



HOUSE BILL No. 6140

September 25, 1996, Introduced by Rep. McManus and referred to the Committee on Human Services.

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. 251 of the Public Acts of 1993, being section 722.622 of the Michigan Compiled Laws; and to add section 3a.

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. 251 of the Public Acts of 1993, being
3 section 722.622 of the Michigan Compiled Laws, is amended and
4 section 3a is added to read as follows:

5 Sec. 2. As used in this act:

6 (a) "Central registry" means the system maintained at the
7 department that is used to keep a record of all reports filed

1 with the department pursuant to this act in which relevant and
2 accurate evidence of child abuse or neglect is found to exist.

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, that occurs through nonaccidental
8 physical or mental injury; sexual abuse; sexual exploitation; or
9 maltreatment.

10 (d) "Child neglect" means harm or threatened harm to a
11 child's health or welfare by a parent, legal guardian, or any
12 other person responsible for the child's health or welfare that
13 occurs through either of the following:

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

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

21 (E) "CONTROLLED SUBSTANCE" MEANS THAT TERM AS DEFINED IN
22 SECTION 7104 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC
23 ACTS OF 1978, BEING SECTION 333.7104 OF THE MICHIGAN COMPILED
24 LAWS.

25 (F) ~~(e)~~ "Department" means the ~~state department of social~~
26 ~~services~~ FAMILY INDEPENDENCE AGENCY.

1 (G) ~~(f)~~ "Director" means the director of the department.

2 (H) ~~(g)~~ "Expunge" means to physically remove or eliminate
3 and destroy a record or report.

4 (I) ~~(h)~~ "Local office file" means the system used to keep
5 a record of a written report, document, or photograph filed with
6 and maintained by a county or a regionally based office of the
7 department.

8 (J) ~~(i)~~ "Person responsible for the child's health or
9 welfare" means a parent, legal guardian, person 18 years of age
10 or older who resides for any length of time in the same home in
11 which the child resides, or an owner, operator, volunteer, or
12 employee of any of the following:

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

16 (ii) A licensed or unlicensed adult foster care family home
17 or adult foster care small group home as defined in section 3 of
18 the adult foster care facility licensing act, Act No. 218 of the
19 Public Acts of 1979, being section 400.703 of the Michigan
20 Compiled Laws.

21 (K) ~~(j)~~ "Relevant evidence" means evidence having a ten-
22 dency to make the existence of a fact that is at issue more prob-
23 able than it would be without the evidence.

24 (L) ~~(k)~~ "Sexual abuse" means engaging in sexual contact or
25 sexual penetration as defined in section 520a of the Michigan
26 penal code, Act No. 328 of the Public Acts of 1931, being section
27 750.520a of the Michigan Compiled Laws, with a child.

1 (M) ~~(4)~~ "Sexual exploitation" includes allowing,
2 permitting, or encouraging a child to engage in prostitution, or
3 allowing, permitting, encouraging, or engaging in the photograph-
4 ing, filming, or depicting of a child engaged in a listed sexual
5 act as defined in section 145c of Act No. 328 of the Public Acts
6 of 1931, being section 750.145c of the Michigan Compiled Laws.

7 SEC. 3A. IN ADDITION TO THE REPORTING REQUIREMENT IN SEC-
8 TION 3, A PERSON WHO IS REQUIRED TO REPORT SUSPECTED CHILD ABUSE
9 OR NEGLECT UNDER SECTION 3(1) AND WHO KNOWS, OR FROM THE CHILD'S
10 SYMPTOMS SUSPECTS, THAT A NEWBORN INFANT HAS ANY AMOUNT OF ALCO-
11 HOL, A CONTROLLED SUBSTANCE, OR A METABOLITE OF A CONTROLLED SUB-
12 STANCE IN HIS OR HER BODY SHALL REPORT TO THE DEPARTMENT IN THE
13 SAME MANNER AS REQUIRED UNDER SECTION 3. A REPORT IS NOT
14 REQUIRED UNDER THIS SECTION IF THE PERSON KNOWS THAT THE ALCOHOL,
15 CONTROLLED SUBSTANCE, OR METABOLITE, OR THE CHILD'S SYMPTOMS, ARE
16 THE RESULT OF MEDICAL TREATMENT ADMINISTERED TO THE NEWBORN
17 INFANT OR HIS OR HER MOTHER.