

HOUSE BILL No. 4477

March 27, 2003, Introduced by Reps. Voorhees, Steil, Vander Veen, Taub, Hager, Vagnozzi, Kooiman, Stahl, Stewart, Brandenburg and Ward and referred to the Committee on Criminal Justice.

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 2 (MCL 722.622), as amended by 2002 PA 693.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Adult foster care location authorized to care for a
3 child" means an adult foster care family home or adult foster
4 care small group home as defined in section 3 of the adult foster
5 care facility licensing act, 1979 PA 218, MCL 400.703, in which a
6 child is placed in accordance with section 5 of 1973 PA 116, MCL
7 722.115.

8 (b) "Attorney" means, if appointed to represent a child under
9 the provisions referenced in section 10, an attorney serving as
10 the child's legal advocate in the manner defined and described in
11 section 13a of chapter XIIIA of the probate code of 1939, 1939

1 PA 288, MCL 712A.13a.

2 (c) "Central registry" means the system maintained at the
3 department that is used to keep a record of all reports filed
4 with the department under this act in which relevant and accurate
5 evidence of child abuse or neglect is found to exist.

6 (d) "Central registry case" means a child protective services
7 case that the department classifies under sections 8 and 8d as
8 category I or category II. For a child protective services case
9 that was investigated before July 1, 1999, central registry case
10 means an allegation of child abuse or neglect that the department
11 substantiated.

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

13 (f) "Child abuse" means harm or threatened harm to a child's
14 health or welfare that occurs through nonaccidental physical or
15 mental injury, sexual abuse, sexual exploitation, or
16 maltreatment, by a parent, a legal guardian, or any other person
17 responsible for the child's health or welfare or by a teacher, a
18 teacher's aide, or a member of the clergy. **Child abuse includes**
19 **a violation or attempted violation of section 625(7)(a) of the**
20 **Michigan vehicle code, 1949 PA 300, MCL 257.625.**

21 (g) "Child care organization" means that term as defined in
22 section 1 of 1973 PA 116, MCL 722.111.

23 (h) "Child care provider" means an owner, operator, employee,
24 or volunteer of a child care organization or of an adult foster
25 care location authorized to care for a child.

26 (i) "Child care regulatory agency" means the department of
27 consumer and industry services or a successor state department

1 that is responsible for the licensing or registration of child
2 care organizations or the licensing of adult foster care
3 locations authorized to care for a child.

4 (j) "Child neglect" means harm or threatened harm to a
5 child's health or welfare by a parent, legal guardian, or ~~any~~
6 ~~other~~ **another** person responsible for the child's health or
7 welfare that occurs through either of the following:

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

10 (ii) Placing a child at an unreasonable risk to the child's
11 health or welfare by failure of the parent, legal guardian, or
12 other person responsible for the child's health or welfare to
13 intervene to eliminate that risk when that person is able to do
14 so and has, or should have, knowledge of the risk.

15 (k) "Citizen review panel" means a panel established as
16 required by section 106 of title I of the child abuse prevention
17 and treatment act, Public Law 93-247, 42 U.S.C. 5106a.

18 (l) "Member of the clergy" means a priest, minister, rabbi,
19 Christian science practitioner, or other religious practitioner,
20 or similar functionary of a church, temple, or recognized
21 religious body, denomination, or organization.

22 (m) "Controlled substance" means that term as defined in
23 section 7104 of the public health code, 1978 PA 368,
24 MCL 333.7104.

25 (n) "CPSI system" means the child protective service
26 information system, which is an internal data system maintained
27 within and by the department, and which is separate from the

1 central registry and not subject to section 7.

2 (o) "Department" means the family independence agency.

3 (p) "Director" means the director of the department.

4 (q) "Expunge" means to physically remove or eliminate and
5 destroy a record or report.

6 (r) "Lawyer-guardian ad litem" means an attorney appointed
7 under section 10 who has the powers and duties referenced by
8 section 10.

9 (s) "Local office file" means the system used to keep a
10 record of a written report, document, or photograph filed with
11 and maintained by a county or a regionally based office of the
12 department.

13 (t) "Nonparent adult" means a person who is 18 years of age
14 or older and who, regardless of the person's domicile, meets all
15 of the following criteria in relation to a child:

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

17 (ii) Has a close personal relationship with the child's
18 parent or with a person responsible for the child's health or
19 welfare.

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

22 (u) "Person responsible for the child's health or welfare"
23 means a parent, legal guardian, person 18 years of age or older
24 who resides for any length of time in the same home in which the
25 child resides, or, except when used in section 7(2)(e) or 8(8),
26 nonparent adult; or an owner, operator, volunteer, or employee of
27 1 or more of the following:

1 (i) A licensed or registered child care organization.

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

6 (v) "Relevant evidence" means evidence having a tendency to
7 make the existence of a fact that is at issue more probable than
8 it would be without the evidence.

9 (w) "Sexual abuse" means engaging in sexual contact or sexual
10 penetration as those terms are defined in section 520a of the
11 Michigan penal code, 1931 PA 328, MCL 750.520a, with a child.

12 (x) "Sexual exploitation" includes allowing, permitting, or
13 encouraging a child to engage in prostitution, or allowing,
14 permitting, encouraging, or engaging in the photographing,
15 filming, or depicting of a child engaged in a listed sexual act
16 as defined in section 145c of the Michigan penal code, 1931
17 PA 328, MCL 750.145c.

18 (y) "Specified information" means information in a central
19 registry case record that relates specifically to referrals or
20 reports of child abuse or neglect. Specified information does
21 not include any of the following:

22 (i) Except as provided in this subparagraph regarding a
23 perpetrator of child abuse or neglect, personal identification
24 information for any individual identified in a child protective
25 services record. The exclusion of personal identification
26 information as specified information prescribed by this
27 subparagraph does not include personal identification information

1 identifying an individual alleged to have perpetrated child abuse
2 or neglect, which allegation has been classified as a central
3 registry case.

4 (ii) Information in a law enforcement report as provided in
5 section 7(8).

6 (iii) Any other information that is specifically designated
7 as confidential under other law.

8 (z) "Structured decision-making tool" means the department
9 document labeled "DSS-4752 (P3) (3-95)" or a revision of that
10 document that better measures the risk of future harm to a
11 child.

12 (aa) "Substantiated" means a child protective services case
13 classified as a central registry case.

14 (bb) "Unsubstantiated" means a child protective services case
15 the department classifies under sections 8 and 8d as
16 category III, category IV, or category V.