



**House
Legislative
Analysis
Section**

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**REPORT NEWBORNS WITH
SUBSTANCE ADDICTION SYMPTOMS**

**House Bill 6140 as introduced
First Analysis (11-19-96)**

**Sponsor: Rep. Michelle McManus
Committee: Human Services**

THE APPARENT PROBLEM:

The Child Protection Law requires various people (such as teachers and physicians) to report known or suspected child abuse or neglect to the Family Independence Agency (FIA). The department investigates a report, and if it finds credible evidence of child abuse or neglect, the report is considered substantiated and is entered onto the central registry that the agency maintains under the act. Information on the central registry is confidential, and is available only to certain entities, including law enforcement agencies, legal counsel, child placing agencies investigating prospective adoptive or foster parents, and juvenile court staff investigating prospective foster parents. According to a report entitled "Children's Protective Services Trends," for fiscal year 1994-95 -- the latest year for which this information is available -- the Family Independence Agency investigated 57,267 cases on suspected child abuse in 1995. Of these cases, 289 were confirmed as children with congenital drug addiction.

There is evidence that many more instances of congenital drug addiction exist. However, although some hospitals provide information to the FIA on these children on an informal basis, the law does not require them to do so. Further, professionals who are required to report cases involving child abuse and neglect to the FIA are not required to report situations involving congenital drug addiction. However, many feel that such cases should be reported in the same manner as suspected child abuse and neglect. Reportedly, this would trigger a response by the agency's Children's Protective Services (CPS) employees to strive to enroll the children's parents in substance abuse treatment programs and parenting classes. Attendance at such programs is vital, according to experts, since statistics indicate that there is a direct correlation between child abuse or neglect and parents who are addicted to drugs or alcohol.

THE CONTENT OF THE BILL:

The Child Protection Law specifies that certain persons, including physicians, coroners, teachers, and nurses, who have reasonable cause to suspect child abuse or neglect

must immediately report this suspicion to the Family Independence Agency (FIA). House Bill 6140 would require, in addition, that a person who is required to report suspected child abuse or neglect, and who knows, or from the child's symptoms suspects, that a newborn infant has any amount of alcohol, a controlled substance, or a metabolite of a controlled substance in his or her body, also report this to the FIA. However, if the person knew that the alcohol, controlled substance, or metabolite, or the child's symptoms were the result of medical treatment administered to the newborn infant or his or her mother, then a report would not be required.

MCL 722.623a

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would have no impact on state funds. (11-18-96)

ARGUMENTS:

For:

The National Institute on Drug Abuse (NIDA) conducted a "National Pregnancy and Health Survey," between October 1992 and August, 1993. Its findings indicate that 5.5 percent of the women who gave birth in the U. S. in 1992 used some type of illicit drugs. The number of babies born to these women was 222,000. In addition, the survey indicates that 18.8 percent of the women used alcohol and 20.4 percent smoked cigarettes at some time during pregnancy, and that there is a strong link between cigarette smoking and alcohol use and the use of illicit drugs by this segment of the population. The survey also indicates that rates of illicit drug use are higher among women who are unmarried, have less than 16 years of education, are unemployed, and who rely on some public source of funding to pay for their hospital stay.

One important finding of the study was that, despite a generally decreasing trend in the rates of use of drugs during pregnancy, none of the women discontinued their drug use completely. However, the report emphasizes

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that drug addiction is a disease that can be treated and managed. Further, other NIDA research has found that, once women are detoxified and enrolled in a treatment program, their lives take a marked turn, with the focus being their children rather than drug use. In fact, the children often become the inspiration for them to stay drug-free. In contrast, those who have studied this problem maintain that, in those families where substance abuse continues, the parents' addiction to drugs or alcohol often results in child abuse.

The Michigan Council on Crime and Delinquency has no position on the bill. (11-18-96)

The Michigan League for Human Services has no position on the bill. (11-18-96)

There are currently 62 women and children's substance abuse programs in the state that offer a range of services to treat substance abuse problems, and that also address the practical problems faced by many patients, such as transportation and child care. However, while experts believe that attendance in such programs reduces the cycle of intergenerational addiction, the Family Independence Agency (FIA) currently obtains only sporadic information from those hospitals that choose to report suspected cases of congenital drug addiction in newborns. The bill would play an important role in exposing the problems concomitant with these problems by alerting the FIA to suspected cases.

Against:

Some might fear that the provisions of the bill could result in children being removed from their homes by the FIA in situations where the mother refused, or was unable to seek, substance abuse treatment, or in cases where services were not available. The bill should address these issues.

POSITIONS:

The Family Independency Agency (FIA) supports the bill. (11-14-96)

The Michigan Federation of Private Child and Family Agencies supports the bill. (11-18-96)

The Children's Charter supports the bill. (11-18-96)

The Michigan Association for the Education of Young Children (MAEYC) and the Michigan Child Care Task Force support the bill, with the reservation that the appropriate response to the problem of congenital drug addiction in newborns should be rehabilitation and support for the family and the child. (11-18-96)

The Michigan County Social Services Association has no position on the bill. (11-18-96)

The Michigan Council for Maternal and Child Health has no position on the bill. (11-18-96)

Analyst: R. Young

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