

SUBSTITUTE FOR

SENATE BILL NO. 1420

(As amended, September 11, 2008)

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 school administrator, school counselor or teacher, law enforcement

1 officer, member of the clergy, or regulated child care provider who
2 has reasonable cause to suspect child abuse or neglect shall make
3 immediately, by telephone or otherwise, an oral report, or cause an
4 oral report to be made, of the suspected child abuse or neglect to
5 the department. Within 72 hours after making the oral report, the
6 reporting person shall file a written report as required in this
7 act. If the reporting person is a member of the staff of a
8 hospital, agency, or school, the reporting person shall notify the
9 person in charge of the hospital, agency, or school of his or her
10 finding and that the report has been made, and shall make a copy of
11 the written report available to the person in charge. A
12 notification to the person in charge of a hospital, agency, or
13 school does not relieve the member of the staff of the hospital,
14 agency, or school of the obligation of reporting to the department
15 as required by this section. One report from a hospital, agency, or
16 school is adequate to meet the reporting requirement. A member of
17 the staff of a hospital, agency, or school shall not be dismissed
18 or otherwise penalized for making a report required by this act or
19 for cooperating in an 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 (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 department of the
16 county in which the child suspected of being abused or neglected is
17 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, 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, or section 7401c of the public health code,
27 1978 PA 368, MCL 333.7401c, involving methamphetamine has occurred,

1 or if the allegation, written report, or subsequent investigation
2 indicates that the suspected child abuse or child neglect was
3 committed by an individual who is not a person responsible for the
4 child's health or welfare, including, but not limited to, a member
5 of the clergy, a teacher, or a teacher's aide, the department shall
6 transmit a copy of the allegation or written report and the results
7 of any investigation to a law enforcement agency in the county in
8 which the incident occurred. If an allegation, written report, or
9 subsequent investigation indicates that the individual who
10 committed the suspected abuse or neglect is a child care provider
11 and the department believes that the report has basis in fact, the
12 department shall, within 24 hours of completion, transmit a copy of
13 the written report or the results of the investigation to the child
14 care regulatory agency with authority over the child care
15 provider's child care organization or adult foster care location
16 authorized to care for a child.

17 (7) If a local law enforcement agency receives an allegation
18 or written report of suspected child abuse or child neglect or
19 discovers evidence of or receives a report of an individual
20 allowing a child to be exposed to or to have contact with
21 methamphetamine production, and the allegation, written report, or
22 subsequent investigation indicates that the child abuse or child
23 neglect or allowing a child to be exposed to or to have contact
24 with methamphetamine production, was committed by a person
25 responsible for the child's health or welfare, the local law
26 enforcement agency shall refer the allegation or provide a copy of
27 the written report and the results of any investigation to the

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

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

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