

**SUBSTITUTE FOR  
SENATE BILL NO. 1418**

A bill to amend 1975 PA 238, entitled  
"Child protection law,"  
by amending sections 3, 7, and 8 (MCL 722.623, 722.627, and  
722.628), section 3 as amended by 2006 PA 583, section 7 as amended  
by 2006 PA 621, and section 8 as amended by 2008 PA 46.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 3. (1) An individual is required to report under this act  
2 as follows:

3           (a) A physician, dentist, physician's assistant, registered  
4 dental hygienist, medical examiner, nurse, person licensed to  
5 provide emergency medical care, audiologist, psychologist, marriage

1 and family therapist, licensed professional counselor, social  
2 worker, licensed master's social worker, licensed bachelor's social  
3 worker, registered social service technician, social service  
4 technician, school administrator, school counselor or teacher, law  
5 enforcement officer, member of the clergy, or regulated child care  
6 provider who has reasonable cause to suspect child abuse or neglect  
7 shall make immediately, by telephone or otherwise, an oral report,  
8 or cause an oral report to be made, of the suspected child abuse or  
9 neglect to the department. Within 72 hours after making the oral  
10 report, the reporting person shall file a written report as  
11 required in this act. If the reporting person is a member of the  
12 staff of a hospital, agency, or school, the reporting person shall  
13 notify the person in charge of the hospital, agency, or school of  
14 his or her finding and that the report has been made, and shall  
15 make a copy of the written report available to the person in  
16 charge. A notification to the person in charge of a hospital,  
17 agency, or school does not relieve the member of the staff of the  
18 hospital, agency, or school of the obligation of reporting to the  
19 department as required by this section. One report from a hospital,  
20 agency, or school is adequate to meet the reporting requirement. A  
21 member of the staff of a hospital, agency, or school shall not be  
22 dismissed or otherwise penalized for making a report required by  
23 this act or for cooperating in an investigation.

24 (b) A department employee who is 1 of the following and has  
25 reasonable cause to suspect child abuse or neglect shall make a  
26 report of suspected child abuse or neglect to the department in the  
27 same manner as required under subdivision (a):

- 1 (i) Eligibility specialist.  
2 (ii) Family independence manager.  
3 (iii) Family independence specialist.  
4 (iv) Social services specialist.  
5 (v) Social work specialist.  
6 (vi) Social work specialist manager.  
7 (vii) Welfare services specialist.

8 (C) ANY EMPLOYEE OF AN ORGANIZATION OR ENTITY THAT, AS A  
9 RESULT OF FEDERAL FUNDING STATUTES, REGULATIONS, OR CONTRACTS,  
10 WOULD BE PROHIBITED FROM REPORTING IN THE ABSENCE OF A STATE  
11 MANDATE OR COURT ORDER. A PERSON REQUIRED TO REPORT UNDER THIS  
12 SUBDIVISION SHALL REPORT IN THE SAME MANNER AS REQUIRED UNDER  
13 SUBDIVISION (A).

14 (2) The written report shall contain the name of the child and  
15 a description of the abuse or neglect. If possible, the report  
16 shall contain the names and addresses of the child's parents, the  
17 child's guardian, the persons with whom the child resides, and the  
18 child's age. The report shall contain other information available  
19 to the reporting person that might establish the cause of the abuse  
20 or neglect, and the manner in which the abuse or neglect occurred.

21 (3) The department shall inform the reporting person of the  
22 required contents of the written report at the time the oral report  
23 is made by the reporting person.

24 (4) The written report required in this section shall be  
25 mailed or otherwise transmitted to the county department of the  
26 county in which the child suspected of being abused or neglected is  
27 found.

1           (5) Upon receipt of a written report of suspected child abuse  
2 or neglect, the department may provide copies to the prosecuting  
3 attorney and the probate court of the counties in which the child  
4 suspected of being abused or neglected resides and is found.

5           (6) If an allegation, written report, or subsequent  
6 investigation of suspected child abuse or child neglect indicates a  
7 violation of sections 136b and 145c, sections 520b to 520g of the  
8 Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c, and  
9 750.520b to 750.520g, or section 7401c of the public health code,  
10 1978 PA 368, MCL 333.7401c, involving methamphetamine has occurred,  
11 or if the allegation, written report, or subsequent investigation  
12 indicates that the suspected child abuse or child neglect was  
13 committed by an individual who is not a person responsible for the  
14 child's health or welfare, including, but not limited to, a member  
15 of the clergy, a teacher, or a teacher's aide, the department shall  
16 transmit a copy of the allegation or written report and the results  
17 of any investigation to a law enforcement agency in the county in  
18 which the incident occurred. If an allegation, written report, or  
19 subsequent investigation indicates that the individual who  
20 committed the suspected abuse or neglect is a child care provider  
21 and the department believes that the report has basis in fact, the  
22 department shall, within 24 hours of completion, transmit a copy of  
23 the written report or the results of the investigation to the child  
24 care regulatory agency with authority over the child care  
25 provider's child care organization or adult foster care location  
26 authorized to care for a child.

27           (7) If a local law enforcement agency receives an allegation

1 or written report of suspected child abuse or child neglect or  
2 discovers evidence of or receives a report of an individual  
3 allowing a child to be exposed to or to have contact with  
4 methamphetamine production, and the allegation, written report, or  
5 subsequent investigation indicates that the child abuse or child  
6 neglect or allowing a child to be exposed to or to have contact  
7 with methamphetamine production, was committed by a person  
8 responsible for the child's health or welfare, the local law  
9 enforcement agency shall refer the allegation or provide a copy of  
10 the written report and the results of any investigation to the  
11 county department of the county in which the abused or neglected  
12 child is found, as required by subsection (1)(a). If an allegation,  
13 written report, or subsequent investigation indicates that the  
14 individual who committed the suspected abuse or neglect or allowed  
15 a child to be exposed to or to have contact with methamphetamine  
16 production, is a child care provider and the local law enforcement  
17 agency believes that the report has basis in fact, the local law  
18 enforcement agency shall transmit a copy of the written report or  
19 the results of the investigation to the child care regulatory  
20 agency with authority over the child care provider's child care  
21 organization or adult foster care location authorized to care for a  
22 child. Nothing in this subsection or subsection (1) shall be  
23 construed to relieve the department of its responsibilities to  
24 investigate reports of suspected child abuse or child neglect under  
25 this act.

26 (8) For purposes of this act, the pregnancy of a child less  
27 than 12 years of age or the presence of a venereal disease in a

1 child who is over 1 month of age but less than 12 years of age is  
2 reasonable cause to suspect child abuse and neglect have occurred.

3 (9) In conducting an investigation of child abuse or child  
4 neglect, if the department suspects that a child has been exposed  
5 to or has had contact with methamphetamine production, the  
6 department shall immediately contact the law enforcement agency in  
7 the county in which the incident occurred.

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

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

14 (a) A legally mandated public or private child protective  
15 agency investigating a report of known or suspected child abuse or  
16 neglect or a legally mandated public or private child protective  
17 agency or foster care agency prosecuting a disciplinary action  
18 against its own employee involving child protective services or  
19 foster records.

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

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

24 (d) A person legally authorized to place a child in protective  
25 custody when the person is confronted with a child whom the person  
26 reasonably suspects may be abused or neglected and the confidential  
27 record is necessary to determine whether to place the child in

1 protective custody.

2 (e) A person, agency, or organization, including a  
3 multidisciplinary case consultation team, authorized to diagnose,  
4 care for, treat, or supervise a child or family who is the subject  
5 of a report or record under this act, or who is responsible for the  
6 child's health or welfare.

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

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

13 (h) A grand jury that determines the information is necessary  
14 to conduct the grand jury's official business.

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

1 named in a report or record made under this act.

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

4 (k) A child placing agency licensed under 1973 PA 116, MCL  
5 722.111 to 722.128, for the purpose of investigating an applicant  
6 for adoption, a foster care applicant or licensee or an employee of  
7 a foster care applicant or licensee, an adult member of an  
8 applicant's or licensee's household, or other persons in a foster  
9 care or adoptive home who are directly responsible for the care and  
10 welfare of children, to determine suitability of a home for  
11 adoption or foster care. The child placing agency shall disclose  
12 the information to a foster care applicant or licensee under 1973  
13 PA 116, MCL 722.111 to 722.128, or to an applicant for adoption.

14 (l) Family division of circuit court staff authorized by the  
15 court to investigate foster care applicants and licensees,  
16 employees of foster care applicants and licensees, adult members of  
17 the applicant's or licensee's household, and other persons in the  
18 home who are directly responsible for the care and welfare of  
19 children, for the purpose of determining the suitability of the  
20 home for foster care. The court shall disclose this information to  
21 the applicant or licensee.

22 (m) Subject to section 7a, a standing or select committee or  
23 appropriations subcommittee of either house of the legislature  
24 having jurisdiction over child protective services matters.

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

27 (o) A child fatality review team established under section 7b



1 and authorized under that section to investigate and review a child  
2 death.

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

6 (q) A citizen review panel established by the department.  
7 Access under this subdivision is limited to information the  
8 department determines is necessary for the panel to carry out its  
9 prescribed duties.

10 (r) A child care regulatory agency.

11 (s) A foster care review board for the purpose of meeting the  
12 requirements of 1984 PA 422, MCL 722.131 to 722.139a.

13 (t) A local friend of the court office. ~~7, subject to the~~  
14 ~~provisions of subsection (3) and sections 5 and 13, if there is a~~  
15 ~~compelling need for child protective services records or~~  
16 ~~information to determine custody or parenting time issues regarding~~  
17 ~~a child. A local friend of the court office investigator,~~  
18 ~~caseworker, or administrator directly involved in the custody~~  
19 ~~investigation shall notify the appropriate department or child~~  
20 ~~protective services local or central office that a child custody or~~  
21 ~~parenting time investigation has been initiated involving a family~~  
22 ~~and shall request in writing child protective services records and~~  
23 ~~information that are pertinent to that investigation. Upon receipt~~  
24 ~~of this notification and request, the local office of child~~  
25 ~~protective services supervisor shall review child protective~~  
26 ~~services information in the local office's possession to determine~~  
27 ~~if there are child protective services records or information that~~

1 ~~is pertinent to that investigation. Within 14 days after receipt of~~  
2 ~~a request made under this subdivision, the child protective~~  
3 ~~services local office shall release the pertinent child protective~~  
4 ~~services records and information to the investigator, caseworker,~~  
5 ~~or administrator directly involved in the child custody or~~  
6 ~~parenting time investigation. Child protective services is further~~  
7 ~~authorized to report to the local friend of the court office any~~  
8 ~~situation in which a parent, more than 3 times within 1 year or on~~  
9 ~~5 cumulative reports over several years, made unfounded reports to~~  
10 ~~child protective services regarding alleged child abuse or neglect~~  
11 ~~of his or her child.~~

12 (3) Subject to subsection (9), a person or entity to whom  
13 information described in subsection (2) is disclosed shall make the  
14 information available only to a person or entity described in  
15 subsection (2). This subsection does not require a court proceeding  
16 to be closed that otherwise would be open to the public.

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

27 (5) A person who is the subject of a report or record made

1 under this act may request the department to amend an inaccurate  
2 report or record from the central registry and local office file. A  
3 person who is the subject of a report or record made under this act  
4 may request the department to expunge from the central registry a  
5 report or record in which no relevant and accurate evidence of  
6 abuse or neglect is found to exist. A report or record filed in a  
7 local office file is not subject to expunction except as the  
8 department authorizes, if considered in the best interest of the  
9 child.

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

20 (7) If the investigation of a report conducted under this act  
21 fails to disclose evidence of abuse or neglect, the information  
22 identifying the subject of the report shall be expunged from the  
23 central registry. If evidence of abuse or neglect exists, the  
24 department shall maintain the information in the central registry  
25 until the department receives reliable information that the  
26 perpetrator of the abuse or neglect is dead.

27 (8) In releasing information under this act, the department

1 shall not include a report compiled by a police agency or other law  
2 enforcement agency related to an ongoing investigation of suspected  
3 child abuse or neglect. This subsection does not prevent the  
4 department from releasing reports of convictions of crimes related  
5 to child abuse or neglect.

6 (9) A member or staff member of a citizen review panel shall  
7 not disclose identifying information about a specific child  
8 protection case to an individual, partnership, corporation,  
9 association, governmental entity, or other legal entity. A member  
10 or staff member of a citizen review panel is a member of a board,  
11 council, commission, or statutorily created task force of a  
12 governmental agency for the purposes of section 7 of 1964 PA 170,  
13 MCL 691.1407. Information obtained by a citizen review panel is not  
14 subject to the freedom of information act, 1976 PA 442, MCL 15.231  
15 to 15.246.

16 (10) An agency obtaining a confidential record under  
17 subsection (2)(a) may seek an order from the court having  
18 jurisdiction over the child or from the family division of the  
19 Ingham county circuit court that allows the agency to disseminate  
20 confidential child protective services or foster care information  
21 to pursue sanctions for alleged dereliction, malfeasance, or  
22 misfeasance of duty against an employee of the agency, to a  
23 recognized labor union representative of the employee's bargaining  
24 unit, or to an arbitrator or an administrative law judge who  
25 conducts a hearing involving the employee's alleged dereliction,  
26 malfeasance, or misfeasance of duty to be used solely in connection  
27 with that hearing. Information released under this subsection shall

1 be released in a manner that maintains the greatest degree of  
2 confidentiality while allowing review of employee performance.

3       Sec. 8. (1) Within 24 hours after receiving a report made  
4 under this act, the department shall refer the report to the  
5 prosecuting attorney and the local law enforcement agency if the  
6 report meets the requirements of subsection (3)(a), (b), or (c) or  
7 section 3(6) or (9) or shall commence an investigation of the child  
8 suspected of being abused or neglected. Within 24 hours after  
9 receiving a report whether from the reporting person or from the  
10 department under subsection (3)(a), (b), or (c) or section 3(6) or  
11 (9), the local law enforcement agency shall refer the report to the  
12 department if the report meets the requirements of section 3(7) or  
13 shall commence an investigation of the child suspected of being  
14 abused or neglected or exposed to or who has had contact with  
15 methamphetamine production. If the child suspected of being abused  
16 or exposed to or who has had contact with methamphetamine  
17 production is not in the physical custody of the parent or legal  
18 guardian and informing the parent or legal guardian would not  
19 endanger the child's health or welfare, the agency or the  
20 department shall inform the child's parent or legal guardian of the  
21 investigation as soon as the agency or the department discovers the  
22 identity of the child's parent or legal guardian.

23       (2) In the course of its investigation, the department shall  
24 determine if the child is abused or neglected. The department shall  
25 cooperate with law enforcement officials, courts of competent  
26 jurisdiction, and appropriate state agencies providing human  
27 services in relation to preventing, identifying, and treating child

1 abuse and neglect; shall provide, enlist, and coordinate the  
2 necessary services, directly or through the purchase of services  
3 from other agencies and professions; and shall take necessary  
4 action to prevent further abuses, to safeguard and enhance the  
5 child's welfare, and to preserve family life where possible. In the  
6 course of an investigation, at the time that a department  
7 investigator contacts an individual about whom a report has been  
8 made under this act or contacts an individual responsible for the  
9 health or welfare of a child about whom a report has been made  
10 under this act, the department investigator shall advise that  
11 individual of the department investigator's name, whom the  
12 department investigator represents, and the specific complaints or  
13 allegations made against the individual. The department shall  
14 ensure that its policies, procedures, and administrative rules  
15 ensure compliance with the provisions of this act.

16 (3) In conducting its investigation, the department shall seek  
17 the assistance of and cooperate with law enforcement officials  
18 within 24 hours after becoming aware that 1 or more of the  
19 following conditions exist:

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

22 (b) The child is the victim of suspected sexual abuse or  
23 sexual exploitation.

24 (c) Abuse or neglect resulting in severe physical injury to  
25 the child. For purposes of this subdivision and section 17, "severe  
26 physical injury" means an injury to the child that requires medical  
27 treatment or hospitalization and that seriously impairs the child's

1 health or physical well-being.

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

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

7 (f) The child has been exposed to or had contact with  
8 methamphetamine production.

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

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

20 (6) In each county, the prosecuting attorney and the  
21 department shall develop and establish procedures for involving law  
22 enforcement officials as provided in this section. In each county,  
23 the prosecuting attorney and the department shall adopt and  
24 implement standard child abuse and neglect investigation and  
25 interview protocols using as a model the protocols developed by the  
26 governor's task force on children's justice as published in FIA  
27 Publication 794 (revised 8-98) and FIA Publication 779 (8-98), or

1 an updated version of those publications.

2 (7) If there is reasonable cause to suspect that a child in  
3 the care of or under the control of a public or private agency,  
4 institution, or facility is an abused or neglected child, the  
5 agency, institution, or facility shall be investigated by an agency  
6 administratively independent of the agency, institution, or  
7 facility being investigated. If the investigation produces evidence  
8 of a violation of section 145c or sections 520b to 520g of the  
9 Michigan penal code, 1931 PA 328, MCL 750.145c and 750.520b to  
10 750.520g, the investigating agency shall transmit a copy of the  
11 results of the investigation to the prosecuting attorney of the  
12 county in which the agency, institution, or 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 without  
16 parental consent if access is determined by the department to be  
17 necessary to complete the investigation or to prevent abuse or  
18 neglect of the child. The department shall notify the person  
19 responsible for the child's health or welfare about the  
20 department's contact with the child at the time or as soon  
21 afterward as the person can be reached. The department may delay  
22 the notice if the notice would compromise the safety of the child  
23 or 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:

27 (a) Before contact with the child, the department investigator



1 shall review with the designated school staff person the  
2 department's responsibilities under this act and the investigation  
3 procedure.

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

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

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

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

1 is classified as a central registry case, until the department  
2 receives reliable information that the perpetrator of the abuse or  
3 neglect is dead. Unless made public as specified information  
4 released under section 7d, a report that is maintained on the CPSI  
5 system is confidential and is not subject to the disclosure  
6 requirements of the freedom of information act, 1976 PA 442, MCL  
7 15.231 to 15.246.

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

12 (13) Except as provided in subsection (14), upon completion of  
13 the investigation by the local law enforcement agency or the  
14 department, the law enforcement agency or department may inform the  
15 person who made the report as to the disposition of the report.

16 (14) If the person who made the report is mandated to report  
17 under section 3, upon completion of the investigation by the  
18 department, the department shall inform the person in writing as to  
19 the disposition of the case and shall include in the information at  
20 least all of the following:

21 (a) What determination the department made under subsection  
22 (12) and the rationale for that decision.

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

25 (c) Notification that the information being conveyed is  
26 confidential.

27 (15) Information sent under subsection (14) shall not include

1 personally identifying information for a person named in a report  
2 or record made under this act.

3 (16) Unless section 5 of chapter XII of the probate code of  
4 1939, 1939 PA 288, MCL 712.5, requires a physician to report to the  
5 department, the surrender of a newborn in compliance with chapter  
6 XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20,  
7 is not reasonable cause to suspect child abuse or neglect and is  
8 not subject to the section 3 reporting requirement. This subsection  
9 does not apply to circumstances that arise on or after the date  
10 that chapter XII of the probate code of 1939, 1939 PA 288, MCL  
11 712.1 to 712.20, is repealed. This subsection applies to a newborn  
12 whose birth is described in the born alive infant protection act,  
13 2002 PA 687, MCL 333.1071 to 333.1073, and who is considered to be  
14 a newborn surrendered under the safe delivery of newborns law as  
15 provided in section 3 of chapter XII of the probate code of 1939,  
16 1939 PA 288, MCL 712.3.

17 (17) All department employees involved in investigating child  
18 abuse or child neglect cases shall be trained in the legal duties  
19 to protect the state and federal constitutional and statutory  
20 rights of children and families from the initial contact of an  
21 investigation through the time services are provided.

22 (18) THE DEPARTMENT SHALL DETERMINE WHETHER THERE IS AN OPEN  
23 FRIEND OF THE COURT CASE REGARDING A CHILD WHO IS SUSPECTED OF  
24 BEING ABUSED OR NEGLECTED IF A CHILD PROTECTIVE SERVICES  
25 INVESTIGATION OF CHILD ABUSE AND NEGLECT ALLEGATIONS RESULT IN ANY  
26 OF THE FOLLOWING DISPOSITIONS:

27 (A) A FINDING THAT A PREPONDERANCE OF EVIDENCE INDICATES THAT

1 THERE HAS BEEN CHILD ABUSE AND NEGLECT.

2 (B) EMERGENCY REMOVAL OF THE CHILD FOR CHILD ABUSE AND NEGLECT  
3 BEFORE THE INVESTIGATION IS COMPLETED.

4 (C) THE FAMILY COURT TAKES JURISDICTION ON A PETITION AND A  
5 CHILD IS MAINTAINED IN HIS OR HER OWN HOME UNDER THE SUPERVISION OF  
6 THE DEPARTMENT.

7 (D) IF 1 OR MORE CHILDREN RESIDING IN THE HOME ARE REMOVED AND  
8 1 OR MORE CHILDREN REMAIN IN THE HOME.

9 (E) ANY OTHER CIRCUMSTANCES THAT THE DEPARTMENT DETERMINES ARE  
10 APPLICABLE AND RELATED TO CHILD SAFETY.

11 (19) IF THE DEPARTMENT DETERMINES THAT THERE IS AN OPEN FRIEND  
12 OF THE COURT CASE, THE DEPARTMENT SHALL NOTIFY THE OFFICE OF THE  
13 FRIEND OF THE COURT IN THE COUNTY IN WHICH THE FRIEND OF THE COURT  
14 CASE IS OPEN THAT THERE IS AN INVESTIGATION BEING CONDUCTED UNDER  
15 THIS ACT REGARDING THAT CHILD AND SHALL ALSO REPORT TO THE LOCAL  
16 FRIEND OF THE COURT OFFICE WHEN THERE IS A CHANGE IN THAT CHILD'S  
17 PLACEMENT.

18 (20) CHILD PROTECTIVE SERVICES MAY REPORT TO THE LOCAL FRIEND  
19 OF THE COURT OFFICE ANY SITUATION IN WHICH A PARENT, MORE THAN 3  
20 TIMES WITHIN 1 YEAR OR ON 5 CUMULATIVE REPORTS OVER SEVERAL YEARS,  
21 MADE UNFOUNDED REPORTS TO CHILD PROTECTIVE SERVICES REGARDING  
22 ALLEGED CHILD ABUSE OR NEGLECT OF HIS OR HER CHILD.

23 (21) IF THE DEPARTMENT DETERMINES THAT THERE IS AN OPEN FRIEND  
24 OF THE COURT CASE, THE DEPARTMENT SHALL PROVIDE NONCUSTODIAL  
25 PARENTS OF A CHILD WHO IS SUSPECTED OF BEING ABUSED OR NEGLECTED  
26 WITH THE FORM DEVELOPED BY THE DEPARTMENT THAT HAS INFORMATION ON  
27 HOW TO CHANGE A CUSTODY OR PARENTING TIME COURT ORDER.

1           Enacting section 1. This amendatory act takes effect October  
2 1, 2008.