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BILL



ANALYSIS

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Senate Bill 420 (as introduced 5-31-17)
Sponsor: Senator Phil Pavlov
Committee: Families, Seniors and Human Services

Date Completed: 6-6-17

CONTENT

The bill would amend the Child Protection Law to modify the following:

- **The definition of "child neglect" in regard to negligent treatment.**
- **The circumstances under which the Department of Health and Human Services (DHHS) must submit a petition to the family court concerning a child, in situations in which parental rights to another child have been terminated.**

Child Neglect

The Law requires certain professionals to report to the DHHS if they have reasonable cause to suspect child abuse or child neglect, and imposes various investigative, reporting, record-keeping, and other responsibilities on the Department.

The Law defines "child neglect" as harm or threatened harm to a child's health or welfare by a parent, legal guardian, or any other person responsible for the child's health or welfare that occurs through either of the following:

- Negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care.
- Placing a child at an unreasonable risk to his or her welfare by failure of the parent, legal guardian, or other person responsible for the child's health or welfare to intervene to eliminate that risk when that person is able to do so and has, or should have, knowledge of the risk.

Under the bill, negligent treatment would constitute child neglect if the parent, legal guardian, or other person responsible for the child's health and welfare failed to provide adequate food, clothing, shelter, or medical care though he or she was financially able to do so or was offered financial or other reasonable means to do so.

Petition for Authorization

The DHHS is required to submit a petition for authorization by the Family Division of Circuit Court (family court) under Section 2(b) of the juvenile code if the Department determines that there is risk of harm to the child and the parent's rights to another child were terminated as a result of proceedings under Section 2(b) or a similar law of another state.

(Section 2(b) of the juvenile code gives the family court jurisdiction in cases involving the abuse or neglect of a juvenile under 18.)

The DHHS also is required to submit a petition for authorization under Section 2(b) if the Department determines that there is risk of harm to the child and the parent's rights to another child were voluntarily terminated following the initiation of proceedings under Section 2(b) of the juvenile code or a similar law of another state and the proceeding involved abuse that included one or more of the following:

- Abandonment of a young child.
- Criminal sexual conduct involving penetration, attempted penetration, or assault with intent to penetrate.
- Battering, torture, or other severe physical abuse.
- Loss or serious impairment of an organ or limb.
- Life-threatening injury.
- Murder or attempted murder.
- Voluntary manslaughter.
- Aiding and abetting, attempting to commit, conspiring to commit, or soliciting murder or voluntary manslaughter.

Under the bill, in either of the situations above, the Department would be required to submit a petition if the parent had failed to rectify the conditions that led to the prior termination of parental rights.

The bill would take effect 90 days after the date it was enacted.

MCL 722.622 & 722.638

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bill could have a slight fiscal cost to the Department of Health and Human Services if the proposed change in the definition of "child neglect" resulted in more child protective service investigations. No clear data exist showing how many parents currently do not provide adequate food, clothing, shelter, or medical care though they are financially able to so or offered financial or other means to do so. If the proposed change in the definition caused an increase in out-of-home placements or in-home programs, there could be a cost to the Department and county governments depending on the type of wardship determined for the child. There could be an increase in costs to local government for a share in the costs of care and for any increase in the number of proceedings in the family court.

Fiscal Analyst: John Maxwell

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