

HOUSE BILL No. 5538

February 8, 2018, Introduced by Reps. Iden, Kesto, Griffin, LaSata, Kahle, Howell, Hauck, Noble, Bellino, LaFave, Hughes, Hornberger, Lucido, Tedder, VanderWall, Sheppard, Allor and Brann and referred to the Committee on Law and Justice.

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

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

(b) A department employee who is 1 of the following and has reasonable cause to suspect child abuse or child neglect shall make 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 INDIVIDUAL WHO IS PAID TO OR WHO VOLUNTEERS TO CONDUCT OR ASSIST IN CONDUCTING K-12 OR POSTSECONDARY INTERSCHOLASTIC ATHLETIC ACTIVITIES OR YOUTH RECREATIONAL ATHLETIC ACTIVITIES. THIS SUBDIVISION INCLUDES A COACH, AN ASSISTANT COACH, OR AN ATHLETIC TRAINER. AN INDIVIDUAL REQUIRED TO REPORT UNDER THIS SUBDIVISION SHALL REPORT IN THE SAME MANNER AS REQUIRED UNDER SUBDIVISION (A). AS USED IN THIS SUBDIVISION:

(i) "K-12 OR POSTSECONDARY INTERSCHOLASTIC ATHLETIC ACTIVITY" MEANS A K-12 OR POSTSECONDARY SCHOOL PROGRAM OR EVENT, INCLUDING PRACTICE AND COMPETITION, DURING WHICH YOUTH ATHLETES PARTICIPATE

1 OR PRACTICE TO PARTICIPATE IN AN ORGANIZED ATHLETIC GAME OR
2 COMPETITION AGAINST ANOTHER K-12 OR POSTSECONDARY SCHOOL, TEAM,
3 CLUB, ENTITY, OR INDIVIDUAL.

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

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

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

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

26 (5) Upon receipt of a written report of suspected child abuse
27 or child neglect, the department may provide copies to the

1 prosecuting attorney and the probate court of the counties in which
2 the child suspected of being abused or neglected resides and is
3 found.

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

27 (7) If a local law enforcement agency receives an allegation

1 or written report of suspected child abuse or child neglect or
2 discovers evidence of or receives a report of an individual
3 allowing a child to be exposed to or to have contact with
4 methamphetamine production, and the allegation, written report, or
5 subsequent investigation indicates that the child abuse or child
6 neglect or allowing a child to be exposed to or to have contact
7 with methamphetamine production, was committed by a person
8 responsible for the child's health or welfare, the local law
9 enforcement agency shall refer the allegation or provide a copy of
10 the written report and the results of any investigation to the
11 county department of the county in which the abused or neglected
12 child is found, as required by subsection (1)(a). If an allegation,
13 written report, or subsequent investigation indicates that the
14 individual who committed the suspected child abuse or child neglect
15 or allowed a child to be exposed to or to have contact with
16 methamphetamine production, is a child care provider and the local
17 law enforcement agency believes that the report has basis in fact,
18 the local law enforcement agency shall transmit a copy of the
19 written report or the results of the investigation to the child
20 care regulatory agency with authority over the child care
21 provider's child care organization or adult foster care location
22 authorized to care for a child. Nothing in this subsection or
23 subsection (1) relieves the department of its responsibilities to
24 investigate reports of suspected child abuse or child neglect under
25 this act.

26 (8) For purposes of this act, the pregnancy of a child less
27 than 12 years of age or the presence of a sexually transmitted

1 infection in a child who is over 1 month of age but less than 12
2 years of age is reasonable cause to suspect child abuse or child
3 neglect has occurred.

4 (9) In conducting an investigation of child abuse or child
5 neglect, if the department suspects that a child has been exposed
6 to or has had contact with methamphetamine production, the
7 department shall immediately contact the law enforcement agency in
8 the county in which the incident occurred.

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