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**SFA****BILL ANALYSIS**

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Senate Bill 603 (Substitute S-1)  
Sponsor: Senator Glenn D. Steil  
Committee: Families, Mental Health and Human Services

Date Completed: 5-13-98

## **CONTENT**

The bill would amend the Child Protection Law (CPL) to establish five categories and departmental responses for the Family Independence Agency's (FIA's) determination concerning a report of child abuse or neglect made under the CPL that was the subject of a field investigation. (The categories and responses would be determined according to the FIA's "structured decision-making tool", which would mean the FIA document labeled "DSS-4752 (P3) (3-95)" or a revision of that document that better measured the risk of future harm to a child.)

In addition, the CPL requires that a school or other institution cooperate with the FIA during an investigation of a report of child abuse or neglect and specifies that cooperation includes allowing access to the child, without parental consent, if access is necessary to complete the investigation or to prevent further abuse or neglect. Under the bill, it would be up to the FIA to determine whether that access was necessary.

### Categories and Responses

The bill would require that the FIA enter each report of child abuse or neglect made under the CPL, that was the subject of a field investigation, into the child protective services information system (an internal data system within the FIA). After completing a field investigation, and based on its results, the FIA would have to determine in which single category, prescribed by the bill, to classify the allegation of child abuse or neglect.

Category V would mean that services were not needed. A case would be classified in this category if the FIA determined that the allegation did not amount to child abuse or neglect, and the structured decision-making tool indicated that there was no future risk of harm to the child. This would not require a further response by the FIA.

Category IV would mean that community services were recommended. A case would be classified in this category if the FIA determined that there was not evidence of child abuse or neglect, but the structured decision-making tool indicated a low or moderate risk of future harm to the child. The FIA would have to assist the child's family in voluntarily participating in community-based services.

Category III would mean that community services were needed. A case would be classified in this category if the FIA determined that there was evidence of child abuse or neglect, and the structured decision-making tool indicated a low or moderate risk of future harm to the child. The FIA would have to assist the child's family in receiving community-based services. If the family did not voluntarily participate in the services, the FIA could reclassify the case as Category II.

Category II would mean that child protective services were required. A case would be classified in this category if the FIA determined that there was evidence of child abuse or neglect, and the structured decision-making tool indicated a high or intensive risk of future harm to the child. The FIA would have to open a protective services case and provide the services necessary under the Child

Protection Law. The FIA also would have to list on the FIA's central registry the perpetrator of the child abuse or neglect, based on the report that was the subject of the field investigation, either by name or as "unknown" if the perpetrator had not been identified.

Category I would mean that a court petition was required. A case would be classified in this category if the FIA determined that there was evidence of child abuse or neglect and one or more of the following were true:

- A court petition was required under another provision of the CPL.
- The child was not safe and a petition for removal was needed.
- The child's family did not voluntarily participate in services.
- There was a violation, involving the child, of assault with intent to commit criminal sexual conduct (CSC); conspiracy or attempt to commit CSC; felonious assault on a child; involvement in child sexually abusive material or activity; or child abuse in the first or second degree.

In response to a Category I classification, the FIA would have to do all of the following:

- If a court petition were not required under another provision of the CPL, submit a petition for authorization by the court under Section 2(b) of the juvenile code. (Section 2(b) provides that the family division of circuit court has jurisdiction in proceedings concerning a juvenile under 18 years of age under certain circumstances, including neglect, a home unfit for a juvenile, a parent who has failed to comply with certain court plans, and some custody cases.)
- Open a protective services case and provide the services necessary under the CPL.
- List on the central registry the perpetrator of the child abuse or neglect, based on the report that was the subject of the field investigation, either by name or as "unknown" if the perpetrator had not been identified.

#### Notice of Case Disposition

The Child Protection Law requires that, if the person who made a report of child abuse or neglect were mandated by the CPL to make that report, the FIA inform him or her in writing as to the disposition of the case. The notice must include, among other things, whether the case was substantiated and the rationale for that decision. The bill specifies, instead, that the notice would have to include what determination the FIA made as to classifying the case in Categories I through V and the rationale for that decision. (The CPL mandates that certain medical professionals, social workers, educators, law enforcement officers, and child care providers who have reasonable cause to suspect child abuse or neglect immediately make an oral report to the FIA. Within 72 hours of making an oral report, the reporting person must file a written report.)

MCL 722.622 et al.

Legislative Analyst: P. Affholter

#### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: C. Cole

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.