

# Legislative Analysis



## MANDATORY REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT

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

**House Bill 4880 as referred to second committee**  
**Sponsor: Rep. Roger Hauck**  
**1st Committee: Families, Children, and Seniors**  
**2nd Committee: Judiciary**  
**Complete to 10-23-21**

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

### SUMMARY:

House Bill 4880 would amend the Child Protection Law to add physical therapists, physical therapist assistants, occupational therapists, and athletic trainers to the list of individuals required to report suspected child abuse or child neglect.

Certain professionals are required under the act to make an immediate report if they have reasonable cause to suspect child abuse or child neglect. These professionals are called mandated reporters.<sup>1</sup> The act includes a detailed method for reporting the abuse and notifying the Department of Health and Human Services (DHHS). Reports are confidential, and a person making a report in good faith is immune from liability for making the report and cooperating with a subsequent investigation. A mandated reporter who fails to make a report of suspected child abuse or neglect may be found guilty of a misdemeanor punishable by imprisonment for up to 93 days, a fine of up to \$500, or both. In addition, he or she may be held liable in a civil action for all damages caused by his or her failure to file a report.

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

The bill would take effect 90 days after its enactment.

MCL 722.623

### FISCAL IMPACT:

House Bill 4880 would extend mandatory reporting requirements to physical therapists, physical therapist assistants, occupational therapists, and 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

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<sup>1</sup> Mandated reporters currently include law enforcement officers, members of the clergy, school counselors or teachers, school administrators, physicians, nurses, physician's assistants, licensed providers of emergency medical care, dentists, dental hygienists, medical examiners, audiologists, psychologists, professional counselors, marriage and family therapists, social workers, master's or bachelor's social workers, social service technicians, persons employed in a professional capacity in any office of the Friend of the Court, and regulated child care providers.

the child's health or welfare. Currently within the CPS program, DHHS has 1,605 investigators who each carry a caseload of 12 cases for each investigator. Ongoing CPS caseworkers each carry a caseload of 15 cases for each worker. The amount of any increase in costs to the department would depend upon the number of additional complaints to be investigated.

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 2019-20, the CPS investigated 70,242 reports of child abuse or neglect. Of those investigations, 71.6%, or 50,274 cases, were reported by a mandatory reporter, and 28.4%, or 19,968 cases, were reported by non-mandatory reporters. After investigations were performed, approximately 24% of these cases, approximately 17,557, were substantiated for evidence of some level of abuse and/or neglect.

## **POSITIONS:**

A representative of the American Physical Therapy Association of Michigan testified in support of the bill. (6-15-21)

The following entities and organizations indicated support for the bill (6-15-21):

- Michigan Athletic Trainers Society
- Michigan Catholic Conference
- Michigan Council for Maternal Child Health
- Michigan Occupational Therapy Association

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