

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5659**

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 3 (MCL 722.623), as amended by 2016 PA 35.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) An individual is required to report under this act
2 as follows:

3 (a) A physician, dentist, physician's assistant, registered
4 dental hygienist, medical examiner, nurse, person licensed to
5 provide emergency medical care, audiologist, psychologist, marriage
6 and family therapist, licensed professional counselor, social
7 worker, licensed master's social worker, licensed bachelor's social
8 worker, registered social service technician, social service
9 technician, ~~a~~ person employed in a professional capacity in any
10 office of the friend of the court, school administrator, school

1 counselor or teacher, **PHYSICAL THERAPIST, PHYSICAL THERAPIST**
2 **ASSISTANT, ATHLETIC TRAINER**, law enforcement officer, member of the
3 clergy, or regulated child care provider who has reasonable cause
4 to suspect child abuse or child neglect shall make an immediate
5 report to centralized intake by telephone, or, if available,
6 through the online reporting system, of the suspected child abuse
7 or child neglect. Within 72 hours after making an oral report by
8 telephone to centralized intake, the reporting person shall file a
9 written report as required in this act. If the immediate report has
10 been made using the online reporting system and that report
11 includes the information required in a written report under
12 subsection (2), that report is considered a written report for the
13 purposes of this section and no additional written report is
14 required. If the reporting person is a member of the staff of a
15 hospital, agency, or school, the reporting person shall notify the
16 person in charge of the hospital, agency, or school of his or her
17 finding and that the report has been made, and shall make a copy of
18 the written or electronic report available to the person in charge.
19 A notification to the person in charge of a hospital, agency, or
20 school does not relieve the member of the staff of the hospital,
21 agency, or school of the obligation of reporting to the department
22 as required by this section. One report from a hospital, agency, or
23 school is adequate to meet the reporting requirement. A member of
24 the staff of a hospital, agency, or school shall not be dismissed
25 or otherwise penalized for making a report required by this act or
26 for cooperating in an investigation.

27 (b) A department employee who is 1 of the following and has

1 reasonable cause to suspect child abuse or child neglect shall make
2 a report of suspected child abuse or child neglect to the
3 department in the same manner as required under subdivision (a):

- 4 (i) Eligibility specialist.
- 5 (ii) Family independence manager.
- 6 (iii) Family independence specialist.
- 7 (iv) Social services specialist.
- 8 (v) Social work specialist.
- 9 (vi) Social work specialist manager.
- 10 (vii) Welfare services specialist.

11 (c) Any employee of an organization or entity that, as a
12 result of federal funding statutes, regulations, or contracts,
13 would be prohibited from reporting in the absence of a state
14 mandate or court order. A person required to report under this
15 subdivision shall report in the same manner as required under
16 subdivision (a).

17 (D) AN INDIVIDUAL 18 YEARS OF AGE OR OLDER WHO IS PAID TO
18 CONDUCT OR ASSIST IN CONDUCTING K-12 OR POSTSECONDARY
19 INTERSCHOLASTIC ATHLETIC ACTIVITIES. THIS SUBDIVISION INCLUDES A
20 COACH, AN ASSISTANT COACH, OR AN ATHLETIC TRAINER. AN INDIVIDUAL
21 REQUIRED TO REPORT UNDER THIS SUBDIVISION SHALL REPORT IN THE SAME
22 MANNER AS REQUIRED UNDER SUBDIVISION (A). AS USED IN THIS
23 SUBDIVISION, "K-12 OR POSTSECONDARY INTERSCHOLASTIC ATHLETIC
24 ACTIVITY" MEANS A K-12 OR POSTSECONDARY SCHOOL PROGRAM OR EVENT,
25 INCLUDING PRACTICE AND COMPETITION, DURING WHICH YOUTH ATHLETES
26 PARTICIPATE OR PRACTICE TO PARTICIPATE IN AN ORGANIZED ATHLETIC
27 GAME OR COMPETITION AGAINST ANOTHER K-12 OR POSTSECONDARY SCHOOL,

1 **TEAM, CLUB, ENTITY, OR INDIVIDUAL.**

2 (2) The written report or a report made using the online
3 reporting system shall contain the name of the child and a
4 description of the child abuse or child neglect. If possible, the
5 report shall contain the names and addresses of the child's
6 parents, the child's guardian, the persons with whom the child
7 resides, and the child's age. The report shall contain other
8 information available to the reporting person that might establish
9 the cause of the child abuse or child neglect, and the manner in
10 which the child abuse or child neglect occurred.

11 (3) The department shall inform the reporting person of the
12 required contents of the written report at the time the oral report
13 is made by the reporting person.

14 (4) The written report required in this section shall be
15 mailed or otherwise transmitted to centralized intake.

16 (5) Upon receipt of a written report of suspected child abuse
17 or child neglect, the department may provide copies to the
18 prosecuting attorney and the probate court of the counties in which
19 the child suspected of being abused or neglected resides and is
20 found.

21 (6) If an allegation, written report, or subsequent
22 investigation of suspected child abuse or child neglect indicates a
23 violation of sections 136b, 145c, 462a to 462h, or 520b to 520g of
24 the Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c,
25 750.462a to 750.462h, and 750.520b to 750.520g, or section 7401c of
26 the public health code, 1978 PA 368, MCL 333.7401c, involving
27 methamphetamine has occurred, or if the allegation, written report,

1 or subsequent investigation indicates that the suspected child
2 abuse or child neglect was committed by an individual who is not a
3 person responsible for the child's health or welfare, including,
4 but not limited to, a member of the clergy, a teacher, or a
5 teacher's aide, the department shall transmit a copy of the
6 allegation or written report and the results of any investigation
7 to a law enforcement agency in the county in which the incident
8 occurred. If an allegation, written report, or subsequent
9 investigation indicates that the individual who committed the
10 suspected child abuse or child neglect is a child care provider and
11 the department believes that the report has basis in fact, the
12 department shall, within 24 hours of completion, transmit a copy of
13 the written report or the results of the investigation to the child
14 care regulatory agency with authority over the child care
15 provider's child care organization or adult foster care location
16 authorized to care for a child.

17 (7) If a local law enforcement agency receives an allegation
18 or written report of suspected child abuse or child neglect or
19 discovers evidence of or receives a report of an individual
20 allowing a child to be exposed to or to have contact with
21 methamphetamine production, and the allegation, written report, or
22 subsequent investigation indicates that the child abuse or child
23 neglect or allowing a child to be exposed to or to have contact
24 with methamphetamine production, was committed by a person
25 responsible for the child's health or welfare, the local law
26 enforcement agency shall refer the allegation or provide a copy of
27 the written report and the results of any investigation to the

1 county department of the county in which the abused or neglected
2 child is found, as required by subsection (1)(a). If an allegation,
3 written report, or subsequent investigation indicates that the
4 individual who committed the suspected child abuse or child neglect
5 or allowed a child to be exposed to or to have contact with
6 methamphetamine production, is a child care provider and the local
7 law enforcement agency believes that the report has basis in fact,
8 the local law enforcement agency shall transmit a copy of the
9 written report or the results of the investigation to the child
10 care regulatory agency with authority over the child care
11 provider's child care organization or adult foster care location
12 authorized to care for a child. Nothing in this subsection or
13 subsection (1) relieves the department of its responsibilities to
14 investigate reports of suspected child abuse or child neglect under
15 this act.

16 (8) For purposes of this act, the pregnancy of a child less
17 than 12 years of age or the presence of a sexually transmitted
18 infection in a child who is over 1 month of age but less than 12
19 years of age is reasonable cause to suspect child abuse or child
20 neglect has occurred.

21 (9) In conducting an investigation of child abuse or child
22 neglect, if the department suspects that a child has been exposed
23 to or has had contact with methamphetamine production, the
24 department shall immediately contact the law enforcement agency in
25 the county in which the incident occurred.

26 Enacting section 1. This amendatory act takes effect 90 days
27 after the date it is enacted into law.