

Legislative Analysis



MANDATORY REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT

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

House Bill 4376 (proposed substitute H-1)
Sponsor: Rep. Beth Griffin

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

House Bill 4377 as introduced
Sponsor: Rep. Kristy Pagan

Committee: Judiciary
Complete to 6-10-19

BRIEF SUMMARY:

House Bill 4376 would add athletic trainers to the list of employees and professionals required to report suspected child abuse or neglect.

House Bill 4377 would require comprehensive training materials to be created for individuals required to report suspected child abuse or neglect.

Each bill would take effect 90 days after enactment.

DETAILED SUMMARY:

The Child Protection Law (CPL) requires certain individuals to report to the Department of Health and Human Services (DHHS) if they have reasonable cause to suspect child abuse or child neglect. (These individuals are commonly referred to as “mandated reporters.”) Mandated reporters include 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. The CPL provides a detailed method for reporting the abuse and notifying the DHHS.

House Bill 4376 would amend the CPL to include athletic trainers in the list of professionals required to report suspected child abuse or child neglect to DHHS. [House Bill 4108, currently on Second Reading in the House, would amend the same section to include physical therapists and physical therapist assistants as mandated reporters.]

MCL 722.623

House Bill 4377 would add a new section to the CPL to require the creation of comprehensive training materials for individuals required to report suspected child abuse or child neglect. DHHS, in consultation with the Michigan Domestic and Sexual Violence Prevention and Treatment Board and the Michigan Coalition to End Domestic and Sexual Violence, would have to create the materials within 180 days after the bill’s effective date.

DHHS would have to make the training materials publicly available on its website in addition to any other form it chooses.

Employers or organizations that employ mandated reporters would have to provide the training package to those employees. 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 bill.

Proposed MCL 722.623b

BACKGROUND INFORMATION:

The bills are reintroductions of House Bills 5659 and 5796 of the 2017-18 legislative session. Both bills were passed by the House of Representatives.

FISCAL IMPACT:

House Bill 4376 would extend reporting requirements to athletic trainers. 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.

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 have the responsibility to investigate, which could, in some instances, increase costs to local governments.

In FY 2017-18, the CPS investigated 96,067 cases of child abuse or neglect. Of those investigations, 70.0%, or 67,366 cases, were reported by a mandatory reporter and 30.0%, or 28,701 cases, were reported by non-mandatory reporters.

House Bill 4377 would have a minimal fiscal impact on the State of Michigan. According to DHHS, 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.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Viola Bay Wild

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