

HOUSE BILL No. 4124

February 7, 1991, Introduced by Reps. Jaye, Robertson, Horton and Willis Bullard and referred to the Committee on Public Health.

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. 212 of the Public Acts of 1990, 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. 212 of the Public Acts of 1990, 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~~ THAT is
2 maintained at the department.

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

4 (c) "Child abuse" means harm or threatened harm to a child's
5 health or welfare by a parent, legal guardian, or any other
6 person responsible for the child's health or welfare or by a
7 teacher or teacher's aide ~~which~~ THAT occurs through nonacciden-
8 tal physical or mental injury; sexual abuse; sexual exploitation;
9 or maltreatment.

10 (d) "Child neglect" means ~~harm~~ EITHER OF THE FOLLOWING:

11 (i) HARM or threatened harm to a child's health or welfare
12 by a parent, legal guardian, or any other person responsible for
13 the child's health or welfare ~~which~~ THAT occurs through either
14 of the following:

15 (A) ~~(i)~~ Negligent treatment, including the failure to pro-
16 vide adequate food, clothing, shelter, or medical care.

17 (B) ~~(ii)~~ Placing a child at an unreasonable risk to the
18 child's health or welfare by failure of the parent, legal guardi-
19 an, or any other person responsible for the child's health or
20 welfare to intervene to eliminate that risk when that person is
21 able to do so and has, or should have, knowledge of the risk.

22 (ii) A SITUATION IN WHICH A NEWBORN INFANT'S BLOOD OR URINE
23 CONTAINS ANY AMOUNT OF A CONTROLLED SUBSTANCE OR A METABOLITE OF
24 A CONTROLLED SUBSTANCE, UNLESS THE CONTROLLED SUBSTANCE OR METAB-
25 OLITE OF THE CONTROLLED SUBSTANCE IS CONTAINED IN THE BLOOD OR
26 URINE OF THE NEWBORN INFANT AS THE RESULT OF MEDICAL TREATMENT
27 ADMINISTERED TO THE NEWBORN INFANT OR HIS OR HER MOTHER.

1 (E) "CONTROLLED SUBSTANCE" MEANS THAT TERM AS DEFINED IN
2 SECTION 7104 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC
3 ACTS OF 1978, BEING SECTION 333.7104 OF THE MICHIGAN COMPILED
4 LAWS.

5 (F) ~~(e)~~ "Department" means the state department of social
6 services.

7 (G) ~~(f)~~ "Expunge" means to physically remove or eliminate
8 and destroy a record or report.

9 (H) ~~(g)~~ "Local office file" means the system or organized
10 mode of keeping a record of a written report, document, or photo-
11 graph filed with and maintained by a county or a regionally based
12 office of the department.

13 (I) ~~(h)~~ "Person responsible for the child's health or
14 welfare" means a parent, legal guardian, person 18 years of age
15 or older who resides for any length of time in the same home in
16 which the child resides, or an owner, operator, volunteer, or
17 employee of 1 or both of the following:

18 (i) A licensed or unlicensed child care organization as
19 defined in section 1 of Act No. 116 of the Public Acts of 1973,
20 being section 722.111 of the Michigan Compiled Laws.

21 (ii) A licensed or unlicensed adult foster care family home
22 or adult foster care small group home as defined in section 3 of
23 the adult foster care facility licensing act, Act No. 218 of the
24 Public Acts of 1979, being section 400.703 of the Michigan
25 Compiled Laws.

1 (J) ~~(i)~~ "Relevant evidence" means evidence having a
2 tendency to make the existence of a fact that is at issue more
3 probable than it would be without the evidence.

4 (K) ~~(j)~~ "Sexual abuse" means engaging in sexual contact or
5 sexual penetration as defined in section 520a of the Michigan
6 penal code, Act No. 328 of the Public Acts of 1931, being section
7 750.520a of the Michigan Compiled Laws, with a child.

8 (L) ~~(k)~~ "Sexual exploitation" includes allowing, permit-
9 ting, or encouraging a child to engage in prostitution, or allow-
10 ing, permitting, encouraging, or engaging in the photographing,
11 filming, or depicting of a child engaged in a listed sexual act
12 as defined in section 145c of Act No. 328 of the Public Acts of
13 1931, being section 750.145c of the Michigan Compiled Laws.