

SENATE BILL No. 165

March 24, 1987, Introduced by Senators DE GROW, KELLY, FAUST, NICHOLS, FESSLER, SEDERBURG and WELBORN and referred to the Committee on Education and Mental Health.

A bill to amend section 8 of Act No. 238 of the Public Acts of 1975, entitled

"Child protection law,"

as amended by Act No. 418 of the Public Acts of 1984, being section 722.628 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8 of Act No. 238 of the Public Acts of
2 1975, as amended by Act No. 418 of the Public Acts of 1984, being
3 section 722.628 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 8. (1) Within 24 hours after receiving a report made
6 pursuant to this act, the department shall commence an investiga-
7 tion of the child suspected of being abused or neglected.

8 (2) In the course of its investigation, the department shall
9 determine if the child is abused or neglected. The department

1 shall cooperate with law enforcement officials, courts of
2 competent jurisdiction, and appropriate state agencies providing
3 human services in relation to preventing, identifying, and treat-
4 ing child abuse and neglect; shall provide, enlist, and coordi-
5 nate the necessary services, directly or through the purchase of
6 services from other agencies and professions; and shall take nec-
7 essary action to prevent further abuses, to safeguard and enhance
8 the welfare of the child, and to preserve family life where
9 possible.

10 (3) In conducting its investigation, the department shall
11 seek the assistance of and cooperate with law enforcement offi-
12 cials within 24 hours after becoming aware that 1 or more of the
13 following conditions exists:

14 (a) Abuse or neglect is the suspected cause of a child's
15 death.

16 (b) The child is the victim of suspected sexual abuse or
17 sexual exploitation.

18 (c) Abuse or neglect resulting in severe physical injury to
19 the child requires medical treatment or hospitalization. For
20 purposes of this subdivision, "severe physical injury" means
21 brain damage, skull or bone fracture, subdural hemorrhage or
22 hematoma, dislocation, sprains, internal injuries, poisoning,
23 burns, scalds, severe cuts, or any other physical injury that
24 seriously impairs the health or physical well-being of a child.

25 (d) Law enforcement intervention is necessary for the pro-
26 tection of the child, a department employee, or another person
27 involved in the investigation.

1 (e) The alleged perpetrator of the child's injury is not a
2 person responsible for the child's health or welfare.

3 (4) Law enforcement officials shall cooperate with the
4 department in conducting investigations pursuant to subsection
5 (3) and shall comply with sections 5 and 7.

6 (5) Involvement of law enforcement officials pursuant to
7 this section shall not relieve or prevent the department from
8 proceeding with its investigation or treatment.

9 (6) In each county, the prosecuting attorney and the depart-
10 ment shall develop and establish procedures for involving law
11 enforcement officials as provided in this section AND FOR NOTIFY-
12 ING THE DEPARTMENT WHEN AN EMPLOYEE OF A K TO 12 SCHOOL DISTRICT
13 WHO WAS THE SUBJECT OF AN INVESTIGATION CONDUCTED BY THE DEPART-
14 MENT IS OFFICIALLY CHARGED WITH CRIMINAL SEXUAL CONDUCT.

15 (7) If there is reasonable cause to suspect that a child in
16 the care of or under the control of a public or private agency,
17 institution, or facility is an abused or neglected child, the
18 agency, institution, or facility shall be investigated by an
19 agency administratively independent of the agency, institution,
20 or facility being investigated. If the investigation produces
21 evidence of a violation of section 145c of the Michigan penal
22 code, Act No. 328 of the Public Acts of 1931, being
23 section 750.145c of the Michigan Compiled Laws, the investigating
24 agency shall transmit a copy of the results of the investigation
25 to the prosecuting attorney of the county in which the agency,
26 institution, or facility is located. The prosecuting attorney
27 may proceed under sections 135 to 145c of Act No. 328 of the

1 Public Acts of 1931, as amended, being sections 750.135
2 to 750.145c of the Michigan Compiled Laws, when a violation of
3 these sections has occurred.

4 (8) Schools and other institutions shall cooperate with the
5 department during an investigation of a report of child abuse or
6 neglect. Cooperation includes allowing access to the child with-
7 out parental consent if access is necessary to complete the
8 investigation or to prevent abuse or neglect of the child.
9 However, the person responsible for the child's health or welfare
10 shall be notified of the department's contact with the child at
11 the time or as soon afterward as the person can be reached, and
12 no child shall be subjected to a search at a school which
13 requires the child to remove his or her clothing to expose his
14 buttocks, or genitalia or her breasts, buttocks or genitalia
15 unless the department has obtained an order from a court of com-
16 petent jurisdiction permitting such a search. If the access
17 occurs within a hospital, the investigation shall be conducted so
18 as not to interfere with the medical treatment of the child or
19 other patients.

20 (9) Upon completion of the investigation by the department,
21 the department may inform the person who made the report as to
22 the disposition of the report.

23 (10) IF THE DEPARTMENT IS NOTIFIED BY A LAW ENFORCEMENT
24 AGENCY THAT AN EMPLOYEE OF A K TO 12 SCHOOL DISTRICT WHO HAD BEEN
25 THE SUBJECT OF AN INVESTIGATION BY THE DEPARTMENT FOR SEXUAL
26 ABUSE OR SEXUAL EXPLOITATION HAS BEEN OFFICIALLY CHARGED WITH
27 CRIMINAL SEXUAL CONDUCT, THE DEPARTMENT SHALL NOTIFY THE

1 SUPERINTENDENT OF THE SCHOOL DISTRICT IN WHICH THE PERSON IS
2 EMPLOYED THAT THE PERSON HAS BEEN OFFICIALLY CHARGED WITH A CRIME
3 INVOLVING SEXUAL CONDUCT.