

HOUSE BILL No. 5912

September 13, 2012, Introduced by Reps. McCann, Lipton, Tlaib, Dillon, Pscholka, Haugh, Bauer, LeBlanc, Stanley, Hovey-Wright, Brunner, Durhal, Slavens, Callton, Damrow, Rogers, Greimel, Hammel, Segal, Switalski, Ananich, Wayne Schmidt, Foster, Goike, Lane, Darany, Outman, Forlini, Stapleton, Hobbs, Cavanagh, Geiss, Irwin, Brown, Kowall, Lori and Townsend and referred to the Committee on Education.

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 3 (MCL 722.623), as amended by 2008 PA 510.

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 **CHILD** 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 **CHILD** neglect to the
5 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 **CHILD** neglect shall make
22 a report of suspected child abuse or **CHILD** neglect to the
23 department in the 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 (D) AN ATHLETIC COACH OR OTHER COACH AT A SCHOOL OR
11 INSTITUTION OF HIGHER EDUCATION WHO HAS REASONABLE CAUSE TO SUSPECT
12 CHILD ABUSE OR CHILD NEGLECT SHALL MAKE A REPORT OF THE SUSPECTED
13 CHILD ABUSE OR CHILD NEGLECT TO THE DEPARTMENT IN THE SAME MANNER
14 AS REQUIRED UNDER SUBDIVISION (A).

15 (E) A VOLUNTEER AT A SCHOOL OR INSTITUTION OF HIGHER EDUCATION
16 WHO HAS REASONABLE CAUSE TO SUSPECT CHILD ABUSE OR CHILD NEGLECT
17 SHALL MAKE A REPORT OF THE SUSPECTED CHILD ABUSE OR CHILD NEGLECT
18 TO THE DEPARTMENT IN THE SAME MANNER AS REQUIRED UNDER SUBDIVISION
19 (A).

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

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

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

8 (5) Upon receipt of a written report of suspected child abuse
9 or **CHILD** neglect, the department may provide copies to the
10 prosecuting attorney and the probate court of the counties in which
11 the child suspected of being abused or neglected resides and is
12 found.

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

1 committed the suspected abuse or neglect is a child care provider
2 and the department believes that the report has basis in fact, the
3 department shall, within 24 hours of completion, transmit a copy of
4 the written report or the results of the investigation to the child
5 care regulatory agency with authority over the child care
6 provider's child care organization or adult foster care location
7 authorized to care for a child.

8 (7) If a local law enforcement agency receives an allegation
9 or written report of suspected child abuse or child neglect or
10 discovers evidence of or receives a report of an individual
11 allowing a child to be exposed to or to have contact with
12 methamphetamine production, and the allegation, written report, or
13 subsequent investigation indicates that the child abuse or child
14 neglect or allowing a child to be exposed to or to have contact
15 with methamphetamine production, was committed by a person
16 responsible for the child's health or welfare, the local law
17 enforcement agency shall refer the allegation or provide a copy of
18 the written report and the results of any investigation to the
19 county department of the county in which the abused or neglected
20 child is found, as required by subsection (1)(a). If an allegation,
21 written report, or subsequent investigation indicates that the
22 individual who committed the suspected abuse or neglect or allowed
23 a child to be exposed to or to have contact with methamphetamine
24 production, is a child care provider and the local law enforcement
25 agency believes that the report has basis in fact, the local law
26 enforcement agency shall transmit a copy of the written report or
27 the results of the investigation to the child care regulatory

1 agency with authority over the child care provider's child care
2 organization or adult foster care location authorized to care for a
3 child. Nothing in this subsection or subsection (1) ~~shall be~~
4 ~~construed to relieve~~ **RELIEVES** the department of its
5 responsibilities to investigate reports of suspected child abuse or
6 child neglect under this act.

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

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