

**SUBSTITUTE FOR
HOUSE BILL NO. 4708**

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 8d (MCL 722.628d), as amended by 2014 PA 30.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8d. (1) For the department's determination required by
2 section 8, the categories, and the departmental response required
3 for each category, are the following:

4 (a) Category V - services not needed. Following a field
5 investigation, the department determines that there is no evidence
6 of child abuse or child neglect.

7 (b) Category IV - community services recommended. Following a
8 field investigation, the department determines that there is not a
9 preponderance of evidence of child abuse or child neglect, but the



1 structured decision-making tool indicates that there is future risk
2 of harm to the child. The department shall assist the child's
3 family in voluntarily participating in community-based services
4 commensurate with the risk to the child.

5 (c) Category III - community services needed. The department
6 determines that there is a preponderance of evidence of child abuse
7 or child neglect, and the structured decision-making tool indicates
8 a low or moderate risk of future harm to the child. The department
9 shall assist the child's family in receiving community-based
10 services commensurate with the risk to the child. If the family
11 does not voluntarily participate in services, or the family
12 voluntarily participates in services, but does not progress toward
13 alleviating the child's risk level, the department shall consider
14 reclassifying the case as category II.

15 (d) Category II - child protective services required. The
16 department determines that there is evidence of child abuse or
17 child neglect, and the structured decision-making tool indicates a
18 high or intensive risk of future harm to the child. The department
19 shall open a protective services case and provide the services
20 necessary under this act. The department shall also list the
21 perpetrator of the child abuse or child neglect, based on the
22 report that was the subject of the field investigation, on the
23 central registry as provided in section 7(7), either by name or as
24 "unknown" if the perpetrator has not been identified.

25 (e) Category I - court petition required. The department
26 determines that there is evidence of child abuse or child neglect
27 and 1 or more of the following are true:

28 (i) A court petition is required under another provision of
29 this act.



1 (ii) The child is not safe and a petition for removal is
2 needed.

3 (iii) The department previously classified the case as category
4 II and the child's family does not voluntarily participate in
5 services.

6 (iv) There is a violation, involving the child, of a crime
7 listed or described in section 8a(1)(b), (c), (d), or (f) or of
8 child abuse in the first or second degree as prescribed by section
9 136b of the Michigan penal code, 1931 PA 328, MCL 750.136b.

10 (2) In response to a category I classification, the department
11 shall do all of the following:

12 (a) If a court petition is not required under another
13 provision of this act, submit a petition for authorization by the
14 court under section 2(b) of chapter XIIIA of the probate code of
15 1939, 1939 PA 288, MCL 712A.2.

16 (b) Open a protective services case and provide the services
17 necessary under this act.

18 (c) List the perpetrator of the child abuse or child neglect,
19 based on the report that was the subject of the field
20 investigation, on the central registry as provided in section 7(7),
21 either by name or as "unknown" if the perpetrator has not been
22 identified.

23 (3) The department is not required to use the structured
24 decision-making tool for a nonparent adult who resides outside the
25 child's home who is the victim or alleged victim of child abuse or
26 child neglect or for an owner, operator, volunteer, or employee of
27 a licensed ~~or registered~~ child care organization, **a license-exempt**
28 **child development and care program child care provider**, or a
29 licensed or unlicensed adult foster care family home or adult



1 foster care small group home as those terms are defined in section
2 3 of the adult foster care facility licensing act, 1979 PA 218, MCL
3 400.703.

4 (4) If following a field investigation the department
5 determines that there is a preponderance of evidence that an
6 individual listed in subsection (3) was the perpetrator of child
7 abuse or child neglect, the department shall list the perpetrator
8 of the child abuse or child neglect on the central registry as
9 provided in section 7(7).