

# HOUSE BILL No. 5722

May 7, 1990, Introduced by Reps. Bandstra, Power, Munsell, Brown and Ciaramitaro and referred to the Committee on Judiciary.

A bill to amend section 2 of Act No. 238 of the Public Acts of 1975, entitled as amended

"Child protection law,"

as amended by Act No. 372 of the Public Acts of 1988, being section 722.622 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 2 of Act No. 238 of the Public Acts of  
2 1975, as amended by Act No. 372 of the Public Acts of 1988, being  
3 section 722.622 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5       Sec. 2. As used in this act:

6       (a) "Central registry" means the system or organized mode of  
7 keeping a record of all reports filed with the department  
8 pursuant to this act in which relevant and accurate evidence of

1 child abuse or neglect is found to exist and which is maintained  
2 at the department.

3 (b) "Child" means a person under 18 years of age.

4 (c) "Child abuse" means harm or threatened harm by a person  
5 to a child's health or welfare which occurs through nonaccidental  
6 physical or mental injury; sexual abuse; sexual exploitation; or  
7 maltreatment.

8 (d) "Child neglect" means harm OR THREATENED HARM to a  
9 child's health or welfare by a parent, legal guardian, or ANY  
10 OTHER person ~~who has custodial care of the child~~ RESPONSIBLE  
11 FOR THE CHILD'S HEALTH OR WELFARE which occurs through either of  
12 the following:

13 (i) Negligent treatment, including the failure to provide  
14 adequate food, clothing, shelter, or medical care.

15 (ii) Placing a child at an unreasonable risk to the child's  
16 health or welfare by failure of the parent, legal guardian, or  
17 ANY OTHER person ~~who has custodial care of the child~~  
18 RESPONSIBLE FOR THE CHILD'S HEALTH OR WELFARE to intervene to  
19 eliminate that risk when that person is able to do so and has, OR  
20 SHOULD HAVE, knowledge of the risk.

21 (e) "Sexual abuse" means engaging in sexual contact or  
22 sexual penetration as defined in section 520a of the Michigan  
23 penal code, Act No. 328 of the Public Acts of 1931, being section  
24 750.520a of the Michigan Compiled Laws, with a child.

25 (f) "Sexual exploitation" includes allowing, permitting, or  
26 encouraging a child to engage in prostitution, or allowing,  
27 permitting, encouraging, or engaging in the photographing,

1 filming, or depicting of a child engaged in a listed sexual act  
2 as defined in section 145c of Act No. 328 of the Public Acts of  
3 1931, being section 750.145c of the Michigan Compiled Laws.

4 (g) "Relevant evidence" means evidence having a tendency to  
5 make the existence of a fact that is at issue more probable than  
6 it would be without the evidence.

7 (h) "Department" means the state department of social  
8 services.

9 (i) "Expunge" means to physically remove or eliminate and  
10 destroy a record or report.

11 (j) "Local office file" means the system or organized mode  
12 of keeping a record of a written report, document, or photograph  
13 filed with and maintained by a county or a regionally based  
14 office of the department.

15 (k) "Person responsible for the child's health or welfare"  
16 means a parent, legal guardian, person 18 years of age or older  
17 who resides for any length of time in the same home in which the  
18 child resides, or ~~a person who cares for the child in a licensed~~  
19 ~~or unlicensed day care center, group day care home, or family day~~  
20 ~~care home~~ AN OWNER, OPERATOR, VOLUNTEER, OR EMPLOYEE OF 1 OR  
21 BOTH OF THE FOLLOWING:

22 (i) A LICENSED OR UNLICENSED CHILD CARE ORGANIZATION as  
23 defined in section 1 of Act No. 116 of the Public Acts of 1973,  
24 being section 722.111 of the Michigan Compiled Laws.

25 (ii) A LICENSED OR UNLICENSED ADULT FOSTER CARE FAMILY HOME  
26 OR ADULT FOSTER CARE SMALL GROUP HOME AS DEFINED IN SECTION 3 OF  
27 THE ADULT FOSTER CARE FACILITY LICENSING ACT, ACT NO. 218 OF THE

1 PUBLIC ACTS OF 1979, BEING SECTION 400.703 OF THE MICHIGAN  
2 COMPILED LAWS.