

HOUSE BILL NO. 4108

January 29, 2019, Introduced by Reps. Hauck, Griffin, Ellison, Yaroch, Chirkun, Inman and Kennedy and referred to the Committee on Families, Children, and Seniors.

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

1 provide emergency medical care, audiologist, psychologist, **physical**
2 **therapist, physical therapist assistant,** marriage and family
3 therapist, licensed professional counselor, social worker, licensed
4 master's social worker, licensed bachelor's social worker,
5 registered social service technician, social service technician, a
6 person employed in a professional capacity in any office of the
7 friend of the court, school administrator, school counselor or
8 teacher, law enforcement officer, member of the clergy, or
9 regulated child care provider who has reasonable cause to suspect
10 child abuse or child neglect shall make an immediate report to
11 centralized intake by telephone, or, if available, through the
12 online reporting system, of the suspected child abuse or child
13 neglect. Within 72 hours after making an oral report by telephone
14 to centralized intake, the reporting person shall file a written
15 report as required in this act. If the immediate report has been
16 made using the online reporting system and that report includes the
17 information required in a written report under subsection (2), that
18 report is considered a written report for the purposes of this
19 section and no additional written report is required. If the
20 reporting person is a member of the staff of a hospital, agency, or
21 school, the reporting person shall notify the person in charge of
22 the hospital, agency, or school of his or her finding and that the
23 report has been made, and shall make a copy of the written or
24 electronic report available to the person in charge. A notification
25 to the person in charge of a hospital, agency, or school does not
26 relieve the member of the staff of the hospital, agency, or school
27 of the obligation of reporting to the department as required by
28 this section. One report from a hospital, agency, or school is
29 adequate to meet the reporting requirement. A member of the staff

1 of a hospital, agency, or school shall not be dismissed or
2 otherwise penalized for making a report required by this act or for
3 cooperating in an investigation.

4 (b) A department employee who is 1 of the following and has
5 reasonable cause to suspect child abuse or child neglect shall make
6 a report of suspected child abuse or child neglect to the
7 department in the same manner as required under subdivision (a):

8 (i) Eligibility specialist.

9 (ii) Family independence manager.

10 (iii) Family independence specialist.

11 (iv) Social services specialist.

12 (v) Social work specialist.

13 (vi) Social work specialist manager.

14 (vii) Welfare services specialist.

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

21 (2) The written report or a report made using the online
22 reporting system ~~shall~~**must** contain the name of the child and a
23 description of the child abuse or child neglect. If possible, the
24 report shall contain the names and addresses of the child's
25 parents, the child's guardian, the persons with whom the child
26 resides, and the child's age. The report shall contain other
27 information available to the reporting person that might establish
28 the cause of the child abuse or child neglect, and the manner in
29 which the child abuse or child neglect occurred.

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

4 (4) The written report required in this section ~~shall~~**must** be
5 mailed or otherwise transmitted to centralized intake.

6 (5) Upon receipt of a written report of suspected child abuse
7 or child neglect, the department may provide copies to the
8 prosecuting attorney and the probate court of the counties in which
9 the child suspected of being abused or neglected resides and is
10 found.

11 (6) If an allegation, written report, or subsequent
12 investigation of suspected child abuse or child neglect indicates a
13 violation of ~~sections~~**section** 136b, 145c, 462a to 462h, or 520b to
14 520g of the Michigan penal code, 1931 PA 328, MCL 750.136b,
15 750.145c, 750.462a to 750.462h, and 750.520b to 750.520g, or **a**
16 **violation of** section 7401c of the public health code, 1978 PA 368,
17 MCL 333.7401c, involving methamphetamine has occurred, or if the
18 allegation, written report, or subsequent investigation indicates
19 that the suspected child abuse or child neglect was committed by an
20 individual who is not a person responsible for the child's health
21 or welfare, including, but not limited to, a member of the clergy,
22 a teacher, or a teacher's aide, the department shall transmit a
23 copy of the allegation or written report and the results of any
24 investigation to a law enforcement agency in the county in which
25 the incident occurred. If an allegation, written report, or
26 subsequent investigation indicates that the individual who
27 committed the suspected child abuse or child neglect is a child
28 care provider and the department believes that the report has basis
29 in fact, the department shall, within 24 hours ~~of~~**after** completion

1 **of the allegation, written report, or subsequent investigation,**
 2 transmit a copy of the written report or the results of the
 3 investigation to the child care regulatory agency with authority
 4 over the child care provider's child care organization or adult
 5 foster care location authorized to care for a child.

6 (7) If a local law enforcement agency receives an allegation
 7 or written report of suspected child abuse or child neglect or
 8 discovers evidence of or receives a report of an individual
 9 allowing a child to be exposed to or to have contact with
 10 methamphetamine production, and the allegation, written report, or
 11 subsequent investigation indicates that the child abuse or child
 12 neglect or allowing a child to be exposed to or to have contact
 13 with methamphetamine production, was committed by a person
 14 responsible for the child's health or welfare, the local law
 15 enforcement agency shall refer the allegation or provide a copy of
 16 the written report and the results of any investigation to the
 17 county department of the county in which the abused or neglected
 18 child is found, as required by subsection (1)(a). If an allegation,
 19 written report, or subsequent investigation indicates that the
 20 individual who committed the suspected child abuse or child neglect
 21 or allowed a child to be exposed to or to have contact with
 22 methamphetamine production, is a child care provider and the local
 23 law enforcement agency believes that the report has basis in fact,
 24 the local law enforcement agency shall transmit a copy of the
 25 written report or the results of the investigation to the child
 26 care regulatory agency with authority over the child care
 27 provider's child care organization or adult foster care location
 28 authorized to care for a child. ~~Nothing in this~~ **Neither this**
 29 subsection ~~or~~ **nor** subsection (1) relieves the department of its

1 responsibilities to investigate reports of suspected child abuse or
2 child neglect under this act.

3 (8) For purposes of this act, the pregnancy of a child less
4 than 12 years of age or the presence of a sexually transmitted
5 infection in a child who is over 1 month of age but less than 12
6 years of age is reasonable cause to suspect child abuse or child
7 neglect has occurred.

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

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