

Legislative Analysis



AMEND CHILD PROTECTION LAW

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Senate Bill 1418

Sponsor: Sen. Mark C. Jansen

Senate Bill 1419

Sponsor: Sen. Bill Hardiman

House Committee: Families and Children Services

Senate Committee: Families and Human Services

Complete to 9-22-08

A SUMMARY OF SENATE BILLS 1418 & 1419 AS PASSED BY THE SENATE 9-16-08

Senate Bill 1418 would amend the Child Protection Law (MCL 722.623 et al.) do the following:

- Require certain child abuse and neglect reporting by an employee of an organization or entity that, as a result of federal funding statutes, regulations, or contracts, would be prohibited from reporting in the absence of a state mandate or court order. A person required to report under this provision would be required to report in the same manner provided under the law for other professionals.
- Require the Department of Human Services (DHS) to determine whether there was an open Friend of the Court (FOC) case regarding a child who was suspected of being abused or neglected if a Child Protective Services investigation of child abuse or neglect resulted in certain specified dispositions (described later).
- Require the DHS to notify the local FOC office of an investigation into suspected abuse or neglect of a child, and to report a change in the child's placement, if the DHS determined that there was an open FOC case regarding the child.
- Require the DHS, if it determined that there was an open FOC case, to give a form with information on how to change a custody or parenting time order, to noncustodial parents of a child who was suspected of being abused or neglected.
- Permit information in the central registry of alleged child abuse or neglect reports to be made available to local FOC offices (without current restrictions on availability).
- Allow Child Protective Services to report to the local FOC any situation in which a parent made unfounded reports of child abuse or neglect more than three times within one year or on five cumulative reports over several years.

Specified Dispositions. The DHS would have to determine whether there was an open FOC case if a Child Protective Services (CPS) investigation resulted in any of the following dispositions:

- The CPS found that a preponderance of evidence indicated that there had been child abuse and neglect.
- There was an emergency removal of the child for abuse and neglect before the investigation was completed.
- The family court took jurisdiction on a petition and a child was maintained in his or her own home under DHS supervision.
- One or more children residing in the home were removed and one or more remained.
- The DHS determined that any other circumstances related to child safety applied.

The bill would take effect October 1, 2008.

Senate Bill 1419 would amend the Friend of the Court Act (MCL 552.520) to require an FOC office, upon being notified by the DHS of an investigation into alleged child abuse or neglect, to notify the DHS of any procedural developments in an open FOC case regarding that child while the case was pending.

Senate Bill 1419 is tie-barred to Senate Bill 1418 meaning that it could not take effect unless Senate Bill 1418 is enacted.

FISCAL IMPACT:

Senate Bill 1418 could result in a moderate administrative cost increase for the Department of Human Services to integrate a check of open Friend of the Court cases to child abuse and neglect investigations. There could also be minor costs to develop a new form to inform noncustodial parents about changing custody or parenting time.

Senate Bill 1419 would have no fiscal impact on the Department of Human Services. The bill could result in minor administrative costs for local Friend of the Court offices.

BACKGROUND INFORMATION:

In Fiscal Year 2007, Children's Protective Services received 123,149 complaints of suspected child abuse and/or neglect. 67,756 complaints were investigated and 17,748, or 26%, were confirmed cases of abuse and/or neglect. The 17,748 confirmed cases consisted of 29,638 victims.

Child abuse and/or neglect complaints and investigations have slightly decreased since 2004, while confirmed cases have increased from 23% to 26% during the same time period

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