

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 603

A bill to amend 1975 PA 238, entitled  
"Child protection law,"  
by amending sections 2, 7, 8, and 8b (MCL 722.622, 722.627,  
722.628, and 722.628b), section 2 as amended by 1996 PA 581, sec-  
tion 7 as amended and section 8b as added by 1997 PA 168, and  
section 8 as amended by 1997 PA 166, and by adding section 8d.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2. As used in this act:

2       (A) "ATTORNEY" MEANS, IF APPOINTED TO REPRESENT A CHILD  
3 UNDER THE PROVISIONS REFERENCED IN SECTION 10, AN ATTORNEY SERV-  
4 ING AS THE CHILD'S LEGAL ADVOCATE IN THE MANNER DEFINED AND  
5 DESCRIBED IN SECTION 13A OF CHAPTER XIIIA OF 1939 PA 288, MCL  
6 712A.13A.

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

**SB0603, As Passed House, December 10, 1998**

Senate Bill No. 603

2

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 (C) "CENTRAL REGISTRY CASE" MEANS A CHILD PROTECTIVE SERV-  
4 ICES CASE THAT THE DEPARTMENT CLASSIFIES UNDER SECTIONS 8 AND 8D  
5 AS CATEGORY I OR CATEGORY II. FOR A CHILD PROTECTIVE SERVICES  
6 CASE THAT WAS INVESTIGATED BEFORE THE EFFECTIVE DATE OF THE ACT  
7 THAT ADDED SECTION 8D, CENTRAL REGISTRY CASE MEANS AN ALLEGATION  
8 OF CHILD ABUSE OR NEGLECT THAT THE DEPARTMENT SUBSTANTIATED.

9 (D) ~~(b)~~ "Child" means a person under 18 years of age.

10 (E) ~~(c)~~ "Child abuse" 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, or by  
13 a teacher or teacher's aide, that occurs through nonaccidental  
14 physical or mental injury; sexual abuse; sexual exploitation; or  
15 maltreatment.

16 (F) ~~(d)~~ "Child neglect" means harm or threatened harm to a  
17 child's health or welfare by a parent, legal guardian, or any  
18 other person responsible for the child's health or welfare that  
19 occurs through either of the following:

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

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

**SB0603, As Passed House, December 10, 1998**

Senate Bill No. 603

3

1 (G) ~~(e)~~ "Controlled substance" means that term as defined  
2 in section 7104 of the public health code, ~~Act No. 368 of the~~  
3 ~~Public Acts of 1978, being section 333.7104 of the Michigan~~  
4 ~~Compiled Laws~~ 1978 PA 368, MCL 333.7104.

5 (H) "CPSI SYSTEM" MEANS THE CHILD PROTECTIVE SERVICE INFOR-  
6 MATION SYSTEM, WHICH IS AN INTERNAL DATA SYSTEM MAINTAINED WITHIN  
7 AND BY THE DEPARTMENT, AND WHICH IS SEPARATE FROM THE CENTRAL  
8 REGISTRY AND NOT SUBJECT TO SECTION 7.

9 (I) ~~(f)~~ "Department" means the family independence  
10 agency.

11 (J) ~~(g)~~ "Director" means the director of the department.

12 (K) ~~(h)~~ "Expunge" means to physically remove or eliminate  
13 and destroy a record or report.

14 (L) "LAWYER-GUARDIAN AD LITEM" MEANS AN ATTORNEY APPOINTED  
15 UNDER SECTION 10 WHO HAS THE POWERS AND DUTIES REFERENCED BY SEC-  
16 TION 10.

17 (M) ~~(i)~~ "Local office file" means the system used to keep  
18 a record of a written report, document, or photograph filed with  
19 and maintained by a county or a regionally based office of the  
20 department.

21 (N) ~~(j)~~ "Person responsible for the child's health or  
22 welfare" means a parent, legal guardian, person 18 years of age  
23 or older who resides for any length of time in the same home in  
24 which the child resides, or an owner, operator, volunteer, or  
25 employee of any of the following:

26 (i) A licensed or unlicensed child care organization as  
27 defined in section 1 of ~~Act No. 116 of the Public Acts of 1973,~~

**SB0603, As Passed House, December 10, 1998**

Senate Bill No. 603

4

1 ~~being section 722.111 of the Michigan Compiled Laws 1973 PA 116,~~  
2 MCL 722.111.

3 (ii) A licensed or unlicensed adult foster care family home  
4 or adult foster care small group home as defined in section 3 of  
5 the adult foster care facility licensing act, ~~Act No. 218 of the~~  
6 ~~Public Acts of 1979, being section 400.703 of the Michigan~~  
7 ~~Compiled Laws 1979 PA 218, MCL 400.703.~~

8 (O) ~~(k)~~ "Relevant evidence" means evidence having a ten-  
9 dency to make the existence of a fact that is at issue more prob-  
10 able than it would be without the evidence.

11 (P) ~~(i)~~ "Sexual abuse" means engaging in sexual contact or  
12 sexual penetration as THOSE TERMS ARE defined in section 520a of  
13 the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~  
14 ~~being section 750.520a of the Michigan Compiled Laws 1931 PA~~  
15 328, MCL 750.520A, with a child.

16 (Q) ~~(m)~~ "Sexual exploitation" includes allowing, permit-  
17 ting, or encouraging a child to engage in prostitution, or allow-  
18 ing, permitting, encouraging, or engaging in the photographing,  
19 filming, or depicting of a child engaged in a listed sexual act  
20 as defined in section 145c of ~~Act No. 328 of the Public Acts of~~  
21 ~~1931, being section 750.145c of the Michigan Compiled Laws 1931~~  
22 PA 328, MCL 750.145C.

23 (R) "SPECIFIED INFORMATION" MEANS INFORMATION IN A CENTRAL  
24 REGISTRY CASE RECORD THAT RELATES SPECIFICALLY TO REFERRALS OR  
25 REPORTS OF CHILD ABUSE OR NEGLECT. SPECIFIED INFORMATION DOES  
26 NOT INCLUDE ANY OF THE FOLLOWING:

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**SB0603, As Passed House, December 10, 1998**

Senate Bill No. 603

5

1           (i) EXCEPT AS PROVIDED IN THIS SUBPARAGRAPH REGARDING A  
2 PERPETRATOR OF CHILD ABUSE OR NEGLECT, PERSONAL IDENTIFICATION  
3 INFORMATION FOR ANY INDIVIDUAL IDENTIFIED IN A CHILD PROTECTIVE  
4 SERVICES RECORD. THE EXCLUSION OF PERSONAL IDENTIFICATION INFOR-  
5 MATION AS SPECIFIED INFORMATION PRESCRIBED BY THIS SUBPARAGRAPH  
6 DOES NOT INCLUDE PERSONAL IDENTIFICATION INFORMATION IDENTIFYING  
7 AN INDIVIDUAL ALLEGED TO HAVE PERPETRATED CHILD ABUSE OR NEGLECT,  
8 WHICH ALLEGATION HAS BEEN CLASSIFIED AS A CENTRAL REGISTRY CASE.

9           (ii) INFORMATION IN A LAW ENFORCEMENT REPORT AS PROVIDED IN  
10 SECTION 7(8).

11           (iii) ANY OTHER INFORMATION THAT IS SPECIFICALLY DESIGNATED  
12 AS CONFIDENTIAL UNDER OTHER LAW.

13           (S) "STRUCTURED DECISION-MAKING TOOL" MEANS THE DEPARTMENT  
14 DOCUMENT LABELED "DSS-4752 (P3)(3-95)" OR A REVISION OF THAT DOC-  
15 UMENT THAT BETTER MEASURES THE RISK OF FUTURE HARM TO A CHILD.

16           (T) "SUBSTANTIATED" MEANS A CHILD PROTECTIVE SERVICES CASE  
17 CLASSIFIED AS A CENTRAL REGISTRY CASE.

18           (U) "UNSUBSTANTIATED" MEANS A CHILD PROTECTIVE SERVICES CASE  
19 THE DEPARTMENT CLASSIFIES UNDER SECTIONS 8 AND 8D AS CATEGORY  
20 III, CATEGORY IV, OR CATEGORY V.

21           Sec. 7. (1) The department shall maintain a statewide,  
22 electronic central registry to carry out the intent of this act.

23 ~~A~~

24           (2) UNLESS MADE PUBLIC AS SPECIFIED INFORMATION RELEASED  
25 UNDER SECTION 7D, A written report, document, or photograph filed  
26 with the department as provided in this act is a confidential  
27 record available only to 1 or more of the following:

**SB0603, As Passed House, December 10, 1998**

Senate Bill No. 603

6

1 (a) A legally mandated public or private child protective  
2 agency investigating a report of known or suspected child abuse  
3 or neglect.

4 (b) A police or other law enforcement agency investigating a  
5 report of known or suspected child abuse or neglect.

6 (c) A physician who is treating a child whom the physician  
7 reasonably suspects may be abused or neglected.

8 (d) A person legally authorized to place a child in protec-  
9 tive custody when the person is confronted with a child whom the  
10 person reasonably suspects may be abused or neglected and the  
11 confidential record is necessary to determine whether to place  
12 the child in protective custody.

13 (e) A person, agency, or organization, including a multidis-  
14 ciplinary case consultation team, authorized to diagnose, care  
15 for, treat, or supervise a child or family who is the subject of  
16 a report or record under this act, or who is responsible for the  
17 child's health or welfare.

18 (f) A person named in the report or record AS A PERPETRATOR  
19 OR ALLEGED PERPETRATOR OF THE CHILD ABUSE OR NEGLECT OR A VICTIM  
20 WHO IS AN ADULT AT THE TIME OF THE REQUEST, if the identity of  
21 the reporting person is protected as provided in section 5.

22 (g) A court that determines the information is necessary to  
23 decide an issue before the court.

24 (h) A grand jury that determines the information is neces-  
25 sary in the conduct of the grand jury's official business.

26 (i) A person, agency, or organization engaged in a bona fide  
27 research or evaluation project. The person, agency, or

**SB0603, As Passed House, December 10, 1998**

Senate Bill No. 603

7

1 organization shall not release information identifying a person  
2 named in the report or record unless that person's written con-  
3 sent is obtained. The person, agency, or organization shall not  
4 conduct a personal interview with a family without the family's  
5 prior consent and shall not disclose information that would iden-  
6 tify the child or the child's family or other identifying  
7 information. The department director may authorize the release  
8 of information to a person, agency, or organization described in  
9 this subdivision if the release contributes to the purposes of  
10 this act and the person, agency, or organization has appropriate  
11 controls to maintain the confidentiality of personally identify-  
12 ing information for a person named in a report or record made  
13 under this act.

14 (j) A ~~person appointed as legal counsel as prescribed in~~  
15 LAWYER-GUARDIAN AD LITEM OR OTHER ATTORNEY APPOINTED AS PROVIDED  
16 BY section 10.

17 (k) A child placing agency licensed under 1973 PA 116, MCL  
18 722.111 to 722.128, for the purpose of investigating an applicant  
19 for adoption, a foster care applicant or licensee or an employee  
20 of a foster care applicant or licensee, an adult member of an  
21 applicant's or licensee's household, or other persons in a foster  
22 care or adoptive home who are directly responsible for the care  
23 and welfare of children, to determine suitability of a home for  
24 adoption or foster care. The child placing agency shall disclose  
25 the information to a foster care applicant or licensee under 1973  
26 PA 116, MCL 722.111 to 722.128, or to an applicant for adoption.

**SB0603, As Passed House, December 10, 1998**

Senate Bill No. 603

8

1 (1) Juvenile court staff authorized by the court to  
2 investigate foster care applicants and licensees, employees of  
3 foster care applicants and licensees, adult members of the  
4 applicant's or licensee's household, and other persons in the  
5 home who are directly responsible for the care and welfare of  
6 children, for the purpose of determining the suitability of the  
7 home for foster care. The court shall disclose this information  
8 to the applicant or licensee.

9 (m) Subject to section 7a, a standing or select committee or  
10 appropriations subcommittee of either house of the legislature  
11 having jurisdiction over protective services matters for  
12 children.

13 (n) The children's ombudsman appointed under the children's  
14 ombudsman act, 1994 PA 204, MCL 722.921 to 722.935.

15 (o) A child fatality review team established under section  
16 7b and authorized under that section to investigate and review a  
17 child death.

18 (p) A county medical examiner or deputy county medical  
19 examiner appointed under 1953 PA 181, MCL 52.201 to 52.216, for  
20 the purpose of carrying out his or her duties under that act.

21 (3) ~~(2)~~ A person or entity to whom information described  
22 in subsection ~~(1)~~ (2) is disclosed shall make the information  
23 available only to a person or entity described in subsection  
24 ~~(1)~~ (2). This subsection does not require a court proceeding  
25 to be closed that otherwise would be open to the public.

26 (4) ~~(3)~~ If THE DEPARTMENT CLASSIFIES a report of suspected  
27 child abuse or neglect ~~is substantiated~~ AS A CENTRAL REGISTRY

**SB0603, As Passed House, December 10, 1998**

Senate Bill No. 603

9

1 CASE, the department shall maintain a record in the central  
2 registry and, within 30 days after the ~~substantiation~~  
3 CLASSIFICATION, shall notify in writing each individual who is  
4 named in the record as a perpetrator of the child abuse or  
5 neglect. The notice shall set forth the individual's right to  
6 request expunction of the record and the right to a hearing if  
7 the department refuses the request. THE NOTICE SHALL STATE THAT  
8 THE RECORD MAY BE RELEASED UNDER SECTION 7D. The notice shall not  
9 identify the person reporting the suspected child abuse or  
10 neglect.

11 (5) ~~(4)~~ A person who is the subject of a report or record  
12 made under this act may request the department to amend an inac-  
13 curate report or record from the central registry and local  
14 office file. A person who is the subject of a report or record  
15 made under this act may request the department to expunge from  
16 the central registry a report or record in which no relevant and  
17 accurate evidence of abuse or neglect is found to exist. A  
18 report or record filed in a local office file is not subject to  
19 expunction except as the department authorizes, when considered  
20 in the best interest of the child.

21 (6) ~~(5)~~ If the department refuses a request for amendment  
22 or expunction under subsection ~~(4)~~ (5), or fails to act within  
23 30 days after receiving the request, ~~as required under subsec-~~  
24 ~~tion (4)~~, the department shall hold a hearing to determine by a  
25 preponderance of the evidence whether the report or record in  
26 whole or in part should be amended or expunged from the central  
27 registry on the grounds that the report or record is not relevant

**SB0603, As Passed House, December 10, 1998**

Senate Bill No. 603

10

1 or accurate evidence of abuse or neglect. The hearing shall be  
2 before a hearing officer appointed by the department and shall be  
3 conducted pursuant to the administrative procedures act of 1969,  
4 1969 PA 306, MCL 24.201 to 24.328.

5 (7) ~~-(6)-~~ If the investigation of a report conducted under  
6 this act fails to disclose evidence of abuse or neglect, the  
7 information identifying the subject of the report shall be  
8 expunged from the central registry. If evidence of abuse or  
9 neglect exists, the information identifying the subject of the  
10 report shall be expunged when the child alleged to be abused or  
11 neglected reaches the age of 18, or 10 years after the report is  
12 received by the department, whichever occurs later.

13 (8) ~~-(7)-~~ In releasing information under this act, the  
14 department shall not include a report compiled by a police agency  
15 or other law enforcement agency related to an investigation of  
16 suspected child abuse or neglect. This subsection does not pre-  
17 vent the department from including reports of convictions of  
18 crimes related to child abuse or neglect.

19 Sec. 8. (1) Within 24 hours after receiving a report made  
20 under this act, the department shall refer the report to the  
21 prosecuting attorney if the report meets the requirements of  
22 section 3(6) or shall commence an investigation of the child sus-  
23 pected of being abused or neglected. Within 24 hours after  
24 receiving a report whether from the reporting person or from the  
25 department under section 3(6), the local law enforcement agency  
26 shall refer the report to the department if the report meets the  
27 requirements of section 3(7) or shall commence an investigation

**SB0603, As Passed House, December 10, 1998**

Senate Bill No. 603

11

1 of the child suspected of being abused or neglected. If the  
2 child suspected of being abused is not in the physical custody of  
3 the parent or legal guardian and informing the parent or legal  
4 guardian would not endanger the child's health or welfare, the  
5 agency or the department shall inform the child's parent or legal  
6 guardian of the investigation as soon as the agency or the  
7 department discovers the identity of the child's parent or legal  
8 guardian.

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

20       (3) In conducting its investigation, the department shall  
21 seek the assistance of and cooperate with law enforcement offi-  
22 cials within 24 hours after becoming aware that 1 or more of the  
23 following conditions exist:

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

26       (b) The child is the victim of suspected sexual abuse or  
27 sexual exploitation.

**SB0603, As Passed House, December 10, 1998**

Senate Bill No. 603

12

1 (c) Abuse or neglect resulting in severe physical injury to  
2 the child requires medical treatment or hospitalization. For  
3 purposes of this subdivision and section 17, "severe physical  
4 injury" means brain damage, skull or bone fracture, subdural hem-  
5 orrhage or hematoma, dislocation, sprains, internal injuries,  
6 poisoning, burns, scalds, severe cuts, or any other physical  
7 injury that seriously impairs the health or physical well-being  
8 of a child.

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

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

14 (4) Law enforcement officials shall cooperate with the  
15 department in conducting investigations under subsections (1) and  
16 (3) and shall comply with sections 5 and 7. The department and  
17 law enforcement officials shall conduct investigations in compli-  
18 ance with the protocol adopted and implemented as required by  
19 subsection (6).

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

25 (6) In each county, the prosecuting attorney and the depart-  
26 ment shall develop and establish procedures for involving law  
27 enforcement officials as provided in this section. In each

**SB0603, As Passed House, December 10, 1998**

Senate Bill No. 603

13

1 county, the prosecuting attorney and the department shall adopt  
2 and implement a standard child abuse and neglect investigation  
3 and interview protocol using as a model the protocol developed by  
4 the governor's task force on children's justice as published in  
5 DSS Publication 794 (8-93).

6 (7) If there is reasonable cause to suspect that a child in  
7 the care of or under the control of a public or private agency,  
8 institution, or facility is an abused or neglected child, the  
9 agency, institution, or facility shall be investigated by an  
10 agency administratively independent of the agency, institution,  
11 or facility being investigated. If the investigation produces  
12 evidence of a violation of section 145c or sections 520b to 520g  
13 of the Michigan penal code, 1931 PA 328, MCL 750.145c and  
14 750.520b to 750.520g, the investigating agency shall transmit a  
15 copy of the results of the investigation to the prosecuting  
16 attorney of the county in which the agency, institution, or  
17 facility is located.

18 (8) ~~Schools and other institutions~~ A SCHOOL OR OTHER  
19 INSTITUTION shall cooperate with the department during an inves-  
20 tigation of a report of child abuse or neglect. Cooperation  
21 includes allowing access to the child without parental consent if  
22 access is DETERMINED BY THE DEPARTMENT TO BE necessary to com-  
23 plete the investigation or to prevent abuse or neglect of the  
24 child. However, the department shall notify the person responsi-  
25 ble for the child's health or welfare about the department's con-  
26 tact with the child at the time or as soon afterward as the  
27 person can be reached. The department may delay the notice if

**SB0603, As Passed House, December 10, 1998**

Senate Bill No. 603

14

1 the notice would compromise the safety of the child or child's  
2 siblings or the integrity of the investigation, but only for the  
3 time 1 of those conditions exists.

4 (9) If the department has contact with a child in a school,  
5 all of the following apply:

6 (a) Before contact with the child, the department investiga-  
7 tor shall review with the designated school staff person the  
8 department's responsibilities under this act and the investiga-  
9 tion procedure.

10 (b) After contact with the child, the department investiga-  
11 tor shall meet with the designated school staff person and the  
12 child about the response the department will take as a result of  
13 contact with the child. The department may also meet with the  
14 designated school staff person without the child present and  
15 share additional information the investigator determines may be  
16 shared subject to the confidentiality provisions of this act.

17 (c) Lack of cooperation by the school does not relieve or  
18 prevent the department from proceeding with its responsibilities  
19 under this act.

20 (10) A child shall not be subjected to a search at a school  
21 that requires the child to remove his or her clothing to expose  
22 his buttocks or genitalia or her breasts, buttocks, or genitalia  
23 unless the department has obtained an order from a court of com-  
24 petent jurisdiction permitting such a search. If the access  
25 occurs within a hospital, the investigation shall be conducted so  
26 as not to interfere with the medical treatment of the child or  
27 other patients.

**SB0603, As Passed House, December 10, 1998**

Senate Bill No. 603

15

1 (11) THE DEPARTMENT SHALL ENTER EACH REPORT MADE UNDER THIS  
2 ACT THAT IS THE SUBJECT OF A FIELD INVESTIGATION INTO THE CPSI  
3 SYSTEM. THE DEPARTMENT SHALL MAINTAIN A REPORT ENTERED ON THE  
4 CPSI SYSTEM AS REQUIRED BY THIS SUBSECTION UNTIL THE CHILD ABOUT  
5 WHOM THE INVESTIGATION IS MADE IS 18 YEARS OLD OR UNTIL 10 YEARS  
6 AFTER THE INVESTIGATION IS COMMENCED, WHICHEVER IS LATER. UNLESS  
7 MADE PUBLIC AS SPECIFIED INFORMATION RELEASED UNDER SECTION 7D, A  
8 REPORT THAT IS MAINTAINED ON THE CPSI SYSTEM IS CONFIDENTIAL AND  
9 IS NOT SUBJECT TO THE DISCLOSURE REQUIREMENTS OF THE FREEDOM OF  
10 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246. AFTER COM-  
11 PLETING A FIELD INVESTIGATION AND BASED ON ITS RESULTS, THE  
12 DEPARTMENT SHALL DETERMINE IN WHICH SINGLE CATEGORY, PRESCRIBED  
13 BY SECTION 8D, TO CLASSIFY THE ALLEGATION OF CHILD ABUSE OR  
14 NEGLECT.

15 (12) ~~-(11)-~~ Except as provided in subsection ~~-(12)-~~ (13),  
16 upon completion of the investigation by the local law enforcement  
17 agency or the department, the law enforcement agency or depart-  
18 ment may inform the person who made the report as to the disposi-  
19 tion of the report.

20 (13) ~~-(12)-~~ If the person who made the report is mandated to  
21 report under section 3, upon completion of the investigation by  
22 the department, the department shall inform the person in writing  
23 as to the disposition of the case and shall include in the infor-  
24 mation at least all of the following:

25 (a) ~~Whether the case was substantiated-~~ WHAT DETERMINATION  
26 THE DEPARTMENT MADE UNDER SUBSECTION (11) and the rationale for  
27 that decision.

**SB0603, As Passed House, December 10, 1998**

Senate Bill No. 603

16

1 (b) Whether legal action was commenced and, if so, the  
2 nature of that action.

3 (c) Notification that the information being conveyed is  
4 confidential.

5 (14) ~~(13)~~ Information sent under subsection ~~(12)~~ (13)  
6 shall not include personally identifying information for a person  
7 named in a report or record made under this act.

8 Sec. 8b. If a CENTRAL REGISTRY case ~~substantiated under~~  
9 ~~this act~~ involves a child's death, serious physical injury of a  
10 child, or sexual abuse or exploitation of a child, the department  
11 shall refer the case to the prosecuting attorney for the county  
12 in which the child is located. The prosecuting attorney shall  
13 review the investigation of the case to determine if the investi-  
14 gation complied with the protocol adopted as required by section  
15 8.

16 SEC. 8D. (1) FOR THE DEPARTMENT'S DETERMINATION REQUIRED BY  
17 SECTION 8, THE CATEGORIES, AND THE DEPARTMENTAL RESPONSE REQUIRED  
18 FOR EACH CATEGORY, ARE THE FOLLOWING:

19 (A) CATEGORY V - SERVICES NOT NEEDED. THE DEPARTMENT DETER-  
20 MINES THAT THE ALLEGATION DOES NOT AMOUNT TO CHILD ABUSE OR  
21 NEGLECT, AND THE STRUCTURED DECISION-MAKING TOOL INDICATES THAT  
22 THERE IS NO FUTURE RISK OF HARM TO THE CHILD. THIS ACT DOES NOT  
23 REQUIRE A FURTHER RESPONSE BY THE DEPARTMENT.

24 (B) CATEGORY IV - COMMUNITY SERVICES RECOMMENDED. THE  
25 DEPARTMENT DETERMINES THAT THERE IS NOT EVIDENCE OF CHILD ABUSE  
26 OR NEGLECT, BUT THE STRUCTURED DECISION-MAKING TOOL INDICATES A  
27 LOW OR MODERATE RISK OF FUTURE HARM TO THE CHILD. THE DEPARTMENT

**SB0603, As Passed House, December 10, 1998**

Senate Bill No. 603

17

1 SHALL ASSIST THE CHILD'S FAMILY IN VOLUNTARILY PARTICIPATING IN  
2 COMMUNITY-BASED SERVICES.

3       (C) CATEGORY III - COMMUNITY SERVICES NEEDED. THE DEPART-  
4 MENT DETERMINES THAT THERE IS EVIDENCE OF CHILD ABUSE OR NEGLECT,  
5 AND THE STRUCTURED DECISION-MAKING TOOL INDICATES A LOW OR MODER-  
6 ATE RISK OF FUTURE HARM TO THE CHILD. THE DEPARTMENT SHALL  
7 ASSIST THE CHILD'S FAMILY IN RECEIVING COMMUNITY-BASED SERVICES.  
8 IF THE FAMILY DOES NOT VOLUNTARILY PARTICIPATE IN SERVICES, THE  
9 DEPARTMENT MAY RECLASSIFY THE CASE AS CATEGORY II.

10       (D) CATEGORY II - CHILD PROTECTIVE SERVICES REQUIRED. THE  
11 DEPARTMENT DETERMINES THAT THERE IS EVIDENCE OF CHILD ABUSE OR  
12 NEGLECT, AND THE STRUCTURED DECISION-MAKING TOOL INDICATES A HIGH  
13 OR INTENSIVE RISK OF FUTURE HARM TO THE CHILD. THE DEPARTMENT  
14 SHALL OPEN A PROTECTIVE SERVICES CASE AND PROVIDE THE SERVICES  
15 NECESSARY UNDER THIS ACT. THE DEPARTMENT SHALL ALSO LIST THE  
16 PERPETRATOR OF THE CHILD ABUSE OR NEGLECT, BASED ON THE REPORT  
17 THAT WAS THE SUBJECT OF THE FIELD INVESTIGATION, ON THE CENTRAL  
18 REGISTRY, EITHER BY NAME OR AS "UNKNOWN" IF THE PERPETRATOR HAS  
19 NOT BEEN IDENTIFIED.

20       (E) CATEGORY I - COURT PETITION REQUIRED. THE DEPARTMENT  
21 DETERMINES THAT THERE IS EVIDENCE OF CHILD ABUSE OR NEGLECT AND 1  
22 OR MORE OF THE FOLLOWING ARE TRUE:

23       (i) A COURT PETITION IS REQUIRED UNDER ANOTHER PROVISION OF  
24 THIS ACT.

25       (ii) THE CHILD IS NOT SAFE AND A PETITION FOR REMOVAL IS  
26 NEEDED.

**SB0603, As Passed House, December 10, 1998**

Sub. S.B. 603 (H-2) as amended December 9, 1998

18

1           (iii) THE DEPARTMENT PREVIOUSLY CLASSIFIED THE CASE AS  
2 CATEGORY II AND THE CHILD'S FAMILY DOES NOT VOLUNTARILY  
3 PARTICIPATE IN SERVICES.

4           (iv) THERE IS A VIOLATION, INVOLVING THE CHILD, OF A CRIME  
5 LISTED OR DESCRIBED IN SECTION 8A(1)(B), (C), (D), OR (F) OR OF  
6 CHILD ABUSE IN THE FIRST OR SECOND DEGREE AS PRESCRIBED BY SEC-  
7 TION 136B OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.136B.

8           (2) IN RESPONSE TO A CATEGORY I CLASSIFICATION, THE DEPART-  
9 MENT SHALL DO ALL OF THE FOLLOWING:

10           (A) IF A COURT PETITION IS NOT REQUIRED UNDER ANOTHER PROVI-  
11 SION OF THIS ACT, SUBMIT A PETITION FOR AUTHORIZATION BY THE  
12 COURT UNDER SECTION 2(B) OF CHAPTER XIIA OF 1939 PA 288, MCL  
13 712A.2.

14           (B) OPEN A PROTECTIVE SERVICES CASE AND PROVIDE THE SERVICES  
15 NECESSARY UNDER THIS ACT.

16           (C) LIST THE PERPETRATOR OF THE CHILD ABUSE OR NEGLECT,  
17 BASED ON THE REPORT THAT WAS THE SUBJECT OF THE FIELD INVESTIGA-  
18 TION, ON THE CENTRAL REGISTRY, EITHER BY NAME OR AS "UNKNOWN" IF  
19 THE PERPETRATOR HAS NOT BEEN IDENTIFIED.

20           [(3) THE DEPARTMENT SHALL IDENTIFY ALL OF THE FAMILIES CLAS-  
21 SIFIED IN CATEGORY III AT ANY TIME DURING THE PERIOD BEGINNING  
22 OCTOBER 1, 1999 AND ENDING OCTOBER 1, 2000 AND SHALL REPORT TO  
23 THE APPROPRIATE LEGISLATIVE STANDING COMMITTEES AND THE HOUSE AND  
24 SENATE APPROPRIATIONS SUBCOMMITTEES FOR THE DEPARTMENT ALL OF THE  
25 FOLLOWING REGARDING THOSE FAMILIES:

**SB0603, As Passed House, December 10, 1998**

Sub. S.B. 603 (H-2) as amended December 9, 1998

19

1 (A) THE NUMBER AND PERCENTAGE CLASSIFIED IN CATEGORY III THAT  
2 VOLUNTARILY PARTICIPATED IN SERVICES AND THAT DID NOT PARTICIPATE IN  
3 SERVICES.

4 (B) THE NUMBER FOR WHICH THE DEPARTMENT ENTERED MORE THAN 1  
5 DETERMINATION THAT THERE WAS EVIDENCE OF CHILD ABUSE OR NEGLECT.

6 (C) THE NUMBER THE DEPARTMENT RECLASSIFIED FROM CATEGORY III TO  
7 CATEGORY II.

8 ]

9 Enacting section 1. This amendatory act takes effect July  
10 1, 1999.