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House Bill 5844 (Substitute H-1 as passed by the House)

Sponsor: Representative Rick Baxter

House Committee: Family and Children Services

Senate Committee: Families and Human Services

Date Completed: 5-9-06

CONTENT

The bill would amend the Child Protection Law to require reporting and investigation by the Department of Human Services (DHS) and law enforcement agencies if a report or investigation of child abuse indicated a drug lab violation involving methamphetamine (meth), or if there were evidence that a child was being exposed to meth production.

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.

If an allegation, written report, or subsequent investigation of suspected child abuse or child neglect indicates that a violation of the Michigan Penal Code involving child abuse and child sexually abusive activity, or criminal sexual conduct (CSC), has occurred, the DHS must transmit a copy of the allegation or written report and the results of any investigation to a law enforcement agency in the county where the incident occurred.

Under the bill, this requirement also would apply if an allegation, written report, or subsequent investigation indicated that a violation of Section 7401c of the Public Health Code involving methamphetamine had occurred. (Section 7401c prescribes criminal penalties for owning, possessing, or using a vehicle, building, or place used to manufacture a controlled substance, counterfeit substance, or controlled substance analogue in violation of the Code; owning or possessing any chemical or laboratory equipment used for that purpose; or providing any chemical or lab equipment to another person who intends to use it for that purpose.)

Under the CPL, if a local law enforcement agency receives an allegation or written report of suspected child abuse or child neglect and the allegation, report, or subsequent investigation indicates that the abuse or neglect was committed by a person responsible for the child's health or welfare, the law enforcement agency must refer the allegation or provide a copy of the written report and the results of any investigation to the DHS. The bill would require a law enforcement agency to do the same if it discovered evidence of or received a report of an individual allowing a child to be exposed to or to have contact with meth production, and the allegation, report, or investigation indicated that a person responsible for the child's health or welfare allowed the child to be exposed to or have contact with meth production.

Also, under the CPL, if the allegation, report, or investigation indicates that the individual who committed the suspected abuse or neglect is a child care provider and the law enforcement agency believes that the report has basis in fact, the agency must send a copy of the report or the results of the investigation to the child care regulatory agency having authority over the provider. Under the bill, this also would apply if a child care provider were suspected of causing a child to be exposed to or have contact with meth production.

MCL 722.623

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.