

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1125

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 2 (MCL 722.622), as amended by 1996 PA 581.

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

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1 (C) "CENTRAL REGISTRY CASE" MEANS A CHILD PROTECTIVE
2 SERVICES CASE THAT THE DEPARTMENT CLASSIFIES UNDER SECTIONS 8 AND
3 8D AS CATEGORY I OR CATEGORY II. FOR A CHILD PROTECTIVE SERVICES
4 CASE THAT WAS INVESTIGATED BEFORE THE EFFECTIVE DATE OF THE ACT
5 THAT ADDED SECTION 8D, CENTRAL REGISTRY CASE MEANS AN ALLEGATION
6 OF CHILD ABUSE OR NEGLECT THAT THE DEPARTMENT SUBSTANTIATED.

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

8 (E) ~~(c)~~ "Child abuse" means harm or threatened harm to a
9 child's health or welfare by a parent, legal guardian, or any
10 other person responsible for the child's health or welfare, or by
11 a teacher or teacher's aide, that occurs through nonaccidental
12 physical or mental injury; sexual abuse; sexual exploitation; or
13 maltreatment.

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

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

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

25 (G) ~~(e)~~ "Controlled substance" means that term as defined
26 in section 7104 of the public health code, ~~Act No. 368 of the~~

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1 ~~Public Acts of 1978, being section 333.7104 of the Michigan~~
2 ~~Compiled Laws~~ 1978 PA 368, MCL 333.7104.

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

7 (I) ~~(f)~~ "Department" means the family independence
8 agency.

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

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

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

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

19 (N) "NONPARENT ADULT" MEANS A PERSON WHO IS 18 YEARS OF AGE
20 OR OLDER AND WHO, REGARDLESS OF THE PERSON'S DOMICILE, MEETS ALL
21 OF THE FOLLOWING CRITERIA IN RELATION TO A CHILD OVER WHOM THE
22 COURT TAKES JURISDICTION UNDER SECTION 2(B) OF CHAPTER XIIA OF
23 1939 PA 288, MCL 712A.2:

24 (i) HAS SUBSTANTIAL AND REGULAR CONTACT WITH THE CHILD.

25 (ii) HAS A CLOSE PERSONAL RELATIONSHIP WITH THE CHILD'S
26 PARENT OR WITH A PERSON RESPONSIBLE FOR THE CHILD'S HEALTH OR
27 WELFARE.

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1 (iii) IS NOT THE CHILD'S PARENT OR A PERSON OTHERWISE
2 RELATED TO THE CHILD BY BLOOD OR AFFINITY TO THE THIRD DEGREE.

3 (O) ~~(j)~~ "Person responsible for the child's health or
4 welfare" means a parent, legal guardian, person 18 years of age
5 or older who resides for any length of time in the same home in
6 which the child resides, OR [, EXCEPT WHEN USED IN SECTION 7(2)(E)
OR 8(8),] NONPARENT ADULT; or an owner, opera-

7 tor, volunteer, or employee of ~~any~~ 1 OR MORE 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~~ 1973 PA 116,
11 MCL 722.111.

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

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

20 (Q) ~~(l)~~ "Sexual abuse" means engaging in sexual contact or
21 sexual penetration as THOSE TERMS ARE defined in section 520a of
22 the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~
23 ~~being section 750.520a of the Michigan Compiled Laws~~ 1931 PA
24 328, MCL 750.520A, with a child.

25 (R) ~~(m)~~ "Sexual exploitation" includes allowing, permit-
26 ting, or encouraging a child to engage in prostitution, or
27 allowing, permitting, encouraging, or engaging in the

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1 photographing, filming, or depicting of a child engaged in a
2 listed sexual act as defined in section 145c of ~~Act No. 328 of~~
3 ~~the Public Acts of 1931, being section 750.145c of the Michigan~~
4 ~~Compiled Laws~~ 1931 PA 328, MCL 750.145C.

5 (S) "SPECIFIED INFORMATION" MEANS INFORMATION IN A CENTRAL
6 REGISTRY CASE RECORD THAT RELATES SPECIFICALLY TO REFERRALS OR
7 REPORTS OF CHILD ABUSE OR NEGLECT. SPECIFIED INFORMATION DOES
8 NOT INCLUDE ANY OF THE FOLLOWING:

9 (i) EXCEPT AS PROVIDED IN THIS SUBPARAGRAPH REGARDING A PER-
10 PETRATOR OF CHILD ABUSE OR NEGLECT, PERSONAL IDENTIFICATION
11 INFORMATION FOR ANY INDIVIDUAL IDENTIFIED IN A CHILD PROTECTIVE
12 SERVICES RECORD. THE EXCLUSION OF PERSONAL IDENTIFICATION INFOR-
13 MATION AS SPECIFIED INFORMATION PRESCRIBED BY THIS SUBPARAGRAPH
14 DOES NOT INCLUDE PERSONAL IDENTIFICATION INFORMATION IDENTIFYING
15 AN INDIVIDUAL ALLEGED TO HAVE PERPETRATED CHILD ABUSE OR NEGLECT,
16 WHICH ALLEGATION HAS BEEN CLASSIFIED AS A CENTRAL REGISTRY CASE.

17 (ii) INFORMATION IN A LAW ENFORCEMENT REPORT AS PROVIDED IN
18 SECTION 7(8).

19 (iii) ANY OTHER INFORMATION THAT IS SPECIFICALLY DESIGNATED
20 AS CONFIDENTIAL UNDER OTHER LAW.

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

24 (U) "SUBSTANTIATED" MEANS A CHILD PROTECTIVE SERVICES CASE
25 CLASSIFIED AS A CENTRAL REGISTRY CASE.

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1 (V) "UNSUBSTANTIATED" MEANS A CHILD PROTECTIVE SERVICES CASE
2 THE DEPARTMENT CLASSIFIES UNDER SECTIONS 8 AND 8D AS CATEGORY
3 III, CATEGORY IV, OR CATEGORY V.

4 Enacting section 1. This amendatory act takes effect
5 July 1, 1999.