

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1420

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 3 (MCL 722.623), as amended by 2006 PA 583.

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, social
7 worker, licensed master's social worker, licensed bachelor's social
8 worker, registered social service technician, social service
9 technician, **A PERSON EMPLOYED IN A PROFESSIONAL CAPACITY IN ANY**
10 **OFFICE OF THE FRIEND OF THE COURT**, school administrator, school
11 counselor or teacher, law enforcement officer, member of the

1 clergy, or regulated child care provider who has reasonable cause
2 to suspect child abuse or neglect shall make immediately, by
3 telephone or otherwise, an oral report, or cause an oral report to
4 be made, of the suspected child abuse or neglect to the department.
5 Within 72 hours after making the oral report, the reporting person
6 shall file a written report as required in this act. If the
7 reporting person is a member of the staff of a hospital, agency, or
8 school, the reporting person shall notify the person in charge of
9 the hospital, agency, or school of his or her finding and that the
10 report has been made, and shall make a copy of the written report
11 available to the person in charge. A notification to the person in
12 charge of a hospital, agency, or school does not relieve the member
13 of the staff of the hospital, agency, or school of the obligation
14 of reporting to the department as required by this section. One
15 report from a hospital, agency, or school 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 in the
23 same manner as required under subdivision (a):

- 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 (C) ANY EMPLOYEE OF AN ORGANIZATION OR ENTITY THAT, AS A
5 RESULT OF FEDERAL FUNDING STATUTES, REGULATIONS, OR CONTRACTS,
6 WOULD BE PROHIBITED FROM REPORTING IN THE ABSENCE OF A STATE
7 MANDATE OR COURT ORDER. A PERSON REQUIRED TO REPORT UNDER THIS
8 SUBDIVISION SHALL REPORT IN THE SAME MANNER AS REQUIRED UNDER
9 SUBDIVISION (A).

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

17 (3) The department shall inform the reporting person of the
18 required contents of the written report at the time the oral report
19 is made by the reporting person.

20 (4) The written report required in this section shall be
21 mailed or otherwise transmitted to the county department of the
22 county in which the child suspected of being abused or neglected is
23 found.

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

1 (6) If an allegation, written report, or subsequent
2 investigation of suspected child abuse or child neglect indicates a
3 violation of sections 136b and 145c, sections 520b to 520g of the
4 Michigan penal code, 1931 PA 328, MCL 750.136b, 750.145c, and
5 750.520b to 750.520g, or section 7401c of the public health code,
6 1978 PA 368, MCL 333.7401c, involving methamphetamine has occurred,
7 or if the allegation, written report, or subsequent investigation
8 indicates that the suspected child abuse or child neglect was
9 committed by an individual who is not a person responsible for the
10 child's health or welfare, including, but not limited to, a member
11 of the clergy, a teacher, or a teacher's aide, the department shall
12 transmit a copy of the allegation or written report and the results
13 of any investigation to a law enforcement agency in the county in
14 which the incident occurred. If an allegation, written report, or
15 subsequent investigation indicates that the individual who
16 committed the suspected abuse or neglect is a child care provider
17 and the department believes that the report has basis in fact, the
18 department shall, within 24 hours of completion, transmit a copy of
19 the written report or the results of the investigation to the child
20 care regulatory agency with authority over the child care
21 provider's child care organization or adult foster care location
22 authorized to care for a child.

23 (7) If a local law enforcement agency receives an allegation
24 or written report of suspected child abuse or child neglect or
25 discovers evidence of or receives a report of an individual
26 allowing a child to be exposed to or to have contact with
27 methamphetamine production, and the allegation, written report, or

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

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

26 (9) In conducting an investigation of child abuse or child
27 neglect, if the department suspects that a child has been exposed

1 to or has had contact with methamphetamine production, the
2 department shall immediately contact the law enforcement agency in
3 the county in which the incident occurred.