

Legislative Analysis



TRAINING MATERIALS FOR MANDATORY REPORTERS OF SUSPECTED CHILD ABUSE OR NEGLECT

Phone: (517) 373-8080
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House Bill 4854 as reported from committee

Sponsor: Rep. Julie M. Rogers

Committee: Judiciary

Complete to 4-12-22

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

BRIEF SUMMARY: House Bill 4854 would amend the Child Protection Law to require comprehensive training materials to be created for individuals required to report suspected child abuse or neglect.

FISCAL IMPACT: The bill would have a minimal fiscal impact on the state and no significant fiscal impact on local governments. (See **Fiscal Information**, below, for a detailed discussion.)

THE APPARENT PROBLEM:

By law, members of certain professions are required to report a suspected case of child abuse or child neglect to the Children's Protective Services (CPS) program within the Department of Health and Human Services (DHHS). However, some say that the reporting provisions in the Child Protection Law are confusing and difficult to understand. In addition, some professionals are not aware that they are mandatory reporters. Legislation has been offered to require DHHS to develop and post information that would better train individuals on reporting requirements and how to report a suspected case of child abuse or neglect.

THE CONTENT OF THE BILL:

House Bill 4854 would amend the Child Protection Law to require comprehensive training materials to be created for individuals required to report suspected child abuse or neglect.

The act currently requires certain individuals to report to DHHS if they have reasonable cause to suspect child abuse or child neglect. These individuals are commonly referred to as "mandated reporters" or "mandatory reporters." Mandated reporters include teachers, school counselors, school administrators, medical professionals, social workers, licensed counselors, social service technicians, marriage therapists, professionals employed in a Friend of the Court office, law enforcement officers, members of the clergy, and regulated child care providers. The act provides a detailed method for reporting the abuse and notifying DHHS.

The bill would add a new section to the act 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 materials to those employees. However, this requirement would not apply to an employer or

organization that provides its own employee training that is similar in substance to the training created under the bill.

The bill would take effect 90 days after its enactment.

Proposed MCL 722.623b

BACKGROUND INFORMATION:

The bill is a reintroduction of House Bill 4377 of the 2019-20 legislative session and House Bill 5796 of the 2017-18 legislative session. Both of those bills were passed by the House of Representatives. The bill is part of a larger package of bills to address sexual assault that were originally introduced following the revelation of hundreds of instances in which Larry Nassar, a nationally known physician employed by Michigan State University who also provided medical treatments to members of the USA Olympics women's gymnastics team, was found to have engaged in practices that constituted criminal sexual conduct.

FISCAL INFORMATION:

House Bill 4854 would have a minimal fiscal impact on the Department of Health and Human Services. 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 on local units of government.

In FY 2019-20, Children's Protective Services within DHHS investigated 70,242 cases of child abuse or neglect. Of those investigations, 71.6%, or 50,293 cases, were reported by a mandatory reporter and 28.4%, or 19,949 cases, were reported by non-mandatory reporters.

ARGUMENTS:

For:

Reportedly, many find the law on who needs to report suspected child abuse or child neglect, and how a report is to be made, confusing. Some professionals do not even realize they are designated mandatory reporters. House Bill 4854 would bring clarity by requiring DHHS to develop training materials that would make the process more understandable. In particular, the training materials should help mandatory reporters and members of the general public to recognize the forms that physical and sexual abuse and neglect can take. For instance, it was revealed during the investigation and trial of Larry Nassar, a former doctor from Michigan State University, that even some in law enforcement were unsure how to tell sexual abuse from a medical procedure.

By some estimates, over half of all incidents of suspected abuse and neglect are currently not being properly reported. Requiring the department to make the materials available on its website will provide easier public access and should help increase the number of suspected incidents being reported. The bill's requirement that the Coalition to End Domestic and Sexual Violence assist with developing the materials will ensure that training materials will be up-to-

date and effective. As departmental duties often change and evolve, placing the requirements in statute will ensure continuity of information regarding reporting of abuse from one administration to another. Further, by requiring employers, such as schools, medical clinics, and law enforcement, to provide the training package to employees, more mandatory reporters will be prepared to recognize the signs of abuse and neglect and know how to report the information and to whom. Employers who have a substantially similar training program would be excused from this requirement. Increasing the understanding of what abuse and neglect is, and empowering people to report it, is an effective way of protecting children from those who are harming them.

POSITIONS:

A representative of the Michigan Coalition to End Domestic and Sexual Violence testified in support of the bill. (9-14-21)

The following entities indicated support for the bill:

- Michigan Domestic and Sexual Violence Prevention and Treatment Board (9-14-21)
- Michigan Catholic Conference (9-14-21)
- American Association of University Women of Michigan (9-28-21)

Legislative Analysts: Susan Stutzky
Emily Smith

Fiscal Analysts: Sydney Brown

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.