

**SUBSTITUTE FOR
SENATE BILL NO. 873**

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

1 counselor or teacher, **PERSON EMPLOYED IN A PROFESSORIAL OR**
2 **COUNSELING CAPACITY AT A POSTSECONDARY EDUCATIONAL INSTITUTION,** law
3 enforcement officer, member of the clergy, ~~or~~ regulated child care
4 provider, **OR SCHOOL BUS DRIVER OR SCHOOL BUS AIDE WHETHER HE OR SHE**
5 **IS EMPLOYED BY A SCHOOL OR BY AN ENTITY UNDER CONTRACT WITH A**
6 **SCHOOL,** who has reasonable cause to suspect child abuse or child
7 neglect shall make an immediate report to centralized intake by
8 telephone, or, if available, through the online reporting system,
9 of the suspected child abuse or child neglect. Within 72 hours
10 after making an oral report by telephone to centralized intake, the
11 reporting person shall file a written report as required in this
12 act. If the immediate report has been made using the online
13 reporting system and that report includes the information required
14 in a written report under subsection (2), that report is considered
15 a written report for the purposes of this section and no additional
16 written report is required. If the reporting person is a member of
17 the staff of a hospital, agency, or school, the reporting person
18 shall notify the person in charge of the hospital, agency, or
19 school of his or her finding and that the report has been made, and
20 shall make a copy of the written or electronic report available to
21 the person in charge. A notification to the person in charge of a
22 hospital, agency, or school does not relieve the member of the
23 staff of the hospital, agency, or school of the obligation of
24 reporting to the department as required by this section. One report
25 from a hospital, agency, or school is adequate to meet the
26 reporting requirement. A member of the staff of a hospital, agency,
27 or school shall not be dismissed or otherwise penalized for making

1 a report required by this act or for cooperating in an
2 investigation.

3 (b) A department employee who is 1 of the following and has
4 reasonable cause to suspect child abuse or child neglect shall make
5 a report of suspected child abuse or child neglect to the
6 department in the same manner as required under subdivision (a):

7 (i) Eligibility specialist.

8 (ii) Family independence manager.

9 (iii) Family independence specialist.

10 (iv) Social services specialist.

11 (v) Social work specialist.

12 (vi) Social work specialist manager.

13 (vii) Welfare services specialist.

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

20 (D) AN INDIVIDUAL 18 YEARS OF AGE OR OLDER WHO IS PAID TO OR
21 WHO VOLUNTEERS TO CONDUCT OR ASSIST IN CONDUCTING K-12 OR
22 POSTSECONDARY INTERSCHOLASTIC ATHLETIC ACTIVITIES OR YOUTH
23 RECREATIONAL ATHLETIC ACTIVITIES. THIS SUBDIVISION INCLUDES A
24 COACH, AN ASSISTANT COACH, OR AN ATHLETIC TRAINER. AN INDIVIDUAL
25 REQUIRED TO REPORT UNDER THIS SUBDIVISION SHALL REPORT IN THE SAME
26 MANNER AS REQUIRED UNDER SUBDIVISION (A). AS USED IN THIS
27 SUBDIVISION:

1 (i) "K-12 OR POSTSECONDARY INTERSCHOLASTIC ATHLETIC ACTIVITY"
2 MEANS A K-12 OR POSTSECONDARY SCHOOL PROGRAM OR EVENT, INCLUDING
3 PRACTICE AND COMPETITION, DURING WHICH YOUTH ATHLETES PARTICIPATE
4 OR PRACTICE TO PARTICIPATE IN AN ORGANIZED ATHLETIC GAME OR
5 COMPETITION AGAINST ANOTHER K-12 OR POSTSECONDARY SCHOOL, TEAM,
6 CLUB, ENTITY, OR INDIVIDUAL.

7 (ii) "YOUTH RECREATIONAL ATHLETIC ACTIVITY" MEANS A PROGRAM OR
8 EVENT, INCLUDING PRACTICE AND COMPETITION, NOT ASSOCIATED WITH A
9 SCHOOL, DURING WHICH YOUTH ATHLETES PARTICIPATE OR PRACTICE TO
10 PARTICIPATE IN AN ORGANIZED ATHLETIC GAME OR COMPETITION AGAINST
11 ANOTHER TEAM, CLUB, ENTITY, OR INDIVIDUAL. YOUTH RECREATIONAL
12 ATHLETIC ACTIVITY INCLUDES, BUT IS NOT LIMITED TO, ATHLETIC
13 ACTIVITY SPONSORED BY A RECREATION CENTER, COMMUNITY CENTER, OR
14 PRIVATE SPORTS CLUB.

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

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

27 (4) The written report required in this section shall be

1 mailed or otherwise transmitted to centralized intake.

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

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

1 provider's child care organization or adult foster care location
2 authorized to care for a child. IF AN ALLEGATION, WRITTEN REPORT,
3 OR SUBSEQUENT INVESTIGATION INDICATES THAT THE INDIVIDUAL WHO
4 COMMITTED THE SUSPECTED CHILD ABUSE OR CHILD NEGLECT IS A LICENSED
5 MEDICAL PROFESSIONAL AND THE DEPARTMENT BELIEVES THAT THE REPORT
6 HAS BASIS IN FACT, THE DEPARTMENT SHALL, WITHIN 24 HOURS OF
7 COMPLETION, TRANSMIT A COPY OF THE WRITTEN REPORT OR THE RESULTS OF
8 THE INVESTIGATION TO THE REGULATORY AGENCY WITH LICENSING AUTHORITY
9 OVER THE LICENSED MEDICAL PROFESSIONAL.

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

1 the local law enforcement agency shall transmit a copy of the
2 written report or the results of the investigation to the child
3 care regulatory agency with authority over the child care
4 provider's child care organization or adult foster care location
5 authorized to care for a child. Nothing in this subsection or
6 subsection (1) relieves the department of its responsibilities to
7 investigate reports of suspected child abuse or child neglect under
8 this act.

9 (8) For purposes of this act, the pregnancy of a child less
10 than 12 years of age or the presence of a sexually transmitted
11 infection in a child who is over 1 month of age but less than 12
12 years of age is reasonable cause to suspect child abuse or child
13 neglect has occurred.

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

19 **(10) A PERSON THAT EMPLOYS INDIVIDUALS REQUIRED TO REPORT**
20 **UNDER THIS ACT SHALL NOTIFY THOSE INDIVIDUALS THAT THEY ARE**
21 **REQUIRED TO REPORT UNDER THIS ACT.**

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