

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5372**

A bill to amend 1975 PA 238, entitled  
"Child protection law,"  
by amending sections 2, 3, 7, 8a, and 8d (MCL 722.622, 722.623,  
722.627, 722.628a, and 722.628d), sections 2, 7, and 8d as  
amended by 2000 PA 45, section 3 as amended by 2002 PA 10, and  
section 8a as added by 1992 PA 39.

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

1       Sec. 2. As used in this act:  
2       (A) "ADULT FOSTER CARE LOCATION AUTHORIZED TO CARE FOR A  
3 CHILD" MEANS AN ADULT FOSTER CARE FAMILY HOME OR ADULT FOSTER  
4 CARE SMALL GROUP HOME AS DEFINED IN SECTION 3 OF THE ADULT FOSTER  
5 CARE FACILITY LICENSING ACT, 1979 PA 218, MCL 400.703, IN WHICH A  
6 CHILD IS PLACED IN ACCORDANCE WITH SECTION 5 OF 1973 PA 116,  
7 MCL 722.115.

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1       (B) ~~-(a)-~~ "Attorney" means, if appointed to represent a  
2 child under the provisions referenced in section 10, an attorney  
3 serving as the child's legal advocate in the manner defined and  
4 described in section 13a of chapter XIIIA of the probate code of  
5 1939, 1939 PA 288, MCL 712A.13a.

6       (C) ~~-(b)-~~ "Central registry" means the system maintained at  
7 the department that is used to keep a record of all reports filed  
8 with the department ~~pursuant to~~ UNDER this act in which rele-  
9 vant and accurate evidence of child abuse or neglect is found to  
10 exist.

11       (D) ~~-(c)-~~ "Central registry case" means a child protective  
12 services case that the department classifies under sections 8 and  
13 8d as category I or category II. For a child protective services  
14 case that was investigated before July 1, 1999, central registry  
15 case means an allegation of child abuse or neglect that the  
16 department substantiated.

17       (E) ~~-(d)-~~ "Child" means a person under 18 years of age.

18       (F) ~~-(e)-~~ "Child abuse" means harm or threatened harm to a  
19 child's health or welfare by a parent, a legal guardian, or any  
20 other person responsible for the child's health or welfare, or by  
21 a teacher or teacher's aide, that occurs through nonaccidental  
22 physical or mental injury; sexual abuse; sexual exploitation; or  
23 maltreatment.

24       (G) "CHILD CARE ORGANIZATION" MEANS THAT TERM AS DEFINED IN  
25 SECTION 1 OF 1973 PA 116, MCL 722.111.

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1           (H) "CHILD CARE PROVIDER" MEANS AN OWNER, OPERATOR,  
2   EMPLOYEE, OR VOLUNTEER OF A CHILD CARE ORGANIZATION OR OF AN  
3   ADULT FOSTER CARE LOCATION AUTHORIZED TO CARE FOR A CHILD.

4           (I) "CHILD CARE REGULATORY AGENCY" MEANS THE DEPARTMENT OF  
5   CONSUMER AND INDUSTRY SERVICES OR A SUCCESSOR STATE DEPARTMENT  
6   THAT IS RESPONSIBLE FOR THE LICENSING OR REGISTRATION OF CHILD  
7   CARE ORGANIZATIONS OR THE LICENSING OF ADULT FOSTER CARE LOCA-  
8   TIONS AUTHORIZED TO CARE FOR A CHILD.

9           (J) ~~-(f)-~~ "Child neglect" means harm or threatened harm to a  
10   child's health or welfare by a parent, legal guardian, or any  
11   other person responsible for the child's health or welfare that  
12   occurs through either of the following:

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

15           (ii) Placing a child at an unreasonable risk to the child's  
16   health or welfare by failure of the parent, legal guardian, or  
17   other person responsible for the child's health or welfare to  
18   intervene to eliminate that risk when that person is able to do  
19   so and has, or should have, knowledge of the risk.

20           (K) ~~-(g)-~~ "Citizen review panel" means a panel established  
21   as required by section 106 of title I of the child abuse preven-  
22   tion and treatment act, Public Law 93-247, 42 U.S.C. 5106a.

23           (l) ~~-(h)-~~ "Controlled substance" means that term as defined  
24   in section 7104 of the public health code, 1978 PA 368,  
25   MCL 333.7104.

26           (M) ~~-(i)-~~ "CPSI system" means the child protective service  
27   information system, which is an internal data system maintained

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1 within and by the department, and which is separate from the  
2 central registry and not subject to section 7.

3 (N) ~~-(j)-~~ "Department" means the family independence  
4 agency.

5 (O) ~~-(k)-~~ "Director" means the director of the department.

6 (P) ~~-(l)-~~ "Expunge" means to physically remove or eliminate  
7 and destroy a record or report.

8 (Q) ~~-(m)-~~ "Lawyer-guardian ad litem" means an attorney  
9 appointed under section 10 who has the powers and duties refer-  
10 enced by section 10.

11 (R) ~~-(n)-~~ "Local office file" means the system used to keep  
12 a record of a written report, document, or photograph filed with  
13 and maintained by a county or a regionally based office of the  
14 department.

15 (S) ~~-(o)-~~ "Nonparent adult" means a person who is 18 years  
16 of age or older and who, regardless of the person's domicile,  
17 meets all of the following criteria in relation to a child:

18 (i) Has substantial and regular contact with the child.

19 (ii) Has a close personal relationship with the child's  
20 parent or with a person responsible for the child's health or  
21 welfare.

22 (iii) Is not the child's parent or a person otherwise  
23 related to the child by blood or affinity to the third degree.

24 (T) ~~-(p)-~~ "Person responsible for the child's health or  
25 welfare" means a parent, legal guardian, person 18 years of age  
26 or older who resides for any length of time in the same home in  
27 which the child resides, or, except when used in section 7(2)(e)

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1 or 8(8), nonparent adult; or an owner, operator, volunteer, or  
2 employee of 1 or more of the following:

3 (i) A licensed or ~~unlicensed~~ REGISTERED child care  
4 organization. ~~as defined in section 1 of 1973 PA 116,~~  
5 ~~MCL 722.111.~~

6 (ii) A licensed or unlicensed adult foster care family home  
7 or adult foster care small group home as defined in section 3 of  
8 the adult foster care facility licensing act, 1979 PA 218,  
9 MCL 400.703.

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

13 (V) ~~(r)~~ "Sexual abuse" means engaging in sexual contact or  
14 sexual penetration as those terms are defined in section 520a of  
15 the Michigan penal code, 1931 PA 328, MCL 750.520a, with a  
16 child.

17 (W) ~~(s)~~ "Sexual exploitation" includes allowing, permit-  
18 ting, or encouraging a child to engage in prostitution, or allow-  
19 ing, permitting, encouraging, or engaging in the photographing,  
20 filming, or depicting of a child engaged in a listed sexual act  
21 as defined in section 145c of the Michigan penal code, 1931  
22 PA 328, MCL 750.145c.

23 (X) ~~(t)~~ "Specified information" means information in a  
24 central registry case record that relates specifically to refer-  
25 rals or reports of child abuse or neglect. Specified information  
26 does not include any of the following:

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(i) Except as provided in this subparagraph regarding a perpetrator of child abuse or neglect, personal identification information for any individual identified in a child protective services record. The exclusion of personal identification information as specified information prescribed by this subparagraph does not include personal identification information identifying an individual alleged to have perpetrated child abuse or neglect, which allegation has been classified as a central registry case.

(ii) Information in a law enforcement report as provided in section 7(8).

(iii) Any other information that is specifically designated as confidential under other law.

(Y) ~~-(u)-~~ "Structured decision-making tool" means the department document labeled "DSS-4752 (P3) (3-95)" or a revision of that document that better measures the risk of future harm to a child.

(Z) ~~-(v)-~~ "Substantiated" means a child protective services case classified as a central registry case.

(AA) ~~-(w)-~~ "Unsubstantiated" means a child protective services case the department classifies under sections 8 and 8d as category III, category IV, or category V.

Sec. 3. (1) An individual is required to report under this act as follows:

(a) A physician, dentist, physician's assistant, registered dental hygienist, medical examiner, nurse, person licensed to provide emergency medical care, audiologist, psychologist, marriage and family therapist, licensed professional counselor,

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1 certified social worker, social worker, social work technician,  
2 school administrator, school counselor or teacher, law enforce-  
3 ment officer, or regulated child care provider who has reasonable  
4 cause to suspect child abuse or neglect shall make immediately,  
5 by telephone or otherwise, an oral report, or cause an oral  
6 report to be made, of the suspected child abuse or neglect to the  
7 department. Within 72 hours after making the oral report, the  
8 reporting person shall file a written report as required in this  
9 act. If the reporting person is a member of the staff of a hos-  
10 pital, agency, or school, the reporting person shall notify the  
11 person in charge of the hospital, agency, or school of his or her  
12 finding and that the report has been made, and shall make a copy  
13 of the written report available to the person in charge. A noti-  
14 fication to the person in charge of a hospital, agency, or school  
15 does not relieve the member of the staff of the hospital, agency,  
16 or school of the obligation of reporting to the department as  
17 required by this section. One report from a hospital, agency, or  
18 school shall be considered adequate to meet the reporting  
19 requirement. A member of the staff of a hospital, agency, or  
20 school shall not be dismissed or otherwise penalized for making a  
21 report required by this act or for cooperating in an  
22 investigation.

23 (b) A department employee who is 1 of the following and has  
24 reasonable cause to suspect child abuse or neglect shall make a  
25 report of suspected child abuse or neglect to the department:

26 (i) Eligibility specialist.

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1       (ii) Family independence manager.

2       (iii) Family independence specialist.

3       (iv) Social services specialist.

4       (v) Social work specialist.

5       (vi) Social work specialist manager.

6       (vii) Welfare services specialist.

7       (2) The written report shall contain the name of the child  
8 and a description of the abuse or neglect. If possible, the  
9 report shall contain the names and addresses of the child's par-  
10 ents, the child's guardian, the persons with whom the child  
11 resides, and the child's age. The report shall contain other  
12 information available to the reporting person that might estab-  
13 lish the cause of the abuse or neglect, and the manner in which  
14 the abuse or neglect occurred.

15       (3) The department shall inform the reporting person of the  
16 required contents of the written report at the time the oral  
17 report is made by the reporting person.

18       (4) The written report required in this section shall be  
19 mailed or otherwise transmitted to the county family independence  
20 agency of the county in which the child suspected of being abused  
21 or neglected is found.

22       (5) Upon receipt of a written report of suspected child  
23 abuse or neglect, the department may provide copies to the prose-  
24 cuting attorney and the probate court of the counties in which  
25 the child suspected of being abused or neglected resides and is  
26 found.



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1           (6) If the report or subsequent investigation indicates a  
2 violation of sections 136b and 145c or sections 520b to 520g of  
3 the Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c, and  
4 750.520b to 750.520g, or if the report or subsequent investiga-  
5 tion indicates that the suspected abuse was not committed by a  
6 person responsible for the child's health or welfare, and the  
7 department believes that the report has basis in fact, the  
8 department shall transmit a copy of the written report and the  
9 results of any investigation to the prosecuting attorney of the  
10 counties in which the child resides and is found. IF A WRITTEN  
11 REPORT OR SUBSEQUENT INVESTIGATION INDICATES THAT THE INDIVIDUAL  
12 WHO COMMITTED THE SUSPECTED ABUSE OR NEGLECT IS A CHILD CARE PRO-  
13 VIDER AND THE DEPARTMENT BELIEVES THAT THE REPORT HAS BASIS IN  
14 FACT, THE DEPARTMENT SHALL TRANSMIT A COPY OF THE WRITTEN REPORT  
15 OR THE RESULTS OF THE INVESTIGATION TO THE CHILD CARE REGULATORY  
16 AGENCY WITH AUTHORITY OVER THE CHILD CARE PROVIDER'S CHILD CARE  
17 ORGANIZATION OR ADULT FOSTER CARE LOCATION AUTHORIZED TO CARE FOR  
18 A CHILD.

19           (7) If a local law enforcement agency receives a written  
20 report of suspected child abuse or neglect, whether from the  
21 reporting person or the department, the report or subsequent  
22 investigation indicates that the abuse or neglect was committed  
23 by a person responsible for the child's health or welfare, and  
24 the local law enforcement agency believes that the report has  
25 basis in fact, the local law enforcement agency shall provide a  
26 copy of the written report and the results of any investigation  
27 to the county family independence agency of the county in which

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1 the abused or neglected child is found. IF A WRITTEN REPORT OR  
2 SUBSEQUENT INVESTIGATION INDICATES THAT THE INDIVIDUAL WHO COM-  
3 MITTED THE SUSPECTED ABUSE OR NEGLECT IS A CHILD CARE PROVIDER  
4 AND THE LOCAL LAW ENFORCEMENT AGENCY BELIEVES THAT THE REPORT HAS  
5 BASIS IN FACT, THE LOCAL LAW ENFORCEMENT AGENCY SHALL TRANSMIT A  
6 COPY OF THE WRITTEN REPORT OR THE RESULTS OF THE INVESTIGATION TO  
7 THE CHILD CARE REGULATORY AGENCY WITH AUTHORITY OVER THE CHILD  
8 CARE PROVIDER'S CHILD CARE ORGANIZATION OR ADULT FOSTER CARE  
9 LOCATION AUTHORIZED TO CARE FOR A CHILD. Nothing in this subsec-  
10 tion or subsection (6) shall be construed to relieve the depart-  
11 ment of its responsibility to investigate reports of suspected  
12 child abuse or neglect under this act.

13 (8) For purposes of this act, the pregnancy of a child less  
14 than 12 years of age or the presence of a venereal disease in a  
15 child who is over 1 month of age but less than 12 years of age  
16 ~~shall be~~ IS reasonable cause to suspect child abuse and neglect  
17 have occurred.

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

20 (2) Unless made public as specified information released  
21 under section 7d, a written report, document, or photograph filed  
22 with the department as provided in this act is a confidential  
23 record available only to 1 or more of the following:

24 (a) A legally mandated public or private child protective  
25 agency investigating a report of known or suspected child abuse  
26 or neglect.

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

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

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

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

15 (f) A person named in the report or record as a perpetrator  
16 or alleged perpetrator of the child abuse or neglect or a victim  
17 who is an adult at the time of the request, if the identity of  
18 the reporting person is protected as provided in section 5.

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

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

23 (i) A person, agency, or organization engaged in a bona fide  
24 research or evaluation project. The person, agency, or organiza-  
25 tion shall not release information identifying a person named in  
26 the report or record unless that person's written consent is  
27 obtained. The person, agency, or organization shall not conduct

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

11 (j) A lawyer-guardian ad litem or other attorney appointed  
12 as provided by section 10.

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

24 (l) Juvenile court staff authorized by the court to investi-  
25 gate foster care applicants and licensees, employees of foster  
26 care applicants and licensees, adult members of the applicant's  
27 or licensee's household, and other persons in the home who are

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1 directly responsible for the care and welfare of children, for  
2 the purpose of determining the suitability of the home for foster  
3 care. The court shall disclose this information to the applicant  
4 or licensee.

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

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

11 (o) A child fatality review team established under section  
12 7b and authorized under that section to investigate and review a  
13 child death.

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

17 (q) A citizen review panel established by the department.  
18 Access under this subdivision shall be limited to information the  
19 department determines is necessary for the panel to carry out its  
20 prescribed duties.

21 (R) A CHILD CARE REGULATORY AGENCY.

22 (3) Subject to subsection (9), a person or entity to whom  
23 information described in subsection (2) is disclosed shall make  
24 the information available only to a person or entity described in  
25 subsection (2). This subsection does not require a court pro-  
26 ceeding to be closed that otherwise would be open to the public.

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1       (4) If the department classifies a report of suspected child  
2 abuse or neglect as a central registry case, the department shall  
3 maintain a record in the central registry and, within 30 days  
4 after the classification, shall notify in writing each individual  
5 who is named in the record as a perpetrator of the child abuse or  
6 neglect. The notice shall set forth the individual's right to  
7 request expunction of the record and the right to a hearing if  
8 the department refuses the request. The notice shall state that  
9 the record may be released under section 7d. The notice shall  
10 not identify the person reporting the suspected child abuse or  
11 neglect.

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

22       (6) If the department refuses a request for amendment or  
23 expunction under subsection (5), or fails to act within 30 days  
24 after receiving the request, the department shall hold a hearing  
25 to determine by a preponderance of the evidence whether the  
26 report or record in whole or in part should be amended or  
27 expunged from the central registry on the grounds that the report

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1 or record is not relevant or accurate evidence of abuse or  
2 neglect. The hearing shall be before a hearing officer appointed  
3 by the department and shall be conducted as prescribed by the  
4 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
5 24.328.

6 (7) If the investigation of a report conducted under this  
7 act fails to disclose evidence of abuse or neglect, the informa-  
8 tion identifying the subject of the report shall be expunged from  
9 the central registry. If evidence of abuse or neglect exists,  
10 the department shall maintain the information in the central reg-  
11 istry until the department receives reliable information that the  
12 perpetrator of the abuse or neglect is dead.

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

19 (9) A member or staff member of a citizen review panel shall  
20 not disclose identifying information about a specific child pro-  
21 tection case to an individual, partnership, corporation, associa-  
22 tion, governmental entity, or other legal entity. A member or  
23 staff member of a citizen review panel is a member of a board,  
24 council, commission, or statutorily created task force of a gov-  
25 ernmental agency for the purposes of section 7 of 1964 PA 170,  
26 MCL 691.1407. Information obtained by a citizen review panel is

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1 not subject to the freedom of information act, 1976 PA 442,  
2 MCL 15.231 to 15.246.

3 Sec. 8a. (1) If an individual is bound over to circuit  
4 court for any of the following crimes, the prosecuting attorney  
5 shall execute the notices as prescribed by subsections (2) to  
6 (5):

7 (a) Criminal sexual conduct in the first, second, or third  
8 degree in violation of section 520b, 520c, or 520d of the  
9 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~  
10 ~~being sections 750.520b, 750.520c, and 750.520d of the Michigan~~  
11 ~~Compiled Laws~~ 1931 PA 328, MCL 750.520B, 750.520C, AND  
12 750.520D.

13 (b) Assault with intent to commit criminal sexual conduct in  
14 violation of section 520g of ~~Act No. 328 of the Public Acts of~~  
15 ~~1931, being section 750.520g of the Michigan Compiled Laws~~ THE  
16 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520G.

17 (c) A felonious attempt or a felonious conspiracy to commit  
18 criminal sexual conduct.

19 (d) An assault on a child that is punishable as a felony.

20 (e) Child abuse in the first, second, or third degree, in  
21 violation of section 136b of ~~Act No. 328 of the Public Acts of~~  
22 ~~1931, being section 750.136b of the Michigan Compiled Laws~~ THE  
23 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.136B.

24 (f) Involvement in child sexually abusive material or child  
25 sexually abusive activity in violation of section 145c of ~~Act~~  
26 ~~No. 328 of the Public Acts of 1931, being section 750.145c of the~~



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1 ~~Michigan Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328,  
2 MCL 750.145C.

3 (2) If the individual is an employee of a nonpublic school  
4 as defined in section 5 of the REVISED school code, ~~of 1976, Act~~  
5 ~~No. 451 of the Public Acts of 1976, being section 380.5 of the~~  
6 ~~Michigan Compiled Laws~~ 1976 PA 451, MCL 380.5, the prosecuting  
7 attorney shall notify the governing body of the nonpublic  
8 school.

9 (3) If the individual is an employee of a school district or  
10 intermediate school district, the prosecuting attorney shall  
11 notify the superintendent of the school district or intermediate  
12 school district.

13 (4) If the individual is an employee of the department who  
14 provides a service to children and youth as described in  
15 section 115 of the social welfare act, ~~Act No. 280 of the Public~~  
16 ~~Acts of 1939, being section 400.115 of the Michigan Compiled~~  
17 ~~Laws~~ 1939 PA 280, MCL 400.115, the prosecuting attorney shall  
18 notify the county director of social services or the superinten-  
19 dent of the training school.

20 (5) If the individual is ~~an employee of~~ a child care  
21 ~~organization as defined in section 1 of Act No. 116 of the~~  
22 ~~Public Acts of 1973, being section 722.111 of the Michigan~~  
23 ~~Compiled Laws~~ PROVIDER, the prosecuting attorney shall notify  
24 the department, ~~and~~ the owner or operator of ~~that~~ THE CHILD  
25 CARE PROVIDER'S child care organization OR ADULT FOSTER CARE  
26 LOCATION AUTHORIZED TO CARE FOR A CHILD, AND THE CHILD CARE  
27 REGULATORY AGENCY WITH AUTHORITY OVER THAT CHILD CARE

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1 ORGANIZATION OR ADULT FOSTER CARE LOCATION AUTHORIZED TO CARE FOR  
2 A CHILD.

3 (6) Upon final disposition of a criminal matter for which a  
4 notice was given under subsections (2) to (5), the prosecuting  
5 attorney shall notify each person previously notified under sub-  
6 sections (2) to (5) of that disposition.

7 (7) A person who is notified or otherwise receives informa-  
8 tion under this section shall keep the information received con-  
9 fidential except so far as disclosure is necessary to take appro-  
10 priate action in response to the information.

11 Sec. 8d. (1) For the department's determination required by  
12 section 8, the categories, and the departmental response required  
13 for each category, are the following:

14 (a) Category V - services not needed. Following a field  
15 investigation, the department determines that there is no evi-  
16 dence of child abuse or neglect.

17 (b) Category IV - community services recommended. Following  
18 a field investigation, the department determines that there is  
19 not a preponderance of evidence of child abuse or neglect, but  
20 the structured decision-making tool indicates that there is  
21 future risk of harm to the child. The department shall assist  
22 the child's family in voluntarily participating in  
23 community-based services commensurate with the risk to the  
24 child.

25 (c) Category III - community services needed. The depart-  
26 ment determines that there is a preponderance of evidence of  
27 child abuse or neglect, and the structured decision-making tool

1 indicates a low or moderate risk of future harm to the child.  
2 The department shall assist the child's family in receiving  
3 community-based services commensurate with the risk to the  
4 child. If the family does not voluntarily participate in serv-  
5 ices, or the family voluntarily participates in services, but  
6 does not progress toward alleviating the child's risk level, the  
7 department shall consider reclassifying the case as category II.

8 (d) Category II - child protective services required. The  
9 department determines that there is evidence of child abuse or  
10 neglect, and the structured decision-making tool indicates a high  
11 or intensive risk of future harm to the child. The department  
12 shall open a protective services case and provide the services  
13 necessary under this act. The department shall also list the  
14 perpetrator of the child abuse or neglect, based on the report  
15 that was the subject of the field investigation, on the central  
16 registry, either by name or as "unknown" if the perpetrator has  
17 not been identified.

18 (e) Category I - court petition required. The department  
19 determines that there is evidence of child abuse or neglect and 1  
20 or more of the following are true:

21 (i) A court petition is required under another provision of  
22 this act.

23 (ii) The child is not safe and a petition for removal is  
24 needed.

25 (iii) The department previously classified the case as cate-  
26 gory II and the child's family does not voluntarily participate  
27 in services.

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1       (iv) There is a violation, involving the child, of a crime  
2 listed or described in section 8a(1)(b), (c), (d), or (f) or of  
3 child abuse in the first or second degree as prescribed by sec-  
4 tion 136b of the Michigan penal code, 1931 PA 328, MCL 750.136b.

5       (2) In response to a category I classification, the depart-  
6 ment shall do all of the following:

7       (a) If a court petition is not required under another provi-  
8 sion of this act, submit a petition for authorization by the  
9 court under section 2(b) of chapter XIIIA of the probate code of  
10 1939, 1939 PA 288, MCL 712A.2.

11       (b) Open a protective services case and provide the services  
12 necessary under this act.

13       (c) List the perpetrator of the child abuse or neglect,  
14 based on the report that was the subject of the field investiga-  
15 tion, on the central registry, either by name or as "unknown" if  
16 the perpetrator has not been identified.

17       (3) THE DEPARTMENT IS NOT REQUIRED TO USE THE STRUCTURED  
18 DECISION-MAKING TOOL FOR A NONPARENT ADULT WHO RESIDES OUTSIDE  
19 THE CHILD'S HOME WHO IS THE VICTIM OR ALLEGED VICTIM OF CHILD  
20 ABUSE OR NEGLECT OR FOR AN OWNER, OPERATOR, VOLUNTEER, OR  
21 EMPLOYEE OF A LICENSED OR REGISTERED CHILD CARE ORGANIZATION OR A  
22 LICENSED OR UNLICENSED ADULT FOSTER CARE FAMILY HOME OR ADULT  
23 FOSTER CARE SMALL GROUP HOME AS THOSE TERMS ARE DEFINED IN  
24 SECTION 3 OF THE ADULT FOSTER CARE FACILITY LICENSING ACT, 1979  
25 PA 218, MCL 400.703.

26       (4) IF FOLLOWING A FIELD INVESTIGATION THE DEPARTMENT  
27 DETERMINES THAT THERE IS A PREPONDERANCE OF EVIDENCE THAT AN

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1 INDIVIDUAL LISTED IN SUBSECTION (3) WAS THE PERPETRATOR OF CHILD  
2 ABUSE OR NEGLECT, THE DEPARTMENT SHALL LIST THE PERPETRATOR OF  
3 THE CHILD ABUSE OR NEGLECT ON THE CENTRAL REGISTRY.

4 (5) ~~-(3)-~~ The department shall furnish a written report  
5 described in subsection ~~-(4)-~~ (6) to the appropriate legislative  
6 standing committees and the house and senate appropriations sub-  
7 committees for the department within 4 months after each of the  
8 following time periods:

9 (a) Beginning October 1, 1999 and ending September 30,  
10 2000.

11 (b) Beginning October 1, 2000 and ending September 30,  
12 2001.

13 (c) Beginning October 1, 2001 and ending September 30,  
14 2002.

15 (6) ~~-(4)-~~ The department shall include in a report required  
16 by subsection ~~-(3)-~~ (5) at least all of the following information  
17 regarding all families that were classified in category III at  
18 some time during the time period covered by the report:

19 (a) The total number of families classified in category  
20 III.

21 (b) The number and percentage classified in category III  
22 that voluntarily participated in services and that did not par-  
23 ticipate in services.

24 (c) The number for which the department entered more than 1  
25 determination that there was evidence of child abuse or neglect.

26 (d) The number the department reclassified from category III  
27 to category II.