

**SUBSTITUTE FOR
HOUSE BILL NO. 5239**

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

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

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

- 25 (i) Eligibility specialist.
26 (ii) Family independence manager.
27 (iii) Family independence specialist.

1 (iv) Social services specialist.

2 (v) Social work specialist.

3 (vi) Social work specialist manager.

4 (vii) Welfare services specialist.

5 (c) Any employee of an organization or entity that, as a
6 result of federal funding statutes, regulations, or contracts,
7 would be prohibited from reporting in the absence of a state
8 mandate or court order. A person required to report under this
9 subdivision shall report in the same manner as required under
10 subdivision (a).

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

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

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

26 (5) Upon receipt of a written report of suspected child abuse
27 or **CHILD** neglect, the department may provide copies to the

1 prosecuting attorney and the probate court of the counties in which
2 the child suspected of being abused or neglected resides and is
3 found.

4 (6) If an allegation, written report, or subsequent
5 investigation of suspected child abuse or child neglect indicates a
6 violation of sections 136b, ~~and 145c, sections 462A TO 462H, OR~~
7 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.136b,
8 750.145c, **750.462A TO 750.462H**, and 750.520b to 750.520g, or
9 section 7401c of the public health code, 1978 PA 368, MCL
10 333.7401c, involving methamphetamine has occurred, or if the
11 allegation, written report, or subsequent investigation indicates
12 that the suspected child abuse or child neglect was committed by an
13 individual who is not a person responsible for the child's health
14 or welfare, including, but not limited to, a member of the clergy,
15 a teacher, or a teacher's aide, the department shall transmit a
16 copy of the allegation or written report and the results of any
17 investigation to a law enforcement agency in the county in which
18 the incident occurred. If an allegation, written report, or
19 subsequent investigation indicates that the individual who
20 committed the suspected **CHILD** abuse or **CHILD** neglect is a child
21 care provider and the department believes that the report has basis
22 in fact, the department shall, within 24 hours of completion,
23 transmit a copy of the written report or the results of the
24 investigation to the child care regulatory agency with authority
25 over the child care provider's child care organization or adult
26 foster care location authorized to care for a child.

27 (7) If a local law enforcement agency receives an allegation

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

26 (8) For purposes of this act, the pregnancy of a child less
27 than 12 years of age or the presence of a venereal disease in a

1 child who is over 1 month of age but less than 12 years of age is
2 reasonable cause to suspect child abuse ~~and~~**OR CHILD** neglect ~~have~~
3 **HAS** occurred.

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

9 Enacting section 1. This amendatory act takes effect 90 days
10 after the date it is enacted into law.