

HOUSE BILL No. 5779

July 13, 2016, Introduced by Rep. Kosowski and referred to the Committee on Families,
Children, and Seniors.

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 3 (MCL 722.623), as amended by 2016 PA 35.

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 an immediate
3 report to centralized intake by telephone, or, if available,
4 through the online reporting system, of the suspected child abuse
5 or child neglect. Within 72 hours after making an oral report by
6 telephone to centralized intake, the reporting person shall file a
7 written report as required in this act. If the immediate report has
8 been made using the online reporting system and that report
9 includes the information required in a written report under
10 subsection (2), that report is considered a written report for the
11 purposes of this section and no additional written report is
12 required. If the reporting person is a member of the staff of a
13 hospital, agency, or school, the reporting person shall notify the
14 person in charge of the hospital, agency, or school of his or her
15 finding and that the report has been made, and shall make a copy of
16 the written or electronic report available to the person in charge.
17 A notification to the person in charge of a hospital, agency, or
18 school does not relieve the member of the staff of the hospital,
19 agency, or school of the obligation of reporting to the department
20 as required by this section. One report from a hospital, agency, or
21 school is adequate to meet the reporting requirement. A member of
22 the staff of a hospital, agency, or school shall not be dismissed
23 or otherwise penalized for making a report required by this act or
24 for cooperating in an investigation.

25 (b) A department employee who is 1 of the following and has
26 reasonable cause to suspect child abuse or child neglect shall make
27 a report of suspected child abuse or child neglect to the

department in the same manner as required under subdivision (a):

(i) Eligibility specialist.

(ii) Family independence manager.

(iii) Family independence specialist.

(iv) Social services specialist.

(v) Social work specialist.

(vi) Social work specialist manager.

(vii) Welfare services specialist.

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

(D) AN ANIMAL CONTROL OFFICER EMPLOYED BY ANY LOCAL UNIT OF GOVERNMENT WHO, IN THE COURSE OF HIS OR HER DUTIES RESPECTING ANIMAL ABUSE OR NEGLECT, HAS REASONABLE CAUSE TO SUSPECT CHILD ABUSE OR CHILD NEGLECT. THE REPORT SHALL BE MADE IN THE MANNER AS REQUIRED UNDER SUBDIVISION (A).

(2) The written report or a report made using the online reporting system shall contain the name of the child and a description of the child abuse or child neglect. If possible, the report shall contain the names and addresses of the child's parents, the child's guardian, the persons with whom the child resides, and the child's age. The report shall contain other information available to the reporting person that might establish the cause of the child abuse or child neglect, and the manner in

1 which the child abuse or child neglect occurred.

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

5 (4) The written report required in this section shall be
6 mailed or otherwise transmitted to centralized intake.

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

12 (6) If an allegation, written report, or subsequent
13 investigation of suspected child abuse or child neglect indicates a
14 violation of sections 136b, 145c, ~~462a-462B~~ to 462h, or 520b to
15 520g of the Michigan penal code, 1931 PA 328, MCL 750.136b,
16 750.145c, ~~750.462a-750.462B~~ to 750.462h, and 750.520b to 750.520g,
17 or section 7401c of the public health code, 1978 PA 368, MCL
18 333.7401c, involving methamphetamine has occurred, or if the
19 allegation, written report, or subsequent investigation indicates
20 that the suspected child abuse or child neglect was committed by an
21 individual who is not a person responsible for the child's health
22 or welfare, including, but not limited to, a member of the clergy,
23 a teacher, or a teacher's aide, the department shall transmit a
24 copy of the allegation or written report and the results of any
25 investigation to a law enforcement agency in the county in which
26 the incident occurred. If an allegation, written report, or
27 subsequent investigation indicates that the individual who

1 committed the suspected child abuse or child neglect is a child
2 care provider and the department believes that the report has basis
3 in fact, the department shall, within 24 hours of completion,
4 transmit a copy of the written report or the results of the
5 investigation to the child care regulatory agency with authority
6 over the child care provider's child care organization or adult
7 foster care location 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 child abuse or child neglect
23 or allowed a child to be exposed to or to have contact with
24 methamphetamine production, is a child care provider and the local
25 law enforcement agency believes that the report has basis in fact,
26 the local law enforcement agency shall transmit a copy of the
27 written report or the results of the investigation to the child

1 care regulatory agency with authority over the child care
2 provider's child care organization or adult foster care location
3 authorized to care for a child. Nothing in this subsection or
4 subsection (1) relieves the department of its responsibilities to
5 investigate reports of suspected child abuse or child neglect under
6 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 sexually transmitted
9 infection in a child who is over 1 month of age but less than 12
10 years of age is reasonable cause to suspect child abuse or child
11 neglect has 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.

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

19 Enacting section 2. This amendatory act does not take effect
20 unless Senate Bill No. ____ or House Bill No. 5780 (request no.
21 05299'16) of the 98th Legislature is enacted into law.