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BILL ANALYSIS



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House Bill 5659 (Substitute S-2)
House Bill 5796 (Substitute H-1 as passed by the House)
Sponsor: Representative Beth Griffin (H.B. 5659)
Representative Kristy Pagan (H.B. 5796)
House Committee: Law and Justice
Senate Committee: Judiciary

Date Completed: 6-5-18

CONTENT

House Bill 5659 (S-2) would amend the Child Protection Law to include physical therapists, athletic trainers, and certain individuals associated with K-12 and postsecondary interscholastic athletic activities among the individuals required to report to the Department of Health and Human Services (DHHS) if they have reasonable cause to suspect child abuse or neglect.

House Bill 5796 (H-1) would amend the Child Protection Law to do the following:

- **Require the DHHS to create training materials for individuals required to report suspected child abuse or neglect, and make the materials publicly available on its website.**
- **Require an employer or organization to provide the training materials to an employee who was required to report.**

Each bill would take effect 90 days after its enactment.

House Bill 5659 (S-2)

The Child Protection Law requires medical professionals, marriage therapists, licensed counselors, social workers, social service technicians, school counselors, professionals employed in a friend of the court office, school administrators, teachers, law enforcement officers, members of the clergy, and regulated child care providers to report to the Department of Health and Human Services if they have reasonable cause to suspect child abuse or neglect. (These individuals are commonly referred to as "mandated reporters".)

The bill would include physical therapists, physical therapist assistants, and athletic trainers in the list of mandated reporters.

The bill also would include in the list of mandated reporters an individual 18 years of age or older who was paid to conduct or assist in conducting K-12 or postsecondary interscholastic athletic activities. The bill would include a coach, an assistant coach, or an athletic trainer. These individuals would have to report in the same manner as currently required under the Law.

("K-12 or postsecondary interscholastic athletic activity" would mean a K-12 or postsecondary school program or event, including practice and competition, during which youth athletes participate or practice to participate in an organized athletic game or competition against another K-12 or postsecondary school, team, club, entity, or individual.)

House Bill 5796 (H-1)

The bill would require the Department of Health and Human Services, in consultation with the Michigan Domestic and Sexual Violence Prevention and Treatment Board and the Michigan Coalition to End Domestic and Sexual Violence, to create comprehensive training materials for individuals who are required to report suspected child abuse or neglect, within 180 days after the bill took effect.

An employer or organization that employed a mandated reporter would have to provide the training materials to that employee, unless the employer or organization provided its own training that was similar in substance to the training materials provided by the DHHS.

The Department would have to make the training materials publicly available on its website in addition to any other form that the DHHS chose.

MCL 722.623 (H.B. 5659)
Proposed MCL 722.623b (H.B. 5796)

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

House Bill 5659 (S-2)

The bill could lead to an increase in costs to the Child Protective Services (CPS) unit within the Department of Health and Human Services associated with investigating reports of suspected abuse or neglect made by the individuals who would be required to report under the bill. There could be an uncertain increase in costs to local government if suspected abuse or neglect were committed by a person who was responsible for the health and welfare of the child and were determined to be a criminal violation. Additionally, if the suspected abuse or neglect were committed by someone other than a parent, a legal guardian, or any other person responsible for the child's health or welfare or by a teacher, a teacher's aide, or a member of the clergy, the investigation would be in the jurisdiction of law enforcement rather than CPS. Child Protective Services has a mandate to investigate harm or threatened harm to a child's health or welfare that occurs through nonaccidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment. Investigations of abuse or neglect committed by a person other than someone who is responsible for the child's health or welfare could lead to an increase in cost to local government and law enforcement. Administrative costs to the DHHS also could increase if the Department required staffing resources to transmit information concerning allegations, written reports, or subsequent investigations of abuse by a licensed medical professional.

House Bill 5796 (H-1)

The bill would have minimal to no fiscal impact on the State and no fiscal impact on local government. As the Michigan Department of Health and Human Services has established mandated reporter training materials, any incremental cost would result from an increase in reproduction of the materials in printed form due to the expansion in the number of individuals designated as mandated reporters under the bill.

Fiscal Analyst: John Maxwell

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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.