

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1418

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending sections 3, 7, and 8 (MCL 722.623, 722.627, and
722.628), section 3 as amended by 2006 PA 583, section 7 as amended
by 2006 PA 621, and section 8 as amended by 2008 PA 46.

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

1 and family therapist, licensed professional counselor, social
2 worker, licensed master's social worker, licensed bachelor's social
3 worker, registered social service technician, social service
4 technician, **A PERSON EMPLOYED IN A PROFESSIONAL CAPACITY IN ANY**
5 **OFFICE OF THE FRIEND OF THE COURT**, school administrator, school
6 counselor or teacher, law enforcement officer, member of the
7 clergy, or regulated child care provider who has reasonable cause
8 to suspect child abuse or neglect shall make immediately, by
9 telephone or otherwise, an oral report, or cause an oral report to
10 be made, of the suspected child abuse or neglect to the department.
11 Within 72 hours after making the oral report, the reporting person
12 shall file a written report as required in this act. If the
13 reporting person is a member of the staff of a hospital, agency, or
14 school, the reporting person shall notify the person in charge of
15 the hospital, agency, or school of his or her finding and that the
16 report has been made, and shall make a copy of the written report
17 available to the person in charge. A notification to the person in
18 charge of a hospital, agency, or school does not relieve the member
19 of the staff of the hospital, agency, or school of the obligation
20 of reporting to the department as required by this section. One
21 report from a hospital, agency, or school is adequate to meet the
22 reporting requirement. A member of the staff of a hospital, agency,
23 or school shall not be dismissed or otherwise penalized for making
24 a report required by this act or for cooperating in an
25 investigation.

26 (b) A department employee who is 1 of the following and has
27 reasonable cause to suspect child abuse or neglect shall make a

1 report of suspected child abuse or neglect to the department in the
2 same manner as required under subdivision (a):

- 3 (i) Eligibility specialist.
- 4 (ii) Family independence manager.
- 5 (iii) Family independence specialist.
- 6 (iv) Social services specialist.
- 7 (v) Social work specialist.
- 8 (vi) Social work specialist manager.
- 9 (vii) Welfare services specialist.

10 (C) ANY EMPLOYEE OF AN ORGANIZATION OR ENTITY THAT, AS A
11 RESULT OF FEDERAL FUNDING STATUTES, REGULATIONS, OR CONTRACTS,
12 WOULD BE PROHIBITED FROM REPORTING IN THE ABSENCE OF A STATE
13 MANDATE OR COURT ORDER. A PERSON REQUIRED TO REPORT UNDER THIS
14 SUBDIVISION SHALL REPORT IN THE SAME MANNER AS REQUIRED UNDER
15 SUBDIVISION (A).

16 (2) The written report shall contain the name of the child and
17 a description of the abuse or neglect. If possible, the report
18 shall contain the names and addresses of the child's parents, the
19 child's guardian, the persons with whom the child resides, and the
20 child's age. The report shall contain other information available
21 to the reporting person that might establish the cause of the abuse
22 or neglect, and the manner in which the abuse or neglect occurred.

23 (3) The department shall inform the reporting person of the
24 required contents of the written report at the time the oral report
25 is made by the reporting person.

26 (4) The written report required in this section shall be
27 mailed or otherwise transmitted to the county department of the

1 county in which the child suspected of being abused or neglected is
2 found.

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

7 (6) If an allegation, written report, or subsequent
8 investigation of suspected child abuse or child neglect indicates a
9 violation of sections 136b and 145c, sections 520b to 520g of the
10 Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c, and
11 750.520b to 750.520g, or section 7401c of the public health code,
12 1978 PA 368, MCL 333.7401c, involving methamphetamine has occurred,
13 or if the allegation, written report, or subsequent investigation
14 indicates that the suspected child abuse or child neglect was
15 committed by an individual who is not a person responsible for the
16 child's health or welfare, including, but not limited to, a member
17 of the clergy, a teacher, or a teacher's aide, the department shall
18 transmit a copy of the allegation or written report and the results
19 of any investigation to a law enforcement agency in the county in
20 which the incident occurred. If an allegation, written report, or
21 subsequent investigation indicates that the individual who
22 committed the suspected abuse or neglect is a child care provider
23 and the department believes that the report has basis in fact, the
24 department shall, within 24 hours of completion, transmit a copy of
25 the written report or the results of the investigation to the child
26 care regulatory agency with authority over the child care
27 provider's child care organization or adult foster care location

1 authorized to care for a child.

2 (7) If a local law enforcement agency receives an allegation
3 or written report of suspected child abuse or child neglect or
4 discovers evidence of or receives a report of an individual
5 allowing a child to be exposed to or to have contact with
6 methamphetamine production, and the allegation, written report, or
7 subsequent investigation indicates that the child abuse or child
8 neglect or allowing a child to be exposed to or to have contact
9 with methamphetamine production, was committed by a person
10 responsible for the child's health or welfare, the local law
11 enforcement agency shall refer the allegation or provide a copy of
12 the written report and the results of any investigation to the
13 county department of the county in which the abused or neglected
14 child is found, as required by subsection (1)(a). If an allegation,
15 written report, or subsequent investigation indicates that the
16 individual who committed the suspected abuse or neglect or allowed
17 a child to be exposed to or to have contact with methamphetamine
18 production, is a child care provider and the local law enforcement
19 agency believes that the report has basis in fact, the local law
20 enforcement agency shall transmit a copy of the written report or
21 the results of the investigation to the child care regulatory
22 agency with authority over the child care provider's child care
23 organization or adult foster care location authorized to care for a
24 child. Nothing in this subsection or subsection (1) shall be
25 construed to relieve the department of its responsibilities to
26 investigate reports of suspected child abuse or child neglect under
27 this act.

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

5 (9) In conducting an investigation of child abuse or child
6 neglect, if the department suspects that a child has been exposed
7 to or has had contact with methamphetamine production, the
8 department shall immediately contact the law enforcement agency in
9 the county in which the incident occurred.

10 Sec. 7. (1) The department shall maintain a statewide,
11 electronic central registry to carry out the intent of this act.

12 (2) Unless made public as specified information released under
13 section 7d, a written report, document, or photograph filed with
14 the department as provided in this act is a confidential record
15 available only to 1 or more of the following:

16 (a) A legally mandated public or private child protective
17 agency investigating a report of known or suspected child abuse or
18 neglect or a legally mandated public or private child protective
19 agency or foster care agency prosecuting a disciplinary action
20 against its own employee involving child protective services or
21 foster records.

22 (b) A police or other law enforcement agency investigating a
23 report of known or suspected child abuse or neglect.

24 (c) A physician who is treating a child whom the physician
25 reasonably suspects may be abused or neglected.

26 (d) A person legally authorized to place a child in protective
27 custody when the person is confronted with a child whom the person

1 reasonably suspects may be abused or neglected and the confidential
2 record is necessary to determine whether to place the child in
3 protective custody.

4 (e) A person, agency, or organization, including a
5 multidisciplinary case consultation team, authorized to diagnose,
6 care for, treat, or supervise a child or family who is the subject
7 of a report or record under this act, or who is responsible for the
8 child's health or welfare.

9 (f) A person named in the report or record as a perpetrator or
10 alleged perpetrator of the child abuse or neglect or a victim who
11 is an adult at the time of the request, if the identity of the
12 reporting person is protected as provided in section 5.

13 (g) A court that determines the information is necessary to
14 decide an issue before the court.

15 (h) A grand jury that determines the information is necessary
16 to conduct the grand jury's official business.

17 (i) A person, agency, or organization engaged in a bona fide
18 research or evaluation project. The person, agency, or organization
19 shall not release information identifying a person named in the
20 report or record unless that person's written consent is obtained.
21 The person, agency, or organization shall not conduct a personal
22 interview with a family without the family's prior consent and
23 shall not disclose information that would identify the child or the
24 child's family or other identifying information. The department
25 director may authorize the release of information to a person,
26 agency, or organization described in this subdivision if the
27 release contributes to the purposes of this act and the person,

1 agency, or organization has appropriate controls to maintain the
2 confidentiality of personally identifying information for a person
3 named in a report or record made under this act.

4 (j) A lawyer-guardian ad litem or other attorney appointed as
5 provided by section 10.

6 (k) A child placing agency licensed under 1973 PA 116, MCL
7 722.111 to 722.128, for the purpose of investigating an applicant
8 for adoption, a foster care applicant or licensee or an employee of
9 a foster care applicant or licensee, an adult member of an
10 applicant's or licensee's household, or other persons in a foster
11 care or adoptive home who are directly responsible for the care and
12 welfare of children, to determine suitability of a home for
13 adoption or foster care. The child placing agency shall disclose
14 the information to a foster care applicant or licensee under 1973
15 PA 116, MCL 722.111 to 722.128, or to an applicant for adoption.

16 (l) Family division of circuit court staff authorized by the
17 court to investigate foster care applicants and licensees,
18 employees of foster care applicants and licensees, adult members of
19 the applicant's or licensee's household, and other persons in the
20 home who are directly responsible for the care and welfare of
21 children, for the purpose of determining the suitability of the
22 home for foster care. The court shall disclose this information to
23 the applicant or licensee.

24 (m) Subject to section 7a, a standing or select committee or
25 appropriations subcommittee of either house of the legislature
26 having jurisdiction over child protective services matters.

27 (n) The children's ombudsman appointed under the children's

1 ombudsman act, 1994 PA 204, MCL 722.921 to ~~722.935~~ **722.932**.

2 (o) A child fatality review team established under section 7b
3 and authorized under that section to investigate and review a child
4 death.

5 (p) A county medical examiner or deputy county medical
6 examiner appointed under 1953 PA 181, MCL 52.201 to 52.216, for the
7 purpose of carrying out his or her duties under that act.

8 (q) A citizen review panel established by the department.
9 Access under this subdivision is limited to information the
10 department determines is necessary for the panel to carry out its
11 prescribed duties.

12 (r) A child care regulatory agency.

13 (s) A foster care review board for the purpose of meeting the
14 requirements of 1984 PA 422, MCL 722.131 to 722.139a.

15 (t) A local friend of the court office. ~~, subject to the~~
16 ~~provisions of subsection (3) and sections 5 and 13, if there is a~~
17 ~~compelling need for child protective services records or~~
18 ~~information to determine custody or parenting time issues regarding~~
19 ~~a child. A local friend of the court office investigator,~~
20 ~~caseworker, or administrator directly involved in the custody~~
21 ~~investigation shall notify the appropriate department or child~~
22 ~~protective services local or central office that a child custody or~~
23 ~~parenting time investigation has been initiated involving a family~~
24 ~~and shall request in writing child protective services records and~~
25 ~~information that are pertinent to that investigation. Upon receipt~~
26 ~~of this notification and request, the local office of child~~
27 ~~protective services supervisor shall review child protective~~

~~1 services information in the local office's possession to determine
2 if there are child protective services records or information that
3 is pertinent to that investigation. Within 14 days after receipt of
4 a request made under this subdivision, the child protective
5 services local office shall release the pertinent child protective
6 services records and information to the investigator, caseworker,
7 or administrator directly involved in the child custody or
8 parenting time investigation. Child protective services is further
9 authorized to report to the local friend of the court office any
10 situation in which a parent, more than 3 times within 1 year or on
11 5 cumulative reports over several years, made unfounded reports to
12 child protective services regarding alleged child abuse or neglect
13 of his or her child.~~

14 (3) Subject to subsection (9), a person or entity to whom
15 information described in subsection (2) is disclosed shall make the
16 information available only to a person or entity described in
17 subsection (2). This subsection does not require a court proceeding
18 to be closed that otherwise would be open to the public.

19 (4) If the department classifies a report of suspected child
20 abuse or neglect as a central registry case, the department shall
21 maintain a record in the central registry and, within 30 days after
22 the classification, shall notify in writing each person who is
23 named in the record as a perpetrator of the child abuse or neglect.
24 The notice shall set forth the person's right to request expunction
25 of the record and the right to a hearing if the department refuses
26 the request. The notice shall state that the record may be released
27 under section 7d. The notice shall not identify the person

1 reporting the suspected child abuse or neglect.

2 (5) A person who is the subject of a report or record made
3 under this act may request the department to amend an inaccurate
4 report or record from the central registry and local office file. A
5 person who is the subject of a report or record made under this act
6 may request the department to expunge from the central registry a
7 report or record in which no relevant and accurate evidence of
8 abuse or neglect is found to exist. A report or record filed in a
9 local office file is not subject to expunction except as the
10 department authorizes, if considered in the best interest of the
11 child.

12 (6) If the department refuses a request for amendment or
13 expunction under subsection (5), or fails to act within 30 days
14 after receiving the request, the department shall hold a hearing to
15 determine by a preponderance of the evidence whether the report or
16 record in whole or in part should be amended or expunged from the
17 central registry on the grounds that the report or record is not
18 relevant or accurate evidence of abuse or neglect. The hearing
19 shall be held before a hearing officer appointed by the department
20 and shall be conducted as prescribed by the administrative
21 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

22 (7) If the investigation of a report conducted under this act
23 fails to disclose evidence of abuse or neglect, the information
24 identifying the subject of the report shall be expunged from the
25 central registry. If evidence of abuse or neglect exists, the
26 department shall maintain the information in the central registry
27 until the department receives reliable information that the

1 perpetrator of the abuse or neglect is dead.

2 (8) In releasing information under this act, the department
3 shall not include a report compiled by a police agency or other law
4 enforcement agency related to an ongoing investigation of suspected
5 child abuse or neglect. This subsection does not prevent the
6 department from releasing reports of convictions of crimes related
7 to child abuse or neglect.

8 (9) A member or staff member of a citizen review panel shall
9 not disclose identifying information about a specific child
10 protection case to an individual, partnership, corporation,
11 association, governmental entity, or other legal entity. A member
12 or staff member of a citizen review panel is a member of a board,
13 council, commission, or statutorily created task force of a
14 governmental agency for the purposes of section 7 of 1964 PA 170,
15 MCL 691.1407. Information obtained by a citizen review panel is not
16 subject to the freedom of information act, 1976 PA 442, MCL 15.231
17 to 15.246.

18 (10) An agency obtaining a confidential record under
19 subsection (2)(a) may seek an order from the court having
20 jurisdiction over the child or from the family division of the
21 Ingham county circuit court that allows the agency to disseminate
22 confidential child protective services or foster care information
23 to pursue sanctions for alleged dereliction, malfeasance, or
24 misfeasance of duty against an employee of the agency, to a
25 recognized labor union representative of the employee's bargaining
26 unit, or to an arbitrator or an administrative law judge who
27 conducts a hearing involving the employee's alleged dereliction,

1 malfeasance, or misfeasance of duty to be used solely in connection
2 with that hearing. Information released under this subsection shall
3 be released in a manner that maintains the greatest degree of
4 confidentiality while allowing review of employee performance.

5 Sec. 8. (1) Within 24 hours after receiving a report made
6 under this act, the department shall refer the report to the
7 prosecuting attorney and the local law enforcement agency if the
8 report meets the requirements of subsection (3)(a), (b), or (c) or
9 section 3(6) or (9) or shall commence an investigation of the child
10 suspected of being abused or neglected. Within 24 hours after
11 receiving a report whether from the reporting person or from the
12 department under subsection (3)(a), (b), or (c) or section 3(6) or
13 (9), the local law enforcement agency shall refer the report to the
14 department if the report meets the requirements of section 3(7) or
15 shall commence an investigation of the child suspected of being
16 abused or neglected or exposed to or who has had contact with
17 methamphetamine production. If the child suspected of being abused
18 or exposed to or who has had contact with methamphetamine
19 production is not in the physical custody of the parent or legal
20 guardian and informing the parent or legal guardian would not
21 endanger the child's health or welfare, the agency or the
22 department shall inform the child's parent or legal guardian of the
23 investigation as soon as the agency or the department discovers the
24 identity of the child's parent or legal guardian.

25 (2) In the course of its investigation, the department shall
26 determine if the child is abused or neglected. The department shall
27 cooperate with law enforcement officials, courts of competent

1 jurisdiction, and appropriate state agencies providing human
2 services in relation to preventing, identifying, and treating child
3 abuse and neglect; shall provide, enlist, and coordinate the
4 necessary services, directly or through the purchase of services
5 from other agencies and professions; and shall take necessary
6 action to prevent further abuses, to safeguard and enhance the
7 child's welfare, and to preserve family life where possible. In the
8 course of an investigation, at the time that a department
9 investigator contacts an individual about whom a report has been
10 made under this act or contacts an individual responsible for the
11 health or welfare of a child about whom a report has been made
12 under this act, the department investigator shall advise that
13 individual of the department investigator's name, whom the
14 department investigator represents, and the specific complaints or
15 allegations made against the individual. The department shall
16 ensure that its policies, procedures, and administrative rules
17 ensure compliance with the provisions of this act.

18 (3) In conducting its investigation, the department shall seek
19 the assistance of and cooperate with law enforcement officials
20 within 24 hours after becoming aware that 1 or more of the
21 following conditions exist:

22 (a) Abuse or neglect is the suspected cause of a child's
23 death.

24 (b) The child is the victim of suspected sexual abuse or
25 sexual exploitation.

26 (c) Abuse or neglect resulting in severe physical injury to
27 the child. For purposes of this subdivision and section 17, "severe

1 physical injury" means an injury to the child that requires medical
2 treatment or hospitalization and that seriously impairs the child's
3 health or physical well-being.

4 (d) Law enforcement intervention is necessary for the
5 protection of the child, a department employee, or another person
6 involved in the investigation.

7 (e) The alleged perpetrator of the child's injury is not a
8 person responsible for the child's health or welfare.

9 (f) The child has been exposed to or had contact with
10 methamphetamine production.

11 (4) Law enforcement officials shall cooperate with the
12 department in conducting investigations under subsections (1) and
13 (3) and shall comply with sections 5 and 7. The department and law
14 enforcement officials shall conduct investigations in compliance
15 with the protocols adopted and implemented as required by
16 subsection (6).

17 (5) Involvement of law enforcement officials under this
18 section does not relieve or prevent the department from proceeding
19 with its investigation or treatment if there is reasonable cause to
20 suspect that the child abuse or neglect was committed by a person
21 responsible for the child's health or welfare.

22 (6) In each county, the prosecuting attorney and the
23 department shall develop and establish procedures for involving law
24 enforcement officials as provided in this section. In each county,
25 the prosecuting attorney and the department shall adopt and
26 implement standard child abuse and neglect investigation and
27 interview protocols using as a model the protocols developed by the

1 governor's task force on children's justice as published in FIA
2 Publication 794 (revised 8-98) and FIA Publication 779 (8-98), or
3 an updated version of those publications.

4 (7) If there is reasonable cause to suspect that a child in
5 the care of or under the control of a public or private agency,
6 institution, or facility is an abused or neglected child, the
7 agency, institution, or facility shall be investigated by an agency
8 administratively independent of the agency, institution, or
9 facility being investigated. If the investigation produces evidence
10 of a violation of section 145c or sections 520b to 520g of the
11 Michigan penal code, 1931 PA 328, MCL 750.145c and 750.520b to
12 750.520g, the investigating agency shall transmit a copy of the
13 results of the investigation to the prosecuting attorney of the
14 county in which the agency, institution, or facility is located.

15 (8) A school or other institution shall cooperate with the
16 department during an investigation of a report of child abuse or
17 neglect. Cooperation includes allowing access to the child without
18 parental consent if access is determined by the department to be
19 necessary to complete the investigation or to prevent abuse or
20 neglect of the child. The department shall notify the person
21 responsible for the child's health or welfare about the
22 department's contact with the child at the time or as soon
23 afterward as the person can be reached. The department may delay
24 the notice if the notice would compromise the safety of the child
25 or child's siblings or the integrity of the investigation, but only
26 for the time 1 of those conditions exists.

27 (9) If the department has contact with a child in a school,

1 all of the following apply:

2 (a) Before contact with the child, the department investigator
3 shall review with the designated school staff person the
4 department's responsibilities under this act and the investigation
5 procedure.

6 (b) After contact with the child, the department investigator
7 shall meet with the designated school staff person and the child
8 about the response the department will take as a result of contact
9 with the child. The department may also meet with the designated
10 school staff person without the child present and share additional
11 information the investigator determines may be shared subject to
12 the confidentiality provisions of this act.

13 (c) Lack of cooperation by the school does not relieve or
14 prevent the department from proceeding with its responsibilities
15 under this act.

16 (10) A child shall not be subjected to a search at a school
17 that requires the child to remove his or her clothing to expose his
18 buttocks or genitalia or her breasts, buttocks, or genitalia unless
19 the department has obtained an order from a court of competent
20 jurisdiction permitting such a search. If the access occurs within
21 a hospital, the investigation shall be conducted so as not to
22 interfere with the medical treatment of the child or other
23 patients.

24 (11) The department shall enter each report made under this
25 act that is the subject of a field investigation into the CPSI
26 system. The department shall maintain a report entered on the CPSI
27 system as required by this subsection until the child about whom

1 the investigation is made is 18 years old or until 10 years after
2 the investigation is commenced, whichever is later, or, if the case
3 is classified as a central registry case, until the department
4 receives reliable information that the perpetrator of the abuse or
5 neglect is dead. Unless made public as specified information
6 released under section 7d, a report that is maintained on the CPSI
7 system is confidential and is not subject to the disclosure
8 requirements of the freedom of information act, 1976 PA 442, MCL
9 15.231 to 15.246.

10 (12) After completing a field investigation and based on its
11 results, the department shall determine in which single category,
12 prescribed by section 8d, to classify the allegation of child abuse
13 or neglect.

14 (13) Except as provided in subsection (14), upon completion of
15 the investigation by the local law enforcement agency or the
16 department, the law enforcement agency or department may inform the
17 person who made the report as to the disposition of the report.

18 (14) If the person who made the report is mandated to report
19 under section 3, upon completion of the investigation by the
20 department, the department shall inform the person in writing as to
21 the disposition of the case and shall include in the information at
22 least all of the following:

23 (a) What determination the department made under subsection
24 (12) and the rationale for that decision.

25 (b) Whether legal action was commenced and, if so, the nature
26 of that action.

27 (c) Notification that the information being conveyed is

1 confidential.

2 (15) Information sent under subsection (14) shall not include
3 personally identifying information for a person named in a report
4 or record made under this act.

5 (16) Unless section 5 of chapter XII of the probate code of
6 1939, 1939 PA 288, MCL 712.5, requires a physician to report to the
7 department, the surrender of a newborn in compliance with chapter
8 XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20,
9 is not reasonable cause to suspect child abuse or neglect and is
10 not subject to the section 3 reporting requirement. This subsection
11 does not apply to circumstances that arise on or after the date
12 that chapter XII of the probate code of 1939, 1939 PA 288, MCL
13 712.1 to 712.20, is repealed. This subsection applies to a newborn
14 whose birth is described in the born alive infant protection act,
15 2002 PA 687, MCL 333.1071 to 333.1073, and who is considered to be
16 a newborn surrendered under the safe delivery of newborns law as
17 provided in section 3 of chapter XII of the probate code of 1939,
18 1939 PA 288, MCL 712.3.

19 (17) All department employees involved in investigating child
20 abuse or child neglect cases shall be trained in the legal duties
21 to protect the state and federal constitutional and statutory
22 rights of children and families from the initial contact of an
23 investigation through the time services are provided.

24 (18) **THE DEPARTMENT SHALL DETERMINE WHETHER THERE IS AN OPEN**
25 **FRIEND OF THE COURT CASE REGARDING A CHILD WHO IS SUSPECTED OF**
26 **BEING ABUSED OR NEGLECTED IF A CHILD PROTECTIVE SERVICES**
27 **INVESTIGATION OF CHILD ABUSE AND NEGLECT ALLEGATIONS RESULT IN ANY**

1 OF THE FOLLOWING DISPOSITIONS:

2 (A) A FINDING THAT A PREPONDERANCE OF EVIDENCE INDICATES THAT
3 THERE HAS BEEN CHILD ABUSE AND NEGLECT.

4 (B) EMERGENCY REMOVAL OF THE CHILD FOR CHILD ABUSE AND NEGLECT
5 BEFORE THE INVESTIGATION IS COMPLETED.

6 (C) THE FAMILY COURT TAKES JURISDICTION ON A PETITION AND A
7 CHILD IS MAINTAINED IN HIS OR HER OWN HOME UNDER THE SUPERVISION OF
8 THE DEPARTMENT.

9 (D) IF 1 OR MORE CHILDREN RESIDING IN THE HOME ARE REMOVED AND
10 1 OR MORE CHILDREN REMAIN IN THE HOME.

11 (E) ANY OTHER CIRCUMSTANCES THAT THE DEPARTMENT DETERMINES ARE
12 APPLICABLE AND RELATED TO CHILD SAFETY.

13 (19) IF THE DEPARTMENT DETERMINES THAT THERE IS AN OPEN FRIEND
14 OF THE COURT CASE AND THE PROVISIONS OF SUBSECTION (18) APPLY, THE
15 DEPARTMENT SHALL NOTIFY THE OFFICE OF THE FRIEND OF THE COURT IN
16 THE COUNTY IN WHICH THE FRIEND OF THE COURT CASE IS OPEN THAT THERE
17 IS AN INVESTIGATION BEING CONDUCTED UNDER THIS ACT REGARDING THAT
18 CHILD AND SHALL ALSO REPORT TO THE LOCAL FRIEND OF THE COURT OFFICE
19 WHEN THERE IS A CHANGE IN THAT CHILD'S PLACEMENT.

20 (20) CHILD PROTECTIVE SERVICES MAY REPORT TO THE LOCAL FRIEND
21 OF THE COURT OFFICE ANY SITUATION IN WHICH A PARENT, MORE THAN 3
22 TIMES WITHIN 1 YEAR OR ON 5 CUMULATIVE REPORTS OVER SEVERAL YEARS,
23 MADE UNFOUNDED REPORTS TO CHILD PROTECTIVE SERVICES REGARDING
24 ALLEGED CHILD ABUSE OR NEGLECT OF HIS OR HER CHILD.

25 (21) IF THE DEPARTMENT DETERMINES THAT THERE IS AN OPEN FRIEND
26 OF THE COURT CASE, THE DEPARTMENT SHALL PROVIDE NONCUSTODIAL
27 PARENTS OF A CHILD WHO IS SUSPECTED OF BEING ABUSED OR NEGLECTED

1 WITH THE FORM DEVELOPED BY THE DEPARTMENT THAT HAS INFORMATION ON
2 HOW TO CHANGE A CUSTODY OR PARENTING TIME COURT ORDER.

3 Enacting section 1. This amendatory act takes effect October
4 1, 2008.