

Senate Fiscal Agency
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SFA



BILL ANALYSIS

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House Bill 4117 (Substitute S-1 as reported)
Sponsor: Representative Kirk Profit
House Committee: Human Services and Children
Senate Committee: Families, Mental Health and Human Services

Date Completed: 6-2-97

RATIONALE

The Child Protection Law requires various professionals, including teachers and school administrators, to report suspected cases of child abuse or neglect to the Family Independence Agency (FIA). The FIA then must begin an investigation or, in certain cases, notify the prosecuting attorney. The Law requires schools to cooperate with the FIA during an investigation, and states that cooperation "includes allowing access to the child without parental consent if access is necessary to complete the investigation or to prevent abuse or neglect of the child". According to a September 1995 Opinion of the Attorney General (No. 6869), when the FIA interviews a child at school during an investigation, the school administration does not have the right to have a school official present at the interview, and the administration may not require a child's parents to be notified before the child is interviewed. Since educators are under a mandate to report suspected cases of abuse or neglect, and must respond to the concerns of both children and parents, it has been suggested that the FIA should take certain steps to involve school personnel when a child is interviewed at school.

CONTENT

The bill would amend the Child Protection Law to specify certain responsibilities of the Family Independence Agency when it had contact with a child in a school during an investigation of a report of child abuse or neglect.

The Child Protection Law requires that the person responsible for the child's health or welfare be notified of the FIA's contact with the child at the time or as soon afterward as the person can be reached. The bill specifies that the FIA would have to provide that notification, but the FIA could delay

the notification if it would compromise the safety of the child or his or her siblings or the integrity of the investigation. The delay could be only for the time that one of those conditions existed.

Under the bill, if the FIA had contact with a child in a school, all of the following would apply:

- Before contact, the FIA investigator would have to review with the designated school staff person the FIA's responsibilities under the Law and the investigation procedure.
- After contact, the FIA investigator would have to meet with the designated school staff person and the child about the response the FIA would take as a result of contact with the child. The FIA also could meet with the designated school staff person without the child present and share additional information the investigator determined could be shared, subject to the Law's confidentiality provisions.
- Lack of cooperation by the school would not relieve or prevent the FIA from proceeding with its responsibilities under the Law.

The bill would take effect on October 1, 1997.

MCL 722.628

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would ensure that designated school staff persons were kept informed about situations involving the investigation of abuse or neglect in their schools. Evidently, the FIA often interviews an

abused or neglected child before his or her parents are notified, and the parents usually call the school the next day to discuss the matter. The school staff person must be able to answer the parents' questions. Moreover, school personnel can play an integral role in the investigative process; they may be familiar with a child's family background or even know the family members. At the same time, these individuals must continue to educate the child in an environment the feels secure to him or her. This bill would ensure the involvement of designated school personnel in FIA investigations, while protecting the interests of the child.

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State government. The increase in staff time that could be necessary for investigations would increase costs for the Family Independence Agency.

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.