



# SENATE BILL No. 1176

September 24, 1996, Introduced by Senators CONROY, STALLINGS, YOUNG, A. SMITH, DE BEAUSSAERT, MILLER and BULLARD and referred to the Committee on Families, Mental Health and 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.

## 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 to read  
4 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  
8 with the department pursuant to this act in which relevant and  
9 accurate evidence of child abuse or neglect is found to exist.

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

2 (c) "Child abuse" means harm or threatened harm to a child's  
3 health or welfare by a parent, legal guardian, or ~~any~~ other  
4 person responsible for the child's health or welfare; ~~—~~ BY A  
5 PERSON RELATED TO THE CHILD BY BLOOD OR AFFINITY TO THE FOURTH  
6 DEGREE; or by a teacher or teacher's aide, that occurs through  
7 nonaccidental physical or mental injury; sexual abuse; sexual  
8 exploitation; or maltreatment.

9 (d) "Child neglect" means harm or threatened harm to a  
10 child's health or welfare by a parent, legal guardian, or any  
11 other person responsible for the child's health or welfare that  
12 occurs through either of 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 responsible for the child's health or welfare to  
18 intervene to eliminate that risk when that person is able to do  
19 so and has, or should have, knowledge of the risk.

20 (e) "Department" means the ~~state department of social~~  
21 ~~services~~ FAMILY INDEPENDENCE AGENCY.

22 (f) "Director" means the director of the department.

23 (g) "Expunge" means to physically remove or eliminate and  
24 destroy a record or report.

25 (h) "Local office file" means the system used to keep a  
26 record of a written report, document, or photograph filed with

1 and maintained by a county or a regionally based office of the  
2 department.

3 (i) "Person responsible for the child's health or welfare"  
4 means a parent, legal guardian, person 18 years of age or older  
5 who resides for any length of time in the same home in which the  
6 child resides, or an owner, operator, volunteer, or employee of  
7 any of the following:

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

11 (ii) A licensed or unlicensed adult foster care family home  
12 or adult foster care small group home as defined in section 3 of  
13 the adult foster care facility licensing act, Act No. 218 of the  
14 Public Acts of 1979, being section 400.703 of the Michigan  
15 Compiled Laws.

16 (j) "Relevant evidence" means evidence having a tendency to  
17 make the existence of a fact that is at issue more probable than  
18 it would be without the evidence.

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

23 (l) "Sexual exploitation" includes allowing, permitting, or  
24 encouraging a child to engage in prostitution, or allowing, per-  
25 mitting, encouraging, or engaging in the photographing, filming,  
26 or depicting of a child engaged in a listed sexual act as defined

1 in section 145c of Act No. 328 of the Public Acts of 1931, being  
2 section 750.145c of the Michigan Compiled Laws.