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Senate Bill 910 (as introduced 6-12-24)
Sponsor: Senator Kevin Hertel
Committee: Civil Rights, Judiciary, and Public Safety

(Senate-passed version)

Date Completed: 12-2-24

CONTENT

The bill would amend the Child Protection Law to do the following:

- **Add manslaughter, the death of a child, and sexual abuse to the definition of "confirmed serious abuse or neglect".**
- **Modify a provision allowing an authorized individual or agency to receive confirmation of a prospective employee's or volunteer's status on the Central Registry if that person will work or volunteer with children to instead specify that the provision would apply to a person who would work or volunteer unsupervised with children.**
- **Require the Department of Health and Human Services (DHHS) to notify individuals named as perpetrators of child abuse or neglect instead of the current requirement to notify individuals named as perpetrators of *confirmed* child abuse or neglect.**

Definitions

Under the Law, "confirmed serious abuse or neglect" means a confirmed case of mental or physical injury or neglect to a child that involves any of the following:

- Battery, torture, or other serious physical harm.
- Loss or serious impairment of an organ or limb.
- Life threatening injury.
- Murder or attempted murder.
- Serious mental harm.

The bill would add manslaughter, the death of a child, and sexual abuse to the list above.

Also, under the bill, "youth program" would mean an event or activity that is designed for the participation of minors, is supervised by an employee of, or volunteer for, the event or activity, and does not take place in the presence of the minor's parents or legal guardians.

Statewide Electronic Case Management

The Law requires the DHHS to maintain a statewide electronic case management system to carry out the intent of the Law, including classifying a confirmed case of methamphetamine production, confirmed serious abuse or neglect, confirmed sexual abuse, or confirmed sexual exploitation as a Central Registry case. Additionally, the DHHS must classify as a Central Registry case a felony conviction for a violation of Section 136b of the Michigan Penal Code, a conviction for a violation of Chapter 76 (Rape) of the Penal Code involving a minor victim,

a conviction for a violation of Section 145c of the Penal Code, and any conviction involving the death of a child.¹

The Law allows an individual or the DHHS to confirm with documentation a Central Registry placement to an individual, office, or agency authorized to receive confirmation. The document may be shared with appropriate individuals for the purpose of seeking employment or serving as a volunteer if that employment or volunteer work will include contact with children. Individuals or organizations for whom a person is applying for employment, licensing for a childcare organization, or to act as a volunteer, may request and receive confirmation of Central Registry placement if that employment or volunteer includes contact with children. The bill would modify these provisions to specify that the document could be shared if employment or volunteer work would include *unsupervised* contact with children.

Investigation of Report

The Law generally requires certain professionals to report to the DHHS reasonable belief of child abuse or neglect. Within 24 hours of receiving a report, the DHHS must refer the report to the prosecuting attorney and local law enforcement agency if the report involves child abuse causing death or severe injury; sexual abuse or exploitation; first-, second-, third-, or fourth-degree child abuse; involvement in child sexually abusive activity or possession of child sexually abusive material; or exposure to the manufacture of methamphetamine.

A person who is the subject of a report or record made during an investigation or because of suspected child abuse or neglect in which the violation does not result in being placed on the Central Registry but is categorized as Category I, Category II, or Category III, may request that the DHHS amend an inaccurate report or record from the local file office.² Within 30 days after the classification of a confirmed case that does not result in being placed on the Central Registry, the DHHS must notify in writing each person named in the report or record as a perpetrator of *confirmed* serious abuse or neglect. The bill would modify this provision to specify that the DHHS would instead have to notify each person named in the report or record as the perpetrator of child abuse or child neglect.

MCL 722.622 et al.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill would have no fiscal impact on State or local governments.

Fiscal Analyst: Humphrey Akujobi

¹ Section 136b of the Penal Code defines the crimes of first-, second-, third-, and fourth-degree child abuse and prescribes the penalties for each crime. Section 145c of the Penal Code pertains to child sexually abusive activity or material.

² Generally, a Category I classification requires a court petition, a DHHS determination of evidence of child abuse or neglect, the existence of escalated circumstances. A Category II classification occurs when the DHHS determines there is evidence of child abuse or neglect, and there is high or intensive risk of future harm. A Category III classification occurs when the DHHS determines that there is a preponderance of evidence of child abuse or child neglect, and the structured decision-making tool indicates a low or moderate risk of future harm to the child.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.