

HOUSE BILL NO. 4706

June 11, 2019, Introduced by Reps. Schroeder, Hall, Cynthia Johnson, Webber, Crawford, LaGrand, Steven Johnson, LaFave, Reilly, Camilleri, Meerman, Liberati and Allor and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 8d (MCL 722.628d), as amended by 2014 PA 30.

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:~~**as follows:**

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



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1 of child abuse or child neglect.

2 (b) Category IV - community services recommended. Following a
3 field investigation, the department determines that there is not a
4 preponderance of evidence of child abuse or child neglect, but the
5 structured decision-making tool indicates that there is future risk
6 of harm to the child. The department shall assist the child's
7 family in voluntarily participating in community-based services
8 commensurate with the risk to the child.

9 (c) Category III - community services needed. The department
10 determines that there is a preponderance of evidence of child abuse
11 or child neglect, and the structured decision-making tool indicates
12 a low or moderate risk of future harm to the child. The department
13 shall ~~assist the child's family in receiving community-based~~
14 ~~services commensurate with the risk to the child.~~ **determine a case**
15 **under this subdivision as follows:**

16 (i) Evidence shows that a recurrence of child abuse or child
17 neglect is probable. The department shall assist the child's family
18 in receiving community-based services commensurate with the risk to
19 the child. The department shall not close a case under this
20 subparagraph until after the department has followed up to confirm
21 and document the family's participation in community services and
22 the child's well-being. If the family does not voluntarily
23 participate in **community** services, or the family voluntarily
24 participates in **community** services, but does not progress toward
25 alleviating the child's risk level, the department shall consider
26 reclassifying the case as category II.

27 (ii) Evidence shows that a recurrence of child abuse or child
28 neglect is less probable. The department shall assist the child's
29 family in receiving community-based services commensurate with the



1 risk to the child. After providing assistance to the family, the
2 department may close a case under this subparagraph. If a case is
3 not closed under this subparagraph and it is determined that the
4 family does not voluntarily participate in community services, or
5 the family voluntarily participates in community services, but does
6 not progress toward alleviating the child's risk level, the
7 department shall consider reclassifying the case as category II.

8 (d) Category II - child protective services required. The
9 department determines that there is evidence of child abuse or
10 child neglect, and the structured decision-making tool indicates a
11 high or intensive risk of future harm to the child. The department
12 shall open a protective services case and provide the services
13 necessary under this act. The department shall also list the
14 perpetrator of the child abuse or child neglect, based on the
15 report that was the subject of the field investigation, on the
16 central registry as provided in section 7(7), either by name or as
17 "unknown" if the perpetrator has not been identified.

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

21 (i) A court petition is required under another provision of
22 this act.

23 (ii) The child is not safe and a petition for removal is
24 needed.

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

28 (iv) There is a violation, involving the child, of a crime
29 listed or described in section 8a(1)(b), (c), (d), or (f) or of



1 child abuse in the first or second degree as prescribed by section
2 136b of the Michigan penal code, 1931 PA 328, MCL 750.136b.

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

5 (a) If a court petition is not required under another
6 provision of this act, submit a petition for authorization by the
7 court under section 2(b) of chapter XIIIA of the probate code of
8 1939, 1939 PA 288, MCL 712A.2.

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

11 (c) List the perpetrator of the child abuse or child neglect,
12 based on the report that was the subject of the field
13 investigation, on the central registry as provided in section 7(7),
14 either by name or as "unknown" if the perpetrator has not been
15 identified.

16 (3) The department is not required to use the structured
17 decision-making tool for a nonparent adult who resides outside the
18 child's home who is the victim or alleged victim of child abuse or
19 child neglect or for an owner, operator, volunteer, or employee of
20 a licensed or registered child care organization or a licensed or
21 unlicensed adult foster care family home or adult foster care small
22 group home as those terms are defined in section 3 of the adult
23 foster care facility licensing act, 1979 PA 218, MCL 400.703.

24 (4) If following a field investigation the department
25 determines that there is a preponderance of evidence that an
26 individual listed in subsection (3) was the perpetrator of child
27 abuse or child neglect, the department shall list the perpetrator
28 of the child abuse or child neglect on the central registry as
29 provided in section 7(7).

