



Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bill 273 (as reported without amendment)  
Sponsor: Senator Bill Hardiman  
Committee: Families and Human Services

(as enrolled)

Date Completed: 3-6-07

## **RATIONALE**

Cases of child abuse or neglect, or other situations involving children at risk, require close communication between law enforcement agencies and the Department of Human Services (DHS). Law enforcement agencies frequently must conduct criminal investigations to determine if any laws have been broken, and the DHS must investigate reports of abuse or neglect to ensure the safety of the child. The Child Protection Law (CPL) requires the DHS to report to law enforcement agencies the results of investigations involving certain potential offenses, and to refer certain reports to the prosecuting attorney. The CPL also requires law enforcement officials to report to the DHS if, in the investigation of a crime, evidence of suspected child abuse or neglect is discovered. Many of these reports must be made within 24 hours. It has been suggested that additional reporting requirements should be imposed and be subject to that time limit.

## **CONTENT**

**The bill would amend the Child Protection Law to require the DHS, within 24 hours after receiving a report of suspected child abuse or neglect involving certain violations, to notify the local law enforcement agency as well as the prosecuting attorney (as is currently required); and to extend that requirement to other reports involving a child's death, sexual abuse or exploitation, or severe physical injury.**

The CPL requires the DHS, within 24 hours after receiving a report under the Law, to refer that report to the prosecuting attorney or commence an investigation if the report

indicates that a violation involving child abuse, child sexually abusive activity or material, criminal sexual conduct (CSC) or attempted CSC, or an illegal drug lab violation involving methamphetamine, has occurred; if there is an indication that the suspected child abuse or neglect was committed by an individual who is not responsible for the child's health or welfare; or if the DHS suspects that a child has been exposed to or had contact with methamphetamine production.

The bill would require the DHS to notify the local law enforcement agency as well as the prosecuting attorney under those circumstances, and would require the same response if a report indicated that abuse or neglect was the suspected cause of a child's death, the child was the victim of suspected sexual abuse or exploitation, or the child was the victim of abuse or neglect resulting in severe physical injury that required medical treatment or hospitalization and that seriously impaired the child's health or physical well-being.

Also, if a law enforcement agency received such a report from a reporting person, and the report indicated that the abuse or neglect was committed by a person responsible for the child's health or welfare, the law enforcement agency would have to refer the report to the DHS within 24 hours.

MCL 722.628

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

Although the CPL requires reporting between law enforcement agencies and the DHS, some believe that the communication is not always prompt or effective. There is concern that slow communication may allow some children in dangerous situations to fall through the cracks and not receive immediate assistance from the agencies charged with protecting them. Children who have been abused or neglected, or who have been in homes containing meth labs or exposed to meth production, are in very difficult situations that need to be addressed immediately. In extreme cases, the failure to act can lead to the loss of the child's life. The bill would reinforce the urgency of these matters by setting a 24-hour deadline on certain reporting requirements, and extending the current time limit to cases in which abuse or neglect was the cause of serious physical injury or the death of a child, and cases of suspected sexual abuse or exploitation.

**Response:** The bill's requirements would not necessarily offer a significant improvement over the current process, since the Department already reports cases of child abuse or neglect to law enforcement agencies as the bill would require.

Legislative Analyst: Curtis Walker

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Constance Cole

#### **A0708\273a**

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.