share additional information the investigator determines may be
11 shared subject to the confidentiality provisions of this act.

12 (c) Lack of cooperation by the school does not relieve or
13 prevent the department from proceeding with its responsibilities
14 under this act.

15 (10) A child shall not be subjected to a search at a school
16 that requires the child to remove his or her clothing to expose
17 his buttocks or genitalia or her breasts, buttocks, or genitalia
18 unless the department has obtained an order from a court of com-
19 petent jurisdiction permitting such a search. If the access
20 occurs within a hospital, the investigation shall be conducted so
21 as not to interfere with the medical treatment of the child or
22 other patients.

23 (11) The department shall enter each report made under this
24 act that is the subject of a field investigation into the CPSI
25 system. The department shall maintain a report entered on the
26 CPSI system as required by this subsection until the child about
27 whom the investigation is made is 18 years old or until 10 years

HB5144, As Passed House, February 9, 2000

House Bill No. 5144

16

1 after the investigation is commenced, whichever is later, OR, IF
2 THE CASE IS CLASSIFIED AS A CENTRAL REGISTRY CASE, UNTIL THE
3 DEPARTMENT RECEIVES RELIABLE INFORMATION THAT THE PERPETRATOR OF
4 THE ABUSE OR NEGLECT IS DEAD. Unless made public as specified
5 information released under section 7d, a report that is main-
6 tained on the CPSI system is confidential and is not subject to
7 the disclosure requirements of the freedom of information act,
8 1976 PA 442, MCL 15.231 to 15.246.

9 (12) After completing a field investigation and based on its
10 results, the department shall determine in which single category,
11 prescribed by section 8d, to classify the allegation of child
12 abuse or neglect.

13 (13) ~~(12)~~ Except as provided in ~~(13)~~ SUBSECTION (14),
14 upon completion of the investigation by the local law enforcement
15 agency or the department, the law enforcement agency or depart-
16 ment may inform the person who made the report as to the disposi-
17 tion of the report.

18 (14) ~~(13)~~ If the person who made the report is mandated to
19 report under section 3, upon completion of the investigation by
20 the department, the department shall inform the person in writing
21 as to the disposition of the case and shall include in the infor-
22 mation at least all of the following:

23 (a) What determination the department made under subsection
24 ~~(11)~~ (12) and the rationale for that decision.

25 (b) Whether legal action was commenced and, if so, the
26 nature of that action.

HB5144, As Passed House, February 9, 2000

House Bill No. 5144

17

1 (c) Notification that the information being conveyed is
2 confidential.

3 (15) ~~(14)~~ Information sent under subsection ~~(13)~~ (14)
4 shall not include personally identifying information for a person
5 named in a report or record made under this act.

6 Sec. 8d. (1) For the department's determination required by
7 section 8, the categories, and the departmental response required
8 for each category, are the following:

9 (a) Category V - services not needed. ~~The~~ FOLLOWING A
10 FIELD INVESTIGATION, THE department determines that ~~the allega-~~
11 ~~tion does not amount to~~ THERE IS NO EVIDENCE OF child abuse or
12 neglect. ~~, and the structured decision-making tool indicates~~
13 ~~that there is no future risk of harm to the child. This act does~~
14 ~~not require a further response by the department.~~

15 (b) Category IV - community services recommended. ~~The~~
16 FOLLOWING A FIELD INVESTIGATION, THE department determines that
17 there is not A PREPONDERANCE OF evidence of child abuse or
18 neglect, but the structured decision-making tool indicates ~~a low~~
19 ~~or moderate risk of~~ THAT THERE IS future RISK OF harm to the
20 child. The department shall assist the child's family in volun-
21 tarily participating in community-based services COMMENSURATE
22 WITH THE RISK TO THE CHILD.

23 (c) Category III - community services needed. The depart-
24 ment determines that there is A PREPONDERANCE OF evidence of
25 child abuse or neglect, and the structured decision-making tool
26 indicates a low or moderate risk of future harm to the child.
27 The department shall assist the child's family in receiving

HB5144, As Passed House, February 9, 2000

House Bill No. 5144

18

1 community-based services COMMENSURATE WITH THE RISK TO THE
2 CHILD. If the family does not voluntarily participate in serv-
3 ices, OR THE FAMILY VOLUNTARILY PARTICIPATES IN SERVICES, BUT
4 DOES NOT PROGRESS TOWARD ALLEVIATING THE CHILD'S RISK LEVEL, the
5 department ~~may reclassify~~ SHALL CONSIDER RECLASSIFYING the case
6 as category II.

7 (d) Category II - child protective services required. The
8 department determines that there is evidence of child abuse or
9 neglect, and the structured decision-making tool indicates a high
10 or intensive risk of future harm to the child. The department
11 shall open a protective services case and provide the services
12 necessary under this act. The department shall also list the
13 perpetrator of the child abuse or neglect, based on the report
14 that was the subject of the field investigation, on the central
15 registry, either by name or as "unknown" if the perpetrator has
16 not been identified.

17 (e) Category I - court petition required. The department
18 determines that there is evidence of child abuse or neglect and 1
19 or more of the following are true:

20 (i) A court petition is required under another provision of
21 this act.

22 (ii) The child is not safe and a petition for removal is
23 needed.

24 (iii) The department previously classified the case as cate-
25 gory II and the child's family does not voluntarily participate
26 in services.

HB5144, As Passed House, February 9, 2000

House Bill No. 5144

19

1 (iv) There is a violation, involving the child, of a crime
2 listed or described in section 8a(1)(b), (c), (d), or (f) or of
3 child abuse in the first or second degree as prescribed by sec-
4 tion 136b of the Michigan penal code, 1931 PA 328, MCL 750.136b.

5 (2) In response to a category I classification, the depart-
6 ment shall do all of the following:

7 (a) If a court petition is not required under another provi-
8 sion of this act, submit a petition for authorization by the
9 court under section 2(b) of chapter XIIA of THE PROBATE CODE OF
10 1939, 1939 PA 288, MCL 712A.2.

11 (b) Open a protective services case and provide the services
12 necessary under this act.

13 (c) List the perpetrator of the child abuse or neglect,
14 based on the report that was the subject of the field investiga-
15 tion, on the central registry, either by name or as "unknown" if
16 the perpetrator has not been identified.

17 ~~(3) The department shall identify all of the families clas-~~
18 ~~sified in category III at any time during the period beginning~~
19 ~~October 1, 1999 and ending October 1, 2000 and shall report to~~
20 ~~the appropriate legislative standing committees and the house and~~
21 ~~senate appropriations subcommittees for the department all of the~~
22 ~~following regarding those families: THE DEPARTMENT SHALL FURNISH~~
23 ~~A WRITTEN REPORT DESCRIBED IN SUBSECTION (4) TO THE APPROPRIATE~~
24 ~~LEGISLATIVE STANDING COMMITTEES AND THE HOUSE AND SENATE APPRO-~~
25 ~~RIATIONS SUBCOMMITTEES FOR THE DEPARTMENT WITHIN 4 MONTHS AFTER~~
26 ~~EACH OF THE FOLLOWING TIME PERIODS:~~

HB5144, As Passed House, February 9, 2000

House Bill No. 5144

20

1 (A) BEGINNING OCTOBER 1, 1999 AND ENDING SEPTEMBER 30,
2 2000.

3 (B) BEGINNING OCTOBER 1, 2000 AND ENDING SEPTEMBER 30,
4 2001.

5 (C) BEGINNING OCTOBER 1, 2001 AND ENDING SEPTEMBER 30,
6 2002.

7 (4) THE DEPARTMENT SHALL INCLUDE IN A REPORT REQUIRED BY
8 SUBSECTION (3) AT LEAST ALL OF THE FOLLOWING INFORMATION REGARD-
9 ING ALL FAMILIES THAT WERE CLASSIFIED IN CATEGORY III AT SOME
10 TIME DURING THE TIME PERIOD COVERED BY THE REPORT:

11 (A) THE TOTAL NUMBER OF FAMILIES CLASSIFIED IN CATEGORY III.

12 (B) ~~(a)~~ The number and percentage classified in category
13 III that voluntarily participated in services and that did not
14 participate in services.

15 (C) ~~(b)~~ The number for which the department entered more
16 than 1 determination that there was evidence of child abuse or
17 neglect.

18 (D) ~~(c)~~ The number the department reclassified from cate-
19 gory III to category II.