

HOUSE BILL No. 5844

March 8, 2006, Introduced by Reps. Baxter, Ball, LaJoy, Gosselin, Schuitmaker, Farhat, Moore, Stahl, Nitz, David Law, Proos, Vander Veen, Caswell, Mortimer, Newell, Taub, Sheen, Marleau and Casperson and referred to the Committee on Family and Children Services.

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~~ **SOCIAL WORKER, LICENSED**
8 **MASTER'S SOCIAL WORKER, LICENSED BACHELOR'S SOCIAL WORKER,**
9 **REGISTERED SOCIAL SERVICE TECHNICIAN, SOCIAL SERVICE** technician,

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

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

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

1 (v) Social work specialist.

2 (vi) Social work specialist manager.

3 (vii) Welfare services specialist.

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

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

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

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

22 (6) If an allegation, written report, or subsequent
23 investigation of suspected child abuse or child neglect indicates a
24 violation of sections 136b and 145c or sections 520b to 520g of the
25 Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c, and
26 750.520b to 750.520g, has occurred, or if the allegation, written
27 report, or subsequent investigation indicates that the suspected

1 child abuse or child neglect was committed by an individual who is
2 not a person responsible for the child's health or welfare,
3 including, but not limited to, a member of the clergy, a teacher,
4 or a teacher's aide, the department shall transmit a copy of the
5 allegation or written report and the results of any investigation
6 to a law enforcement agency in the county in which the incident
7 occurred. If an allegation, written report, or subsequent
8 investigation indicates that the individual who committed the
9 suspected abuse or neglect is a child care provider and the
10 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 and the
18 allegation, written report, or subsequent investigation indicates
19 that the child abuse or child neglect was committed by a person
20 responsible for the child's health or welfare, the local law
21 enforcement agency shall refer the allegation or provide a copy of
22 the written report and the results of any investigation to the
23 county ~~family independence agency~~ **DEPARTMENT** of the county in
24 which the abused or neglected child is found, as required by
25 subsection (1)(a). If an allegation, written report, or subsequent
26 investigation indicates that the individual who committed the
27 suspected abuse or neglect is a child care provider and the local

1 law enforcement agency believes that the report has basis in fact,
2 the local law enforcement agency shall transmit a copy of the
3 written report or the results of the investigation to the child
4 care regulatory agency with authority over the child care
5 provider's child care organization or adult foster care location
6 authorized to care for a child. Nothing in this subsection or
7 subsection (1) shall be construed to relieve the department of its
8 responsibilities to investigate reports of suspected child abuse or
9 child neglect under this act.

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

14 (9) FOR PURPOSES OF THIS ACT, IF AN INDIVIDUAL WHO IS REQUIRED
15 TO REPORT UNDER THIS ACT HAS REASONABLE CAUSE TO SUSPECT THAT A
16 CHILD HAS BEEN EXPOSED TO OR HAS HAD CONTACT WITH METHAMPHETAMINE
17 PRODUCTION, THAT IS REASONABLE CAUSE TO SUSPECT CHILD ABUSE AND
18 NEGLECT.