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BILL ANALYSIS

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House Bill 5843 (as passed by the House)
Sponsor: Representative Tom Casperson
House Committee: Family and Children Services
Senate Committee: Families and Human Services

Date Completed: 5-8-06

CONTENT

The bill would amend the Child Protection Law to require the Department of Human Services (DHS) to refer a central registry case to the prosecuting attorney if it involved a child's exposure to methamphetamine production, and require the prosecuting attorney to review the investigation of the case.

The Child Protection Law (CPL) requires certain professionals (including physicians, nurses, medical examiners, psychologists, social workers, teachers, members of the clergy, and regulated child care providers) to report to the DHS if they have reasonable cause to suspect child abuse or neglect. The DHS and law enforcement agencies are subject to reporting and investigation requirements under the Law.

The CPL also requires the DHS to maintain a statewide, electronic central registry to carry out the intent of the Law. "Central registry" means the system maintained by the DHS that is used to keep a record of all reports filed with the Department pursuant to the CPL in which relevant and accurate evidence of child abuse or neglect is found to exist. "Central registry case" means a child protective services case that the DHS classifies as Category I or Category II.

(A Category I case is one in which the DHS determines that there is evidence of child abuse or neglect and one or more of the following are true: a court petition is required under another provision of the CPL; the child is not safe and a petition for removal is needed; the DHS previously classified the case as Category II and the child's family does not voluntarily participate in services; or there is a violation, involving the child, of a crime specified in the Law. A Category II case is one in which the DHS determines that there is evidence of child abuse or neglect and there is a high or intensive risk of future harm to the child.)

Under the bill, if a central registry case involved a child's exposure to or contact with methamphetamine production, the DHS would have to refer the case to the prosecuting attorney for the county in which the child was located. The prosecuting attorney would have to review the investigation of the case to determine whether it complied with the protocol adopted as required by Section 8.

(Section 8 requires the prosecuting attorney and the DHS, in each county, to adopt and implement standard child abuse and neglect investigation and interview protocols, as well as procedures for involving law enforcement officials.

Under Section 8, the DHS must refer a report to the prosecuting attorney if criminal child abuse, child sexually abusive activity, or criminal sexual conduct (CSC) is indicated, or if the suspected abuse or neglect was committed by someone who is not responsible for the child's health or welfare; or the DHS must begin an investigation. If a local law enforcement agency receives a report of suspected child abuse or neglect involving criminal child abuse, child sexually abusive activity, or CSC, the agency must refer the report to the DHS if the suspected child abuse or neglect was committed by a person responsible for the child's health or welfare; or the agency must begin an investigation.)

MCL 722.628b

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have no fiscal impact on State or local government. The changes apparently would codify existing practice of the Department of Human Services.

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.