

SUBSTITUTE FOR
HOUSE BILL NO. 5844

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 3 (MCL 722.623), as amended by 2002 PA 693.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) An individual is required to report under this act
2 as follows:
3 (a) A physician, dentist, physician's assistant, registered
4 dental hygienist, medical examiner, nurse, person licensed to
5 provide emergency medical care, audiologist, psychologist, marriage
6 and family therapist, licensed professional counselor, ~~certified~~
7 ~~social worker, social worker, social work technician~~ **SOCIAL**
8 **WORKER, LICENSED MASTER'S SOCIAL WORKER, LICENSED BACHELOR'S SOCIAL**
9 **WORKER, REGISTERED SOCIAL SERVICE TECHNICIAN, SOCIAL SERVICE**
10 **TECHNICIAN**, school administrator, school counselor or teacher, law
11 enforcement officer, member of the clergy, or regulated child care

1 provider who has reasonable cause to suspect child abuse or neglect
2 shall make immediately, by telephone or otherwise, an oral report,
3 or cause an oral report to be made, of the suspected child abuse or
4 neglect to the department. Within 72 hours after making the oral
5 report, the reporting person shall file a written report as
6 required in this act. If the reporting person is a member of the
7 staff of a hospital, agency, or school, the reporting person shall
8 notify the person in charge of the hospital, agency, or school of
9 his or her finding and that the report has been made, and shall
10 make a copy of the written report available to the person in
11 charge. A notification to the person in charge of a hospital,
12 agency, or school does not relieve the member of the staff of the
13 hospital, agency, or school of the obligation of reporting to the
14 department as required by this section. One report from a hospital,
15 agency, or school ~~shall be considered~~ **IS** adequate to meet the
16 reporting requirement. A member of the staff of a hospital, agency,
17 or school shall not be dismissed or otherwise penalized for making
18 a report required by this act or for cooperating in an
19 investigation.

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

- 23 (i) Eligibility specialist.
24 (ii) Family independence manager.
25 (iii) Family independence specialist.
26 (iv) Social services specialist.
27 (v) Social work specialist.

1 (vi) Social work specialist manager.

2 (vii) Welfare services specialist.

3 (2) The written report shall contain the name of the child and
4 a description of the abuse or neglect. If possible, the report
5 shall contain the names and addresses of the child's parents, the
6 child's guardian, the persons with whom the child resides, and the
7 child's age. The report shall contain other information available
8 to the reporting person that might establish the cause of the abuse
9 or neglect, and the manner in which the abuse or neglect occurred.

10 (3) The department shall inform the reporting person of the
11 required contents of the written report at the time the oral report
12 is made by the reporting person.

13 (4) The written report required in this section shall be
14 mailed or otherwise transmitted to the county ~~family independence~~
15 ~~agency~~ **DEPARTMENT** of the county in which the child suspected of
16 being abused or neglected is found.

17 (5) Upon receipt of a written report of suspected child abuse
18 or neglect, the department may provide copies to the prosecuting
19 attorney and the probate court of the counties in which the child
20 suspected of being abused or neglected resides and is found.

21 (6) If an allegation, written report, or subsequent
22 investigation of suspected child abuse or child neglect indicates a
23 violation of sections 136b and 145c, ~~or~~ sections 520b to 520g of
24 the Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c, and
25 750.520b to 750.520g, **OR SECTION 7401C OF THE PUBLIC HEALTH CODE,**
26 **1978 PA 368, MCL 333.7401C, INVOLVING METHAMPHETAMINE** has occurred,
27 or if the allegation, written report, or subsequent investigation

1 indicates that the suspected child abuse or child neglect was
2 committed by an individual who is not a person responsible for the
3 child's health or welfare, including, but not limited to, a member
4 of the clergy, a teacher, or a teacher's aide, the department shall
5 transmit a copy of the allegation or written report and the results
6 of any investigation to a law enforcement agency in the county in
7 which the incident occurred. If an allegation, written report, or
8 subsequent investigation indicates that the individual who
9 committed the suspected abuse or neglect is a child care provider
10 and the department believes that the report has basis in fact, the
11 department shall transmit a copy of the written report or the
12 results of the investigation to the child care regulatory agency
13 with authority over the child care provider's child care
14 organization or adult foster care location authorized to care for a
15 child.

16 (7) If a local law enforcement agency receives an allegation
17 or written report of suspected child abuse or child neglect **OR**
18 **DISCOVERS EVIDENCE OF OR RECEIVES A REPORT OF AN INDIVIDUAL**
19 **ALLOWING A CHILD TO BE EXPOSED TO OR TO HAVE CONTACT WITH**
20 **METHAMPHETAMINE PRODUCTION**, and the allegation, written report, or
21 subsequent investigation indicates that the child abuse or child
22 neglect **OR ALLOWING A CHILD TO BE EXPOSED TO OR TO HAVE CONTACT**
23 **WITH METHAMPHETAMINE PRODUCTION**, was committed by a person
24 responsible for the child's health or welfare, the local law
25 enforcement agency shall refer the allegation or provide a copy of
26 the written report and the results of any investigation to the
27 county ~~family independence agency~~ **DEPARTMENT** of the county in

1 which the abused or neglected child is found, as required by
2 subsection (1)(a). If an allegation, written report, or subsequent
3 investigation indicates that the individual who committed the
4 suspected abuse or neglect **OR ALLOWED A CHILD TO BE EXPOSED TO OR**
5 **TO HAVE CONTACT WITH METHAMPHETAMINE PRODUCTION,** is a child care
6 provider and the local law enforcement agency believes that the
7 report has basis in fact, the local law enforcement agency shall
8 transmit a copy of the written report or the results of the
9 investigation to the child care regulatory agency with authority
10 over the child care provider's child care organization or adult
11 foster care location authorized to care for a child. Nothing in
12 this subsection or subsection (1) shall be construed to relieve the
13 department of its responsibilities to investigate reports of
14 suspected child abuse or child neglect under this act.

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

19 (9) **IN CONDUCTING AN INVESTIGATION OF CHILD ABUSE OR CHILD**
20 **NEGLECT, IF THE DEPARTMENT SUSPECTS THAT A CHILD HAS BEEN EXPOSED**
21 **TO OR HAS HAD CONTACT WITH METHAMPHETAMINE PRODUCTION, THE**
22 **DEPARTMENT SHALL IMMEDIATELY CONTACT THE LAW ENFORCEMENT AGENCY IN**
23 **THE COUNTY IN WHICH THE INCIDENT OCCURRED.**