

Legislative Analysis



REPORT CHILD'S EXPOSURE/CONTACT WITH "METH" AS CHILD ABUSE

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House Bill 5842 (Substitute H-1)
Sponsor: Rep. Leslie Mortimer

House Bill 5843 as introduced
Sponsor: Rep. Tom Casperson

House Bill 5844 (Substitute H-1)
Sponsor: Rep. Rick Baxter

Committee: Family and Children Services
Complete to 3-28-06

A SUMMARY OF HOUSE BILLS 5842-5844 AS REPORTED FROM COMMITTEE

Each of the bills would amend the Child Protection Law to apply to **instances where a child has been exposed to or has had contact with methamphetamine production**. Generally speaking, such exposure or contact would be treated as child abuse and neglect are currently treated.

House Bill 5842 (MCL 722.623 and 628)

The bill would do the following

- If an allegation, written report, or subsequent report, or subsequent investigation of child abuse or child neglect indicated a violation of the Public Health Code's prohibitions on manufacturing methamphetamine, the Department of Human Services would have to transmit a copy of the allegation or written report, or the results of any investigation, to a law enforcement agency in the appropriate county.
- If the Department of Human Services, in conducting a child abuse or neglect investigation, suspects a child has been exposed to or been in contact with methamphetamine production, the department would be required to immediately contact the law enforcement agency in the county in which the incident occurred.
- The bill would add a child's exposure to or contact with methamphetamine to the list of conditions that require the Department of Human Services, when conducting an investigation, to seek the assistance of and to cooperate with law enforcement officials within 24 hours of becoming aware of the condition.
- Within 24 hours after receiving a report involving exposure to or contact with methamphetamine, the Department of Human Services would be required to refer the report to the appropriate county prosecutor.
- If a law enforcement agency discovered evidence of or received a report of an individual allowing a child to be exposed to or to have contact with

methamphetamine production, and the indications are that the offense was committed by a person responsible for the child's health or welfare, the local law enforcement agency would have to refer the allegation, the report, or investigative results to the county Human Services department. If the instance involved a child care provider, a written report or the results of an investigation would have to be transmitted to the child care regulatory agency.

House Bill 5843 (MCL 722.628b)

Under the bill, if a central registry case involved a child's exposure or contact with methamphetamine production, the Department of Human Services would have to refer the case to the county prosecutor where the child is located. The prosecutor would be required to review the investigation of the case to determine whether the investigation complied with the reporting protocol required by the act. [A "central registry case" is defined in the act as a child protective services case that the department classifies under sections 8 and 8d as category I or category II.]

House Bill 5844 (MCL 722.623)

The bill would provide that if, in conducting an investigation, the department suspects that a child has been exposed to or has been in contact with methamphetamine production, it would be required to immediately contact the law enforcement agency in the county in which the incident occurred.

Both House Bills 5842 and 5244 would update language regarding who is required to report under the Child Protection Law. Currently, the act refers to, among others, a "certified social worker, social worker, and social work technician." The bills would instead refer to a "social worker, licensed master's social worker, licensed bachelor's social worker, registered social service technician, and social service technician."

FISCAL IMPACT:

House Bill 5842 would have no significant fiscal impact on the State or local units of government. House Bill 5843 would impose new requirements on county prosecutors to review the investigation of certain child abuse or neglect cases involving exposure of the child to methamphetamines. This would increase local costs to some degree. However, any cost impact would be minimal. House Bill 4844 would have no fiscal impact on the State or local units of government.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.