

# HOUSE BILL No. 5239

January 22, 2014, Introduced by Reps. Kurtz, Heise, Haines, Lamonte, Hovey-Wright, Lauwers, LaVoy, Price, Rogers, Slavens, Singh, Darany, Brinks, Haveman, Kowall, Zorn, Cavanagh, O'Brien, Barnett, Driskell, Haugh, Brown, Roberts, Banks, McCready, Lyons, Tlaib, Irwin, Kivela and Lane and referred to the Committee on Criminal Justice.

A bill to amend 1975 PA 238, entitled  
"Child protection law,"  
by amending section 3 (MCL 722.623), as amended by 2008 PA 510.

**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  
6 and family therapist, licensed professional counselor, social  
7 worker, licensed master's social worker, licensed bachelor's social  
8 worker, registered social service technician, social service

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

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

27 (i) Eligibility specialist.

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

7           (c) Any employee of an organization or entity that, as a  
8 result of federal funding statutes, regulations, or contracts,  
9 would be prohibited from reporting in the absence of a state  
10 mandate or court order. A person required to report under this  
11 subdivision shall report in the same manner as required under  
12 subdivision (a).

13           (2) The written report shall contain the name of the child and  
14 a description of the **CHILD** abuse or **CHILD** neglect. If possible, the  
15 report shall contain the names and addresses of the child's  
16 parents, the child's guardian, the persons with whom the child  
17 resides, and the child's age. The report shall contain other  
18 information available to the reporting person that might establish  
19 the cause of the **CHILD** abuse or **CHILD** neglect, and the manner in  
20 which the **CHILD** abuse or **CHILD** 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 **CHILD** neglect, the department may provide copies to the  
3 prosecuting attorney and the probate court of the counties in which  
4 the child suspected of being abused or neglected resides and is  
5 found.

6 (6) If an allegation, written report, or subsequent  
7 investigation of suspected child abuse or child neglect indicates a  
8 violation of sections 136b, ~~and 145c, sections 462A TO 462J, OR~~  
9 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.136b,  
10 750.145c, **750.462A TO 750.462J**, and 750.520b to 750.520g, or  
11 section 7401c of the public health code, 1978 PA 368, MCL  
12 333.7401c, involving methamphetamine has occurred, or if the  
13 allegation, written report, or subsequent investigation indicates  
14 that the suspected child abuse or child neglect was committed by an  
15 individual who is not a person responsible for the child's health  
16 or welfare, including, but not limited to, a member of the clergy,  
17 a teacher, or a teacher's aide, the department shall transmit a  
18 copy of the allegation or written report and the results of any  
19 investigation to a law enforcement agency in the county in which  
20 the incident occurred. If an allegation, written report, or  
21 subsequent investigation indicates that the individual who  
22 committed the suspected **CHILD** abuse or **CHILD** neglect is a child  
23 care provider and the department believes that the report has basis  
24 in fact, the department shall, within 24 hours of completion,  
25 transmit a copy of the written report or the results of the  
26 investigation to the child care regulatory agency with authority  
27 over the child care provider's child care organization or adult

1 foster care location authorized to care for a child.

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

1           (8) For purposes of this act, the pregnancy of a child less  
2 than 12 years of age or the presence of a venereal disease in a  
3 child who is over 1 month of age but less than 12 years of age is  
4 reasonable cause to suspect child abuse ~~and~~ **OR CHILD** neglect ~~have~~  
5 **HAS** occurred.

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