



HOUSE BILL No. 6090

September 18, 1996, Introduced by Rep. Law and referred to the Committee on Education.

A bill to amend section 8 of Act No. 238 of the Public Acts of 1975, entitled as amended "Child protection law," as amended by Act No. 372 of the Public Acts of 1988, being section 722.628 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8 of Act No. 238 of the Public Acts of
2 1975, as amended by Act No. 372 of the Public Acts of 1988, being
3 section 722.628 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 8. (1) Within 24 hours after receiving a report made
6 pursuant to this act, the department shall refer the report to
7 the prosecuting attorney if the report meets the requirements of
8 section 3(6) or shall commence an investigation of the child
9 suspected of being abused or neglected. Within 24 hours after

1 receiving a report whether from the reporting person or from the
2 department under section 3(6), the local law enforcement agency
3 shall refer the report to the department if the report meets the
4 requirements of section 3(7) or shall commence an investigation
5 of the child suspected of being abused or neglected. If the
6 child suspected of being abused is not in the physical custody of
7 the parent or legal guardian and informing the parent or legal
8 guardian would not endanger the child's health or welfare, the
9 agency or the department shall inform the child's parent or legal
10 guardian of the investigation as soon as the agency or the
11 department discovers the identity of the child's parent or legal
12 guardian.

13 (2) In the course of its investigation, the department shall
14 determine if the child is abused or neglected. The department
15 shall cooperate with law enforcement officials, courts of compe-
16 tent jurisdiction, and appropriate state agencies providing human
17 services in relation to preventing, identifying, and treating
18 child abuse and neglect; shall provide, enlist, and coordinate
19 the necessary services, directly or through the purchase of serv-
20 ices from other agencies and professions; and shall take neces-
21 sary action to prevent further abuses, to safeguard and enhance
22 the welfare of the child, and to preserve family life where
23 possible.

24 (3) In conducting its investigation, the department shall
25 seek the assistance of and cooperate with law enforcement offi-
26 cials within 24 hours after becoming aware that 1 or more of the
27 following conditions exists:

1 (a) Abuse or neglect is the suspected cause of a child's
2 death.

3 (b) The child is the victim of suspected sexual abuse or
4 sexual exploitation.

5 (c) Abuse or neglect resulting in severe physical injury to
6 the child requires medical treatment or hospitalization. For
7 purposes of this subdivision, "severe physical injury" means
8 brain damage, skull or bone fracture, subdural hemorrhage or
9 hematoma, dislocation, sprains, internal injuries, poisoning,
10 burns, scalds, severe cuts, or any other physical injury that
11 seriously impairs the health or physical well-being of a child.

12 (d) Law enforcement intervention is necessary for the pro-
13 tection of the child, a department employee, or another person
14 involved in the investigation.

15 (e) The alleged perpetrator of the child's injury is not a
16 person responsible for the child's health or welfare.

17 (4) Law enforcement officials shall cooperate with the
18 department in conducting investigations pursuant to subsections
19 (1) and (3) and shall comply with sections 5 and 7.

20 (5) Involvement of law enforcement officials ~~pursuant to~~
21 UNDER this section ~~shall~~ DOES not relieve or prevent the
22 department from proceeding with its investigation or treatment if
23 there is reasonable cause to suspect that the child abuse or
24 neglect was committed by a person responsible for the child's
25 health or welfare.

1 (6) In each county, the prosecuting attorney and the
2 department shall develop and establish procedures for involving
3 law enforcement officials as provided in this section.

4 (7) If there is reasonable cause to suspect that a child in
5 the care of or under the control of a public or private agency,
6 institution, or facility is an abused or neglected child, the
7 agency, institution, or facility shall be investigated by an
8 agency administratively independent of the agency, institution,
9 or facility being investigated. If the investigation produces
10 evidence of a violation of section 145c or sections 520b to 520g
11 of the Michigan penal code, Act No. 328 of the Public Acts of
12 1931, being sections 750.145c and 750.520b to 750.520g of the
13 Michigan Compiled Laws, the investigating agency shall transmit a
14 copy of the results of the investigation to the prosecuting
15 attorney of the county in which the agency, institution, or
16 facility is located. The prosecuting attorney may proceed under
17 sections 135 to 145c or 520b to 520g of Act No. 328 of the Public
18 Acts of 1931, ~~as amended,~~ being sections 750.135 to 750.145c
19 and 750.520b to 750.520g of the Michigan Compiled Laws, when a
20 violation of these sections has occurred.

21 (8) Schools and other institutions shall cooperate with the
22 department during an investigation of a report of child abuse or
23 neglect. Cooperation includes allowing access to the child with-
24 out parental consent if access is necessary to complete the
25 investigation or to prevent abuse or neglect of the child. AN
26 ADMINISTRATOR OR A DESIGNEE OF AN ADMINISTRATOR OF A SCHOOL SHALL
27 BE ALLOWED TO REMAIN PRESENT DURING AND PARTICIPATE IN AN

1 INTERVIEW BY AN INVESTIGATOR FROM THE DEPARTMENT IF THE INTERVIEW
2 IS CONDUCTED ON SCHOOL PREMISES. THE ADMINISTRATOR OR THE
3 ADMINISTRATOR'S DESIGNEE MAY CHOOSE NOT TO REMAIN PRESENT OR NOT
4 PARTICIPATE IN THE INTERVIEW AS THE ADMINISTRATOR CONSIDERS
5 APPROPRIATE. However, the person responsible for the child's
6 health or welfare shall be notified of the department's contact
7 with the child at the time or as soon afterward as the person can
8 be reached, and ~~no~~ A child shall NOT be subjected to a search
9 at a school which requires the child to remove his or her cloth-
10 ing to expose his buttocks or genitalia or her breasts, buttocks,
11 or genitalia unless the department has obtained an order from a
12 court of competent jurisdiction permitting such a search. If the
13 access occurs within a hospital, the investigation shall be con-
14 ducted so as not to interfere with the medical treatment of the
15 child or other patients.

16 (9) Upon completion of the investigation by the local law
17 enforcement agency or the department, the law enforcement agency
18 or department may inform the person who made the report as to the
19 disposition of the report.