

Legislative Analysis



MANDATORY REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5659 (reported from committee as substitute H-2)
Sponsor: Rep. Beth Griffin

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5796 (reported from committee as substitute H-1)
Sponsor: Rep. Kristy Pagan

Committee: Law and Justice
Complete to 5-24-18

SUMMARY:

House Bills 5659 and 5796 would amend the Child Protection Law to add physical therapists, physical therapist assistants, and athletic trainers to the list of individuals who are required to report suspected child abuse or neglect, and to require the Department of Health and Human Services (DHHS) to develop training materials for individuals required to report suspected child abuse or neglect.

Currently under the statute, certain school personnel and medical professionals who have reasonable cause to suspect child abuse or neglect are required to make an immediate report. The statute includes a detailed method for reporting the abuse and notifying the DHHS.

House Bill 5659 would add physical therapists, physical therapist assistants, and athletic trainers to the list of those who are required to report suspected child abuse or neglect.

MCL 722.623

House Bill 5796 would direct the Department of Health and Human Services (DHHS) to consult with the Michigan Domestic and Sexual Violence Prevention and Treatment Board and the Michigan Coalition to End Domestic Violence to create comprehensive training materials for individuals required to report suspected child abuse or neglect within 180 days after the effective date of the bill. The bill would require the DHHS to make the training materials available on its website in addition to any other form chosen by the DHHS.

The bill would require employers or organizations to provide the training package to their employees who are required to report suspected child abuse or neglect. However, this requirement would not apply to an employer or organization that provides its own training to an employee that is similar in substance to the training created under the provisions of the bill.

Proposed MCL 722.623b

Each bill would take effect 90 days after enactment.

FISCAL IMPACT:

House Bill 5659 would extend reporting requirements to physical therapists and physical therapist assistants. Due to the possibility of additional investigations, the bill's provisions may increase costs to the DHHS Children's Protective Services (CPS) program which investigates allegations of abuse or neglect by a caretaker of a child under the age of 18. A caretaker is defined as any person responsible for the child's health or welfare. Currently within the CPS program, DHHS has 1,260 investigators which each carry a caseload of 12 cases for each investigator. Ongoing CPS caseworkers each carry a caseload of 15 cases for each worker.

If a neglect or abuse allegation is against a child's caretaker, then DHHS has investigatory authority. If the allegation is against anyone else other than a caretaker, then law enforcement agencies would have the responsibility to investigate which could, in some instances, increase costs to local governments.

In FY 2016-17, the CPS investigated 92,440 cases of child abuse or neglect. Of those investigations, 68.7%, or 63,485 cases, were reported by a mandatory reporter and 31.3%, or 28,955 cases, were reported by non-mandatory reporters. After investigation were performed, approximately 28% of these cases, almost 26,000, were substantiated for evidence of abuse and/or neglect.

House Bill 5796 would have a minimal fiscal impact on the State of Michigan. According to the Department of Health and Human Services, because the Department has already developed and posted mandatory reporter training materials and resources on the DHHS website, the cost of the bill's provisions that would require the Department to create comprehensive training materials for mandatory reporters of child abuse or child neglect would be minimal. Since the Department would be making these materials available, there would be no significant fiscal impact to local units of government.

POSITIONS:

The following organizations indicated support for both bills:

- Department of Attorney General (4-17-18)
- American Association of University Women (4-25-18)
- Michigan Catholic Conference (5-1-18)
- Diocese of Kalamazoo (5-1-18)
- Michigan Physical Therapy Association (5-23-18)
- Michigan Athletic Trainers Society (5-23-18)

The following organizations indicated support for HB 5796:

- Michigan Council for Maternal and Child Health (4-25-18)
- Michigan Coalition to End Domestic and Sexual Violence (4-25-18)
- Michigan Domestic and Sexual Violence Prevention and Treatment Board (4-25-18)
- Wayne County SAFE Program (4-23-18)
- Oakland Schools (5-1-18)

The National Association of Social Workers indicated support for HB 5796 and indicated that HB 5659 needs work. (5-1-18)

The Michigan Department of Health and Human Services Children's Protective Services Program testified with a neutral position on HB 5659 and HB 5796. (4-25-18)

The Michigan Department of Health and Human Services indicated a neutral position regarding HB 5796. (5-22-18)

The American Civil Liberties Union of Michigan indicated a neutral position regarding HB 5659 (5-22-18)

Representatives of the following organizations testified in opposition to HB 5659:

- Michigan Coalition to End Domestic and Sexual Violence (4-25-18)
- Michigan Domestic and Sexual Violence Prevention and Treatment Board (4-25-18)

Legislative Analyst: Emily S. Smith
Fiscal Analyst: Viola Bay Wild

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