

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 434 (as enrolled)
Sponsor: Senator Bev Hammerstrom
Senate Committee: Families, Mental Health and Human Services
House Committee: Family and Children Services

PUBLIC ACT 10 of 2002

Date Completed: 7-15-02

RATIONALE

Under the Child Protection Law (CPL), certain professionals who have reasonable cause to suspect child abuse or neglect must immediately report the suspected abuse or neglect to the Family Independence Agency (FIA). These professionals include, for example, physicians, nurses, social workers, and teachers. These individuals are often in a position to see evidence of abuse or neglect, and their observations not only can alert the authorities to possible abuse or neglect but also can facilitate the investigation of cases and the collection of evidence. Since many physician's assistants also have direct contact with young patients, it was suggested that they, too, should be required to report suspected abuse or neglect. In addition, some people suggested that the CPL explicitly require that certain FIA employees report suspected abuse or neglect.

CONTENT

The bill amended the Child Protection Law to include physician's assistants, and certain FIA employees, in the list of professionals who are required to report to the FIA if they have reasonable cause to suspect child abuse or neglect.

The CPL requires that a professional subject to the reporting requirement immediately make an oral report of the suspected abuse or neglect to the FIA, by telephone or otherwise, or cause an oral report to be made. Within 72 hours after making the oral report, the person must file a written report. The bill includes a physician's assistant in these provisions.

The CPL specifies that, if the reporting person is a member of the staff of a hospital, agency,

or school, he or she must notify the person in charge of the hospital, agency, or school of his or her finding and that a report has been made, and make a copy of that report available to the person in charge. The bill specifies that notification to the person in charge of a hospital, agency, or school does not relieve a staff member of that entity of his or her obligation to report to the FIA.

In addition, the bill provides that the following FIA employees who have a reasonable cause to suspect child abuse or neglect must report that suspicion to the FIA:

- Eligibility specialists.
- Family independence managers.
- Family independence specialists.
- Social services specialists.
- Social work specialists.
- Social work specialist managers.
- Welfare services specialists.

Under the CPL, the reporting requirements also apply to a physician, coroner, dentist, registered dental hygienist, medical examiner, nurse, emergency medical care licensee, audiologist, psychologist, marriage and family therapist, licensed professional counselor, certified social worker, social worker, social work technician, school administrator, school counselor, teacher, law enforcement officer, and regulated child care provider.

MCL 722.623

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Abuse or neglect of a child is a serious crime that can have long-lasting effects on the victim, particularly if allowed to continue for an extended period of time. Often, health care professionals, social workers, or school personnel are the only people outside of a child's family to have contact with the child. The Child Protection Law requires certain professionals who have frequent contact with children to report suspected cases of abuse or neglect, in order to notify the authorities that a child may be in danger. A person acting in good faith who makes a report or cooperates in an investigation is immune from civil or criminal liability that might otherwise be incurred. This means that a professional required to report suspected abuse or neglect, who might otherwise be bound by health care provider/patient or professional/client confidentiality requirements, can report his or her observations without fear of civil suit from the patient or client.

The list of people required to report suspected child abuse or neglect has been expanded over the years to include more professionals who have direct contact with children and may be in a position to detect indications of possible child abuse or neglect. A 1984 amendment to the CPL added people licensed to provide emergency medical care, psychologists, and family therapists; licensed professional counselors and registered dental hygienists were added in 1994. Physician's assistants should be included in the Law's reporting requirements, as they, too, are regulated health professionals who may have frequent contact with children and are in a position to detect signs of child abuse and neglect. The CPL also should clearly state that certain FIA case workers and managers must report suspected child abuse or neglect.

Response: The CPL's reporting requirement should be extended more generally to anyone who performs professional or official duties with respect to children.

Supporting Argument

The CPL provides that a person who is required to report suspected child abuse and neglect and is an employee of a hospital, agency, or school must inform the person in charge of the hospital, agency, or school of the suspicion and make the required written report available to that person. The bill clarifies that simply reporting to the person in

charge of a hospital, agency, or school does not fulfill the obligation to report to the FIA under the Child Protection Law.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: Connie Cole

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.