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BILL



ANALYSIS

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Senate Bill 873 (as introduced 2-27-18)
Sponsor: Senator Margaret E. O'Brien
Committee: Judiciary

Date Completed: 2-27-18

CONTENT

The bill would amend the Child Protection Law to extend reporting requirements to individuals employed in a professional capacity at a postsecondary educational institution and individuals who were paid or who volunteered to conduct K-12 or postsecondary interscholastic athletic activities or youth recreational athletic activities.

The Law requires individuals in various professions or occupations to report to the Department of Health and Human Services if they have reasonable cause to suspect child abuse or child neglect. These individuals, commonly referred to as "mandated reporters", include medical professionals, marriage therapists, licensed counselors, social workers, social service technicians, law enforcement officers, members of the clergy, and regulated child care providers.

Mandatory reporters also include school counselors, school administrators, and school teachers. The bill would add individuals employed in a professional capacity at a postsecondary educational institution.

In addition, the bill would require reporting by an individual who was paid to or who volunteered to conduct or assist in conducting K-12 or postsecondary interscholastic athletic activities or youth recreational athletic activities. Such an individual would include a coach, an assistant coach, or an athletic trainer. Someone required to report under these provisions would have to do so in the same manner as required for the individuals listed in the Law.

(A mandated reporter is required to make an immediate report to centralized intake by telephone or, if available, through the online reporting system. Within 72 hours after making an oral report by telephone, the person must file a written report. If the immediate report is made using the online system, and it includes the information required in a written report, the online report is considered a written report. A written or online report must contain the name of the child and a description of the child abuse or neglect. If possible, the report must include the name of the child's parents, the child's guardian, the people the child lives with, and the child's age. The report also must contain other information available to the reporting person that might establish the cause of the abuse or neglect, and the manner in which it occurred.)

The bill would define "K-12 or postsecondary interscholastic athletic activity" as a K-12 or postsecondary school program or event, including practice and competition, during which youth athletes participate or practice to participate in an organized athletic game or competition against another K-12 or postsecondary school, team, club, entity, or individual.

"Youth recreational athletic activity" would mean a program or event, including practice and competition, not associated with a school, during which youth athletes participate or practice to participate in an organized athletic game or competition against another team, club, entity, or individual. The term would include, but not be limited to, athletic activity sponsored by a recreation center, community center, or private sports club.

The bill would take effect 90 days after enactment.

MCL 722.238

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill could lead to an increase in costs to the Child Protective Services (CPS) unit within the Department of Health and Human Services associated with investigating reports of suspected abuse or neglect under made by the individuals required to report under the bill. There could be an uncertain increase in costs to local government if suspected abuse or neglect were committed by a person who was responsible for the health and welfare of the child and were determined to be a criminal violation.

Additionally, if the suspected abuse or neglect were committed by someone other than a parent, a legal guardian, or any other person responsible for the child's health or welfare or by a teacher, a teacher's aide, or a member of the clergy, the investigation would be in the jurisdiction of law enforcement rather than CPS. Child Protective Services has a mandate to investigate harm or threatened harm to a child's health or welfare that occurs through nonaccidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment. Investigations of abuse or neglect committed by a person other than someone who is responsible for the child's health or welfare could lead to an increase in fiscal cost to local government and law enforcement.

Fiscal Analyst: John Maxwell

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