

SENATE BILL NO. 1125

May 7, 1998, Introduced by Senators SHUGARS, GOUGEON, ROGERS, STEIL, EMMONS, MC MANUS, KOIVISTO and DINGELL and referred to the Committee on Judiciary.

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) "Central registry" means the system maintained at the
3 department that is used to keep a record of all reports filed
4 with the department pursuant to this act in which relevant and
5 accurate evidence of child abuse or neglect is found to exist.

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

7 (c) "Child abuse" means harm or threatened harm to a child's
8 health or welfare by a parent, legal guardian, or any other
9 person responsible for the child's health or welfare, or by a
10 teacher or teacher's aide, that occurs through nonaccidental

1 physical or mental injury; sexual abuse; sexual exploitation; or
2 maltreatment.

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

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

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

14 (e) "Controlled substance" means that term as defined in
15 section 7104 of the public health code, ~~Act No. 368 of the~~
16 ~~Public Acts of 1978, being section 333.7104 of the Michigan~~
17 ~~Compiled Laws~~ 1978 PA 368, MCL 333.7104.

18 (f) "Department" means the family independence agency.

19 (g) "Director" means the director of the department.

20 (h) "Expunge" means to physically remove or eliminate and
21 destroy a record or report.

22 (i) "Local office file" means the system used to keep a
23 record of a written report, document, or photograph filed with
24 and maintained by a county or a regionally based office of the
25 department.

26 (J) "NONPARENT ADULT" MEANS A PERSON WHO MEETS ALL OF THE
27 FOLLOWING CRITERIA:

1 (i) IS 18 YEARS OF AGE OR OLDER.

2 (ii) HAS SUBSTANTIAL AND REGULAR CONTACT WITH A CHILD UNDER
3 THE JURISDICTION OF THE COURT PURSUANT TO SECTION 2(B) OF CHAPTER
4 XIIIA OF 1939 PA 288, MCL 712A.2.

5 (iii) IS NOT THAT CHILD'S PARENT OR SOMEONE WHO ACTS IN LOCO
6 PARENTIS TO A CHILD UNDER THE JURISDICTION OF THE COURT PURSUANT
7 TO SECTION 2(B) OF CHAPTER XIIIA OF 1939 PA 288, MCL 712A.2.

8 (iv) IS NOT RELATED TO A CHILD UNDER THE JURISDICTION OF THE
9 COURT PURSUANT TO SECTION 2(B) OF CHAPTER XIIIA OF 1939 PA 288,
10 MCL 712A.2, BY BLOOD OR AFFINITY TO THE FOURTH DEGREE.

11 (K) ~~(j)~~ "Person responsible for the child's health or
12 welfare" means a parent, legal guardian, person 18 years of age
13 or older who resides for any length of time in the same home in
14 which the child resides, OR NONPARENT ADULT; or an owner, opera-
15 tor, volunteer, or employee of ~~any~~ 1 OR MORE of the following:

16 (i) A licensed or unlicensed child care organization as
17 defined in section 1 of ~~Act No. 116 of the Public Acts of 1973,~~
18 ~~being section 722.111 of the Michigan Compiled Laws~~ 1973 PA 116,
19 MCL 722.111.

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

25 (l) ~~(k)~~ "Relevant evidence" means evidence having a ten-
26 dency to make the existence of a fact that is at issue more
27 probable than it would be without the evidence.

1 (M) ~~(i)~~ "Sexual abuse" means engaging in sexual contact or
2 sexual penetration as defined in section 520a of the Michigan
3 penal code, ~~Act No. 328 of the Public Acts of 1931, being sec-~~
4 ~~tion 750.520a of the Michigan Compiled Laws~~ 1931 PA 328, MCL
5 750.520A, with a child.

6 (N) ~~(m)~~ "Sexual exploitation" includes allowing, permit-
7 ting, or encouraging a child to engage in prostitution, or allow-
8 ing, permitting, encouraging, or engaging in the photographing,
9 filming, or depicting of a child engaged in a listed sexual act
10 as defined in section 145c of ~~Act No. 328 of the Public Acts of~~
11 ~~1931, being section 750.145c of the Michigan Compiled Laws~~ THE
12 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145C.