

# HOUSE BILL No. 6649

November 12, 2008, Introduced by Reps. Sheen, Hoogendyk, Agema, Emmons, Palmer, Stahl, Meekhof and Casperson and referred to the Committee on Families and Children's Services.

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8d (MCL 722.628d), as amended by 2006 PA 618.

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

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

4           (a) Category V - services not needed. Following a field  
5 investigation, the department determines that there is no evidence  
6 of child abuse or neglect.

7           (b) Category IV - community services recommended. Following a  
8 field investigation, the department determines that there is not a  
9 preponderance of evidence of child abuse or neglect, but the

1 structured decision-making tool indicates that there is future risk  
2 of harm to the child. The department shall assist the child's  
3 family in voluntarily participating in community-based services  
4 commensurate with the risk to the child.

5 (c) Category III - community services needed. The department  
6 determines that there is a preponderance of evidence of child abuse  
7 or neglect, and the structured decision-making tool indicates a low  
8 or moderate risk of future harm to the child. The department shall  
9 assist the child's family in receiving community-based services  
10 commensurate with the risk to the child. If the family does not  
11 voluntarily participate in services, or the family voluntarily  
12 participates in services, but does not progress toward alleviating  
13 the child's risk level, the department shall consider reclassifying  
14 the case as category II.

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

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

27 (i) A court petition is required under another provision of

1 this act.

2 (ii) The child is not safe and a petition for removal is  
3 needed.

4 (iii) The department previously classified the case as category  
5 II and the child's family does not voluntarily participate in  
6 services.

7 (iv) There is a violation, involving the child, of a crime  
8 listed or described in section 8a(1)(b), (c), (d), or (f) or of  
9 child abuse in the first or second degree as prescribed by section  
10 136b of the Michigan penal code, 1931 PA 328, MCL 750.136b.

11 (2) In response to a category I classification, the department  
12 shall do all of the following:

13 (a) If a court petition is not required under another  
14 provision of this act, submit a petition for authorization by the  
15 court under section 2(b) of chapter XIIA of the probate code of  
16 1939, 1939 PA 288, MCL 712A.2.

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

19 (c) List the perpetrator of the child abuse or neglect, based  
20 on the report that was the subject of the field investigation, on  
21 the central registry, either by name or as "unknown" if the  
22 perpetrator has not been identified.

23 (3) The department is not required to use the structured  
24 decision-making tool for a nonparent adult who resides outside the  
25 child's home who is the victim or alleged victim of child abuse or  
26 neglect or for an owner, operator, volunteer, or employee of a  
27 licensed or registered child care organization or a licensed or

1 unlicensed adult foster care family home or adult foster care small  
2 group home as those terms are defined in section 3 of the adult  
3 foster care facility licensing act, 1979 PA 218, MCL 400.703.

4 (4) If following a field investigation the department  
5 determines that there is a preponderance of evidence that an  
6 individual listed in subsection (3) was the perpetrator of child  
7 abuse or neglect, the department shall list the perpetrator of the  
8 child abuse or neglect on the central registry.

9 (5) The department shall furnish a written report described in  
10 subsection (6) to the appropriate legislative standing committees  
11 and the house and senate appropriations subcommittees for the  
12 department within 4 months after each of the following time  
13 periods:

14 (a) Beginning October 1, 2005 and ending September 30, 2006.

15 (b) Beginning October 1, 2006 and ending September 30, 2007.

16 (c) Beginning October 1, 2007 and ending September 30, 2008.

17 (6) The department shall include in a report required by  
18 subsection (5) at least all of the following information regarding  
19 all families that were classified in category III at some time  
20 during the time period covered by the report:

21 (a) The total number of families classified in category III.

22 (b) The number of cases in category III closed or reclassified  
23 during the time period covered by the report categorized as  
24 follows:

25 (i) The number of cases referred to voluntary community  
26 services and closed with no additional monitoring.

27 (ii) The number of cases referred to voluntary community

1 services and monitored for up to 90 days.

2 (iii) The number of cases for which the department entered more  
3 than 1 determination that there was evidence of child abuse or  
4 neglect.

5 (iv) The number of cases that the department reclassified from  
6 category III to category II.

7 (v) The number of cases that the department reclassified from  
8 category III to category I.

9 (vi) The number of cases that the department reclassified from  
10 category III to category I that resulted in a removal.

11 (c) For the periods described in subsection (5)(b) and (c),  
12 the number of cases that the department reclassified in each of  
13 subparagraphs (iv), (v), and (vi) of subdivision (b) that were  
14 referred to and provided voluntary community services before being  
15 reclassified by the department.

16 (7) IF, FOLLOWING A FIELD INVESTIGATION, THE DEPARTMENT  
17 DETERMINES A CASE IS CATEGORY II, III, IV, OR V, THE DEPARTMENT  
18 SHALL NOT FILE A PETITION FOR REMOVAL.