

HOUSE BILL No. 5785

April 29, 1992, Introduced by Rep. Varga and referred to the Committee on Judiciary,

A bill to amend section 3 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 722.623 of the Michigan Compiled Laws; and to add section 13a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 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 722.623 of the Michigan Compiled Laws, is amended and
4 section 13a is added to read as follows:

5 Sec. 3. (1) A physician, coroner, dentist, medical examin-
6 er, nurse, a person licensed to provide emergency medical care,
7 audiologist, psychologist, family therapist, certified social
8 worker, social worker, social work technician, school

1 administrator, school counselor or teacher, law enforcement
2 officer, CHRISTIAN SCIENCE PRACTITIONER, or regulated child care
3 provider who has reasonable cause to suspect child abuse or
4 neglect shall make immediately, by telephone or otherwise, an
5 oral report, or cause an oral report to be made, of the suspected
6 child abuse or neglect to the department. Within 72 hours after
7 making the oral report, the reporting person shall file a written
8 report as required in this act. If the reporting person is a
9 member of the staff of a hospital, agency, or school, the report-
10 ing person shall notify the person in charge of the hospital,
11 agency, or school of his or her finding and that the report has
12 been made, and shall make a copy of the written report available
13 to the person in charge. One report from a hospital, agency, or
14 school shall be considered adequate to meet the reporting
15 requirement. A member of the staff of a hospital, agency, or
16 school shall not be dismissed or otherwise penalized for making a
17 report required by this act or for cooperating in an
18 investigation.

19 (2) The written report shall contain the name of the child
20 and a description of the abuse or neglect. If possible, the
21 report shall contain the names and addresses of the child's par-
22 ents, the child's guardian, the persons with whom the child
23 resides, and the child's age. The report shall contain other
24 information available to the reporting person which might estab-
25 lish the cause of the abuse or neglect, and the manner in which
26 the abuse or neglect occurred.

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

4 (4) The written report required in this section shall be
5 mailed or otherwise transmitted to the county department of
6 social services of the county in which the child suspected of
7 being abused or neglected is found.

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

13 (6) If the report or subsequent investigation indicates a
14 violation of sections 136b and 145c or sections 520b to 520g of
15 the Michigan penal code, Act No. 328 of the Public Acts of 1931,
16 being sections 750.136b, 750.145c and 750.520b to 750.520g of the
17 Michigan Compiled Laws, or if the report or subsequent investiga-
18 tion indicates that the suspected abuse was not committed by a
19 person responsible for the child's health or welfare, and the
20 department believes that the report has basis in fact, the
21 department shall transmit a copy of the written report and the
22 results of any investigation to the prosecuting attorney of the
23 counties in which the child resides and is found.

24 (7) If a local law enforcement agency receives a written
25 report of suspected child abuse or neglect, whether from the
26 reporting person or the department, the report or subsequent
27 investigation indicates that the abuse or neglect was committed

1 by a person responsible for the child's health or welfare, and
2 the local law enforcement agency believes that the report has
3 basis in fact, the local law enforcement agency shall provide a
4 copy of the written report and the results of any investigation
5 to the county department of social services of the county in
6 which the abused or neglected child is found. Nothing in this
7 subsection or subsection (6) shall be construed to relieve the
8 department of its responsibility to investigate reports of sus-
9 pected child abuse or neglect under this act.

10 (8) For purposes of this act, the pregnancy of a child less
11 than 12 years of age or the presence of a venereal disease in a
12 child who is over 1 month of age but less than 12 years of age
13 shall be reasonable cause to suspect child abuse and neglect have
14 occurred.

15 SEC. 13A. A COURT MAY ORDER THE PROVISION OF MEDICAL SERV-
16 ICES OR NONMEDICAL REMEDIAL SERVICES RECOGNIZED BY STATE LAW TO A
17 CHILD IF THE CHILD'S HEALTH REQUIRES IT.