



# HOUSE BILL No. 6103

September 19, 1996, Introduced by Rep. Profit and referred to the Committee on Education.

A bill to amend section 8 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 722.628 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. 372 of the Public Acts of 1988, 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 refer the report to  
7 the prosecuting attorney if the report meets the requirements of  
8 section 3(6) or shall commence an investigation of the child  
9 suspected of being abused or neglected. Within 24 hours after

1 receiving a report whether from the reporting person or from the  
2 department under section 3(6), the local law enforcement agency  
3 shall refer the report to the department if the report meets the  
4 requirements of section 3(7) or shall commence an investigation  
5 of the child suspected of being abused or neglected. If the  
6 child suspected of being abused is not in the physical custody of  
7 the parent or legal guardian and informing the parent or legal  
8 guardian would not endanger the child's health or welfare, the  
9 agency or the department shall inform the child's parent or legal  
10 guardian of the investigation as soon as the agency or the  
11 department discovers the identity of the child's parent or legal  
12 guardian.

13 (2) In the course of its investigation, the department shall  
14 determine if the child is abused or neglected. The department  
15 shall cooperate with law enforcement officials, courts of compe-  
16 tent jurisdiction, and appropriate state agencies providing human  
17 services in relation to preventing, identifying, and treating  
18 child abuse and neglect; shall provide, enlist, and coordinate  
19 the necessary services, directly or through the purchase of serv-  
20 ices from other agencies and professions; and shall take neces-  
21 sary action to prevent further abuses, to safeguard and enhance  
22 the welfare of the child, and to preserve family life where  
23 possible.

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

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

3 (b) The child is the victim of suspected sexual abuse or  
4 sexual exploitation.

5 (c) Abuse or neglect resulting in severe physical injury to  
6 the child requires medical treatment or hospitalization. For  
7 purposes of this subdivision, "severe physical injury" means  
8 brain damage, skull or bone fracture, subdural hemorrhage or  
9 hematoma, dislocation, sprains, internal injuries, poisoning,  
10 burns, scalds, severe cuts, or any other physical injury that  
11 seriously impairs the health or physical well-being of a child.

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

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

17 (4) Law enforcement officials shall cooperate with the  
18 department in conducting investigations ~~pursuant to~~ UNDER sub-  
19 sections (1) and (3) and shall comply with sections 5 and 7.

20 (5) Involvement of law enforcement officials pursuant to  
21 this section ~~shall~~ DOES not relieve or prevent the department  
22 from proceeding with its investigation or treatment if there is  
23 reasonable cause to suspect that the child abuse or neglect was  
24 committed by a person responsible for the child's health or  
25 welfare.

1 (6) In each county, the prosecuting attorney and the  
2 department shall develop and establish procedures for involving  
3 law enforcement officials as provided in this section.

4 (7) If there is reasonable cause to suspect that a child in  
5 the care of or under the control of a public or private agency,  
6 institution, or facility is an abused or neglected child, the  
7 agency, institution, or facility shall be investigated by an  
8 agency administratively independent of the agency, institution,  
9 or facility being investigated. If the investigation produces  
10 evidence of a violation of section 145c or sections 520b to 520g  
11 of the Michigan penal code, Act No. 328 of the Public Acts of  
12 1931, being sections 750.145c and 750.520b to 750.520g of the  
13 Michigan Compiled Laws, the investigating agency shall transmit a  
14 copy of the results of the investigation to the prosecuting  
15 attorney of the county in which the agency, institution, or  
16 facility is located. The prosecuting attorney may proceed under  
17 sections 135 to 145c or 520b to 520g of Act No. 328 of the Public  
18 Acts of 1931, ~~as amended,~~ being sections 750.135 to 750.145c  
19 and 750.520b to 750.520g of the Michigan Compiled Laws, when a  
20 violation of these sections has occurred.

21 (8) Schools and other institutions shall cooperate with the  
22 department during an investigation of a report of child abuse or  
23 neglect. Cooperation includes allowing access to the child with-  
24 out parental consent if access is necessary to complete the  
25 investigation or to prevent abuse or neglect of the child. A  
26 SCHOOL PRINCIPAL OR THE PRINCIPAL'S DESIGNEE SHALL BE ALLOWED TO  
27 REMAIN PRESENT DURING AND PARTICIPATE IN AN INTERVIEW BY AN

1 INVESTIGATOR FROM THE DEPARTMENT IF THE INTERVIEW IS CONDUCTED ON  
2 SCHOOL PREMISES. THE PRINCIPAL OR THE PRINCIPAL'S DESIGNEE MAY  
3 CHOOSE NOT TO REMAIN PRESENT OR NOT PARTICIPATE IN THE INTERVIEW  
4 AS THE PRINCIPAL OR THE PRINCIPAL'S DESIGNEE CONSIDERS  
5 APPROPRIATE. However, the person responsible for the child's  
6 health or welfare shall be notified of the department's contact  
7 with the child at the time or as soon afterward as the person can  
8 be reached and ~~no~~ A child shall NOT be subjected to a search at  
9 a school which requires the child to remove his or her clothing  
10 to expose his buttocks or genitalia or her breasts, buttocks, or  
11 genitalia unless the department has obtained an order from a  
12 court of competent jurisdiction permitting such a search. If the  
13 access occurs within a hospital, the investigation shall be con-  
14 ducted so as not to interfere with the medical treatment of the  
15 child or other patients.

16 (9) Upon completion of the investigation by the local law  
17 enforcement agency or the department, the law enforcement agency  
18 or department may inform the person who made the report as to the  
19 disposition of the report.