

## **MANDATORY REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT**

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4376 (H-1) as reported from committee**  
**Sponsor: Rep. Beth Griffin**

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 4377 as reported from committee**  
**Sponsor: Rep. Kristy Pagan**

**Committee: Judiciary**  
**Complete to 6-18-19**

**BRIEF SUMMARY:** House Bill 4376 would add athletic trainers to the list of employees and professionals required to report suspected child abuse or neglect. House Bill 4377 would require comprehensive training materials to be created for individuals required to report suspected child abuse or neglect.

**FISCAL IMPACT:** House Bill 4376 may increase costs for the Michigan Department of Health and Human Services (DHHS), and House Bill 4377 would have a minimal fiscal impact on state government, as further discussed in the **Fiscal Information** section, below.

### ***THE APPARENT PROBLEM:***

By law, members of certain professions are required to report a suspected case of child abuse or child neglect to the Children's Protective Services (CPS) program within DHHS. Because athletic trainers (ATs) often work with children's sports programs, in rehabilitative clinics in hospitals, and with middle and high school sports teams, many assume that ATs are mandatory reporters. However, although any person may report suspected abuse or neglect to the CPS, athletic trainers are not currently required to do so. Since many children participate in organized sports through school or community, athletic trainers are uniquely positioned to observe signs of abuse or to be confided in by youthful participants. Some feel, therefore, that athletic trainers should be added to the list of professionals who are required to report all cases of suspected child abuse or child neglect to DHHS.

In a related matter, some say that the reporting provisions within the Child Protection Law are confusing and difficult to understand. In addition, some professionals are not aware that they are mandatory reporters. Legislation has been offered to require DHHS to develop and post information that would better train individuals on reporting requirements and how to report a suspected case of child abuse or neglect.

***THE CONTENT OF THE BILLS:***

The Child Protection Law (CPL) requires certain individuals to report to DHHS if they have reasonable cause to suspect child abuse or child neglect. (These individuals are commonly referred to as “mandated reporters.”) Mandated reporters include medical professionals, marriage therapists, licensed counselors, social workers, social service technicians, school counselors, professionals employed in a friend of the court office, school administrators, teachers, law enforcement officers, members of the clergy, and regulated child care providers. The CPL provides a detailed method for reporting the abuse and notifying DHHS.

**House Bill 4376** would amend the CPL to include athletic trainers in the list of professionals required to report suspected child abuse or child neglect to DHHS.

MCL 722.623

**House Bill 4377** would add a new section to the CPL to require the creation of comprehensive training materials for individuals required to report suspected child abuse or child neglect. DHHS, in consultation with the Michigan Domestic and Sexual Violence Prevention and Treatment Board and the Michigan Coalition to End Domestic and Sexual Violence, would have to create the materials within 180 days after the bill’s effective date. DHHS would have to make the training materials publicly available on its website in addition to any other form it chooses.

Employers or organizations that employ mandated reporters would have to provide the training package to those employees. However, this requirement would not apply to an employer or organization that provides its own training to an employee that is similar in substance to the training created under the bill.

Proposed MCL 722.623b

Each bill would take effect 90 days after enactment.

***BACKGROUND INFORMATION:***

The bills are reintroductions of House Bills 5659 and 5796 of the 2017-18 legislative session. Both of those bills were passed by the House of Representatives.

***FISCAL INFORMATION:***

**House Bill 4376** would extend reporting requirements to athletic trainers. Due to the possibility of additional investigations, the bill’s provisions may increase costs for the DHHS Children’s Protective Services (CPS) program, which investigates allegations of abuse or neglect by a caretaker of a child under the age of 18. A caretaker is defined as any person responsible for the child’s health or welfare.

If a neglect or abuse allegation is against a child's caretaker, then DHHS has investigatory authority. If the allegation is against anyone else other than a caretaker, then law enforcement agencies have the responsibility to investigate, which could, in some instances, increase costs to local governments.

In FY 2017-18, the CPS investigated 96,067 cases of child abuse or neglect. Of those investigations, 70.0%, or 67,366 cases, were reported by a mandatory reporter and 30.0%, or 28,701 cases, were reported by non-mandatory reporters.

**House Bill 4377** would have a minimal fiscal impact on the State of Michigan. According to DHHS, because the department has already developed and posted mandatory reporter training materials and resources on the DHHS website, the cost of the bill's provisions that would require the department to create comprehensive training materials for mandatory reporters of child abuse or child neglect would be minimal. Since the department would be making these materials available, there would be no significant fiscal impact to local units of government.

#### ***ARGUMENTS:***

##### ***For:***

Athletic trainers are allied health professionals who collaborate with physicians to provide preventive and rehabilitative care in a wide array of health and sports settings. Many provide services to children as coaches or part of a school's athletic department's sports team. Currently, they are not included in the Child Protection Law as professionals who are required to report suspected or known instances of child abuse or child neglect. This means that even if a child reported abuse or neglect to an athletic trainer, whether by a parent, relative, or medical provider, the AT is not required to report that alleged abuse directly to Children's Protective Services. As seen at one of the state's public colleges and elsewhere in the nation, reports of physical and sexual abuse made to athletic trainers do not always get to the appropriate state officials or law enforcement.

By including athletic trainers as mandatory reporters, House Bill 4376 would add one more layer of protection for children who need assistance. An AT who failed to make a report as required could face a criminal penalty (misdemeanor) and could be sued for damages.

##### ***For:***

Reportedly, many find the law on who needs to report and how a report is to be made confusing, with some professionals not realizing they are designated mandatory reporters. House Bill 4377 would bring clarity by requiring DDHS to develop training materials that would make the process more understandable. In particular, the training materials should help mandatory reporters and members of the general public to recognize the forms that physical and sexual abuse and neglect can take. For instance, it was revealed during the investigation and trial of a former doctor from Michigan State University that even some in law enforcement were unsure how to tell sexual abuse from a medical procedure.

By some estimates, over half of all suspected incidents are currently not being properly reported. Requiring the department to make the materials available on its website will provide easier public access and should help increase the number of suspected incidents being reported. The bill's requirement that the Coalition to End Domestic and Sexual Violence assist with developing the materials will ensure that training materials will be up-to-date and effective. As departmental duties often change and evolve, placing the requirements in statute will ensure continuity of information regarding reporting of abuse from one administration to another. Further, by requiring employers, such as schools, medical clinics, and law enforcement, to provide the training package to employees, more mandatory reporters will be prepared to recognize signs of abuse and neglect and know how to report the information and to whom. Employers who have a substantially similar training program would be excused from this requirement. Increasing the understanding of what abuse and neglect is, and empowering people to report it, is an effective way of protecting children from those who are harming them.

***Against:***

No arguments opposing the legislation were offered in committee.

***POSITIONS:***

The following entities indicated support for the bills:

- The Michigan Department of Health and Human Services (5-14-19)
- Michigan Association of School Boards (5-14-19)
- Michigan Council for Maternal and Child Health (5-14-19)
- American Association of University Women (5-14-19)
- Michigan Catholic Conference (6-11-19)

The Michigan Athletic Trainers Society indicated support for HB 4376. (6-11-19)

The Michigan Coalition to End Domestic and Sexual Violence (MCEDSV) indicated support for HB 4377. (5-14-19)

Legislative Analyst: Susan Stutzky  
Fiscal Analyst: Viola Bay Wild

---

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.