



Senate Fiscal Agency  
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**BILL ANALYSIS**

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House Bill 4420 (Substitute H-4 as passed by the House)  
Sponsor: Representative Fulton Sheen  
House Committee: Family and Children Services  
Senate Committee: Families and Human Services

Date Completed: 12-5-06

**CONTENT**

**The bill would amend the Child Protection Law (CPL) to specify that, in certain cases involving a child who was severely physically injured or sexually abused, the Department of Human Services (DHS) would not have to submit a petition for authorization by the family court requesting that the court take custody of the child if the DHS determined that the child's parent or legal guardian did not neglect or fail to protect the child and did not have a history of neglect or failing to protect the child, and that the child was safe in the parent's or legal guardian's care.**

Under the CPL, within 24 hours after the DHS determines that a child was severely physically injured or sexually abused, the Department must submit a petition for authorization to the court under Section 2b of the juvenile code.

(That section gives the family division of the circuit court jurisdiction in proceedings concerning a juvenile under 18 whose parent or legal guardian neglects or refuses to provide proper or necessary support, education, or medical, surgical, or other care necessary for his or her health or morals; who is subject to a substantial risk of harm to his or her mental well-being; who is abandoned by his or her parents, guardian or other custodian; or who is without proper custody or guardianship.)

Under the bill, the DHS would not be required to file a petition for authorization by the court if it determined that the parent or legal guardian was not a suspected perpetrator of the abuse and it determined that all of the following applied:

- The parent or legal guardian did not neglect or fail to protect the child.
- The parent or legal guardian did not have a historical record that showed a documented pattern of neglect or failing to protect the child.
- The child was safe in the parent's or legal guardian's care.

In addition, the CPL requires the DHS, in the course of investigating allegations of child abuse or neglect, to seek the assistance of and cooperate with law enforcement officials within 24 hours after becoming aware of certain conditions, including abuse or neglect resulting in severe physical injury to the child requiring medical treatment or hospitalization. Under this provision, "severe physical injury" means brain damage, skull or bone fracture, subdural hemorrhage or hematoma, dislocation, sprains, internal injuries, poisoning, burns, scalds, sever cuts, or any other physical injury that seriously impairs the health or physical well-being of a child.

The bill instead would define "severe physical injury" as an injury to the child that requires medical treatment or hospitalization and that seriously impairs the child's health or physical well-being.

MCL 722.628 & 722.637

Legislative Analyst: Curtis Walker

**FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government. Under the bill, the DHS would have to file fewer petitions with the court, which would reduce costs associated with filings.

Fiscal Analyst: Constance 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.