

SENATE BILL No. 1420

June 26, 2008, Introduced by Senators CROPSEY, JANSEN, KUIPERS, HARDIMAN, GILBERT, RICHARDVILLE, PAPPAGEORGE, BROWN, KAHN, VAN WOERKOM and BIRKHOLZ and referred to the Committee on Families and Human Services.

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 3 and 18 (MCL 722.623 and 722.638), section 3 as amended by 2006 PA 583 and section 18 as amended by 1998 PA 428.

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

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

22 (b) A department employee who is 1 of the following and has
23 reasonable cause to suspect child abuse or neglect shall make a
24 report of suspected child abuse or neglect to the department in the
25 same manner as required under subdivision (a):

26 (i) Eligibility specialist.

27 (ii) Family independence manager.

1 (iii) Family independence specialist.

2 (iv) Social services specialist.

3 (v) Social work specialist.

4 (vi) Social work specialist manager.

5 (vii) Welfare services specialist.

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

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

16 (4) The written report required in this section shall be
17 mailed or otherwise transmitted to the county department of the
18 county in which the child suspected of being abused or neglected is
19 found.

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

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

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

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

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

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

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

27 Sec. 18. (1) The department shall submit a petition for

1 authorization by the court under section 2(b) of chapter XIIIA of
2 1939 PA 288, MCL 712A.2, if 1 or more of the following apply:

3 (a) The department determines that a parent, guardian, or
4 custodian, or a person who is 18 years of age or older and who
5 resides for any length of time in the child's home, has abused the
6 child or a sibling of the child and the abuse included 1 or more of
7 the following:

8 (i) Abandonment of a young child.

9 (ii) Criminal sexual conduct involving penetration, attempted
10 penetration, or assault with intent to penetrate.

11 (iii) Battering, torture, or other severe physical abuse. **AS**
12 **USED IN THIS SUBPARAGRAPH, "TORTURE" MEANS TO INFLICT INTENSE PAIN**
13 **TO BODY OR MIND FOR PURPOSES OF PUNISHMENT OR FOR SADISTIC**
14 **PLEASURE.**

15 (iv) Loss or serious impairment of an organ or limb.

16 (v) Life threatening injury.

17 (vi) Murder or attempted murder.

18 (b) The department determines that there is risk of harm to
19 the child and either of the following is true:

20 (i) The parent's rights to another child were terminated as a
21 result of proceedings under section 2(b) of chapter XIIIA of 1939 PA
22 288, MCL 712A.2, or a similar law of another state.

23 (ii) The parent's rights to another child were voluntarily
24 terminated following the initiation of proceedings under section
25 2(b) of chapter XIIIA of 1939 PA 288, MCL 712A.2, or a similar law
26 of another state.

27 (2) In a petition submitted as required by subsection (1), if

1 a parent is a suspected perpetrator or is suspected of placing the
2 child at an unreasonable risk of harm due to the parent's failure
3 to take reasonable steps to intervene to eliminate that risk, the
4 family independence agency shall include a request for termination
5 of parental rights at the initial dispositional hearing as
6 authorized under section 19b of chapter XIIIA of 1939 PA 288, MCL
7 712A.19b.

8 (3) If the department is considering petitioning for
9 termination of parental rights at the initial dispositional hearing
10 as authorized under section 19b of chapter XIIIA of 1939 PA 288, MCL
11 712A.19b, even though the facts of the child's case do not require
12 departmental action under subsection (1), the department shall hold
13 a conference among the appropriate agency personnel to agree upon
14 the course of action. The department shall notify the attorney
15 representing the child of the time and place of the conference, and
16 the attorney may attend. If an agreement is not reached at this
17 conference, the department director or the director's designee
18 shall resolve the disagreement after consulting the attorneys
19 representing both the department and the child.