

HOUSE BILL NO. 4376

March 14, 2019, Introduced by Reps. Griffin, Pagan, Hornberger, Glenn, Alexander, Witwer, Pohutsky, Brixie, Clemente, Ellison, Hoadley, Hood, Hammoud, Guerra, Manoogian, Garza, LaGrand, Whiteford, Bolden, Hertel, Koleszar, Rendon, Kuppa, Sabo, Elder, Cynthia Johnson, Whitsett, Kennedy, Neeley, Sowerby, Camilleri, Sneller, Tyrone Carter, Shannon, Hauck, Tate, Lasinski, Greig, Byrd, Garrett, Warren, Jones, Rabhi, Wittenberg, Gay-Dagnogo and Berman and referred to the Committee on Judiciary.

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



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



1 the staff of a hospital, agency, or school shall not be dismissed
2 or otherwise penalized for making a report required by this act or
3 for cooperating in an investigation.

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

8 (i) Eligibility specialist.

9 (ii) Family independence manager.

10 (iii) Family independence specialist.

11 (iv) Social services specialist.

12 (v) Social work specialist.

13 (vi) Social work specialist manager.

14 (vii) Welfare services specialist.

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

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



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

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

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

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



1 the written report or the results of the investigation to the child
2 care regulatory agency with authority over the child care
3 provider's child care organization or adult foster care location
4 authorized to care for a child.

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



1 this act.

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

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

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

