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"CHILD ABUSE": INCLUDE FAILURE TO PROVIDE MEDICAL CARE

House Bill 4178
Sponsor: Rep. Laura Baird
Committee: Judiciary

Complete to 2-3-97

A SUMMARY OF HOUSE BILL 4178 AS INTRODUCED 1-30-97

The bill would eliminate the current legal exemption for negligence of parents and legal guardians who do not provide their children with medical care because of their religious beliefs, and would add failure to provide medical care to the definition of "child abuse."

Currently, the Michigan Penal Code classifies four degrees of child abuse. First and second degree child abuse involves causing serious physical harm or serious mental harm to a child, and constitutes a felony. Third and fourth degree child abuse involves causing a child physical harm, and is a misdemeanor. More specifically, a person is guilty of child abuse in the first degree if he or she knowingly or intentionally causes serious physical or serious mental harm to a child; in the second degree if his or her omission causes serious physical harm or serious mental harm to a child or if the person's reckless act causes serious physical harm to a child; in the third degree if he or she knowingly or intentionally causes physical harm to a child; and in the fourth degree if the person's omission or reckless act causes physical harm to a child.

The act defines "omission" to mean "a willful failure to provide the food, clothing, or shelter necessary for a child's welfare or the willful abandonment of a child." The bill would amend this definition to include medical care, to change "willful" to "intentional," and to specify that the person need not have intended an injury to result from the failure or abandonment. The proposed definition would say that "omission" meant "an intentional failure to provide the food, clothing, medical care, or shelter necessary for a child's welfare or the intentional abandonment of a child, regardless of whether the person intended an injury to result from the failure or abandonment."

The bill also would repeal section 14 of the Child Protection Law (MCL 722.634), which provides parents and legal guardians a religious exemption from negligence if they do not provide a child with "specified medical treatment" because of the parent's religious beliefs. More specifically, the section says:

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MCL 750.136b

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#This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.