

HOUSE BILL NO. 4880

May 19, 2021, Introduced by Reps. Hauck and Yaroch 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, occupational therapist,**
3 **athletic trainer,** marriage and family therapist, licensed
4 professional counselor, social worker, licensed master's social
5 worker, licensed bachelor's social worker, registered social
6 service technician, social service technician, a person employed in
7 a professional capacity in any office of the friend of the court,
8 school administrator, school counselor or teacher, law enforcement
9 officer, member of the clergy, or regulated child care provider who
10 has reasonable cause to suspect child abuse or child neglect shall
11 make an immediate report to centralized intake by telephone, or, if
12 available, through the online reporting system, of the suspected
13 child abuse or child neglect. Within 72 hours after making an oral
14 report by telephone to centralized intake, the reporting person
15 shall file a written report as required in this act. If the
16 immediate report has been made using the online reporting system
17 and that report includes the information required in a written
18 report under subsection (2), that report is considered a written
19 report for the purposes of this section and no additional written
20 report is required. If the reporting person is a member of the
21 staff of a hospital, agency, or school, the reporting person shall
22 notify the person in charge of the hospital, agency, or school of
23 his or her finding and that the report has been made, and shall
24 make a copy of the written or electronic report available to the
25 person in charge. A notification to the person in charge of a
26 hospital, agency, or school does not relieve the member of the
27 staff of the hospital, agency, or school of the obligation of
28 reporting to the department as required by this section. One report
29 from a hospital, agency, or school is adequate to meet the

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

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

9 (i) Eligibility specialist.

10 (ii) Family independence manager.

11 (iii) Family independence specialist.

12 (iv) Social services specialist.

13 (v) Social work specialist.

14 (vi) Social work specialist manager.

15 (vii) Welfare services specialist.

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

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

1 which the child abuse or child neglect occurred.

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

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

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

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

1 in fact, the department shall, within 24 hours ~~of~~**after** completion
2 **of the allegation, written report, or subsequent investigation,**
3 transmit a copy of the written report or the results of the
4 investigation to the child care regulatory agency with authority
5 over the child care provider's child care organization or adult
6 foster care location authorized to care for a child.

7 (7) If a local law enforcement agency receives an allegation
8 or written report of suspected child abuse or child neglect or
9 discovers evidence of or receives a report of an individual
10 allowing a child to be exposed to or to have contact with
11 methamphetamine production, and the allegation, written report, or
12 subsequent investigation indicates that the child abuse or child
13 neglect or allowing a child to be exposed to or to have contact
14 with methamphetamine production, was committed by a person
15 responsible for the child's health or welfare, the local law
16 enforcement agency shall refer the allegation or provide a copy of
17 the written report and the results of any investigation to the
18 county department of the county in which the abused or neglected
19 child is found, as required by subsection (1)(a). If an allegation,
20 written report, or subsequent investigation indicates that the
21 individual who committed the suspected child abuse or child neglect
22 or allowed a child to be exposed to or to have contact with
23 methamphetamine production, is a child care provider and the local
24 law enforcement agency believes that the report has basis in fact,
25 the local law enforcement agency shall transmit a copy of the
26 written report or the results of the investigation to the child
27 care regulatory agency with authority over the child care
28 provider's child care organization or adult foster care location
29 authorized to care for a child. ~~Nothing in this~~**Neither this**

1 subsection ~~or~~**nor** subsection (1) relieves the department of its
2 responsibilities to investigate reports of suspected child abuse or
3 child neglect under this act.

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

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

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