

# HOUSE BILL No. 5911

June 4, 1998, Introduced by Rep. McManus and referred to the Committee on Human Services and Children.

A bill to amend 1975 PA 238, entitled  
"Child protection law,"  
by amending section 2 (MCL 722.622), as amended by 1996 PA 581.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2. As used in this act:

2       (a) "Central registry" means the system maintained at the  
3 department that is used to keep a record of all reports filed  
4 with the department pursuant to this act in which relevant and  
5 accurate evidence of child abuse or neglect is found to exist.

6       (b) "Child" means a person under 18 years of age.

7       (c) "Child abuse" means harm or threatened harm to a child's  
8 health or welfare by a parent, legal guardian, or any other  
9 person responsible for the child's health or welfare, or by a  
10 teacher or teacher's aide, that occurs through nonaccidental

1 physical or mental injury; sexual abuse; sexual exploitation; or  
2 maltreatment.

3 (d) "Child neglect" means harm or threatened harm to a  
4 child's health or welfare by a parent, legal guardian, or any  
5 other person responsible for the child's health or welfare that  
6 occurs through ~~either~~ ANY of the following:

7 (i) Negligent treatment, including the failure to provide  
8 adequate food, clothing, shelter, or medical care.

9 (ii) Placing a child at an unreasonable risk to the child's  
10 health or welfare by failure of the parent, legal guardian, or  
11 any other person responsible for the child's health or welfare to  
12 intervene to eliminate that risk when that person is able to do  
13 so and has, or should have, knowledge of the risk.

14 (iii) THE MOTHER'S USE OF CONTROLLED SUBSTANCES OR CONSUMP-  
15 TION OF ALCOHOL DURING HER PREGNANCY. CHILD NEGLECT UNDER THIS  
16 SUBPARAGRAPH DOES NOT INCLUDE THE MOTHER'S USE OF CONTROLLED SUB-  
17 STANCES IN ACCORDANCE WITH A VALID PRESCRIPTION.

18 (e) "Controlled substance" means that term as defined in  
19 section 7104 of the public health code, ~~Act No. 368 of the~~  
20 ~~Public Acts of 1978, being section 333.7104 of the Michigan~~  
21 ~~Compiled Laws~~ 1978 PA 368, MCL 333.7104.

22 (f) "Department" means the family independence agency.

23 (g) "Director" means the director of the department.

24 (h) "Expunge" means to physically remove or eliminate and  
25 destroy a record or report.

26 (i) "Local office file" means the system used to keep a  
27 record of a written report, document, or photograph filed with

1 and maintained by a county or a regionally based office of the  
2 department.

3 (j) "Person responsible for the child's health or welfare"  
4 means a parent, legal guardian, person 18 years of age or older  
5 who resides for any length of time in the same home in which the  
6 child resides, or an owner, operator, volunteer, or employee of  
7 any of the following:

8 (i) A licensed or unlicensed child care organization as  
9 defined in section 1 of ~~Act No. 116 of the Public Acts of 1973,~~  
10 ~~being section 722.111 of the Michigan Compiled Laws~~ 1973 PA 116,  
11 MCL 722.111.

12 (ii) A licensed or unlicensed adult foster care family home  
13 or adult foster care small group home as defined in section 3 of  
14 the adult foster care facility licensing act, ~~Act No. 218 of the~~  
15 ~~Public Acts of 1979, being section 400.703 of the Michigan~~  
16 ~~Compiled Laws~~ 1979 PA 218, MCL 400.703.

17 (k) "Relevant evidence" means evidence having a tendency to  
18 make the existence of a fact that is at issue more probable than  
19 it would be without the evidence.

20 (l) "Sexual abuse" means engaging in sexual contact or  
21 sexual penetration as defined in section 520a of the Michigan  
22 penal code, ~~Act No. 328 of the Public Acts of 1931, being sec-~~  
23 ~~tion 750.520a of the Michigan Compiled Laws~~ 1931 PA 328, MCL  
24 750.520A, with a child.

25 (m) "Sexual exploitation" includes allowing, permitting, or  
26 encouraging a child to engage in prostitution, or allowing,  
27 permitting, encouraging, or engaging in the photographing,

1 filming, or depicting of a child engaged in a listed sexual act  
2 as defined in section 145c of ~~Act No. 328 of the Public Acts of~~  
3 ~~1931, being section 750.145c of the Michigan Compiled Laws~~ THE  
4 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145C.