

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5276**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 3, 5, 7d, 7e, 7g, 8b, 8d, 9a, and 18 (MCL 722.623, 722.625, 722.627d, 722.627e, 722.627g, 722.628b, 722.628d, 722.629a, and 722.638), section 3 as amended by 2022 PA 47, section 5 as amended by 2004 PA 563, sections 7d, 7e, 7g, and 9a as added by 1998 PA 428, section 8b as amended by 2006 PA 263, section 8d as amended by 2014 PA 30, and section 18 as amended by 2018 PA 59.

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

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

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

9 (i) Eligibility specialist.

10 (ii) Family independence manager.

11 (iii) Family independence specialist.

12 (iv) Social services specialist.

13 (v) Social work specialist.

14 (vi) Social work specialist manager.

15 (vii) Welfare services specialist.

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

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

1 which the child abuse or child neglect occurred.

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

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

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

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

1 care provider and the department believes that the report has basis
2 in fact, the department shall, within 24 hours after completion of
3 the allegation, written report, or subsequent investigation,
4 transmit a copy of the written report or the results of the
5 investigation to the child care regulatory agency with authority
6 over the child care provider's child care organization or adult
7 foster care location authorized to care for a child.

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

1 authorized to care for a child. Neither this subsection nor
2 subsection (1) relieves the department of its responsibilities to
3 investigate reports of suspected child abuse or child neglect under
4 this act.

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

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

15 Sec. 5. Except for records available under section ~~7(2)(a),~~
16 ~~(b), and (n),~~ **7(1)(a), (b), and (n)**, the identity of a reporting
17 person is confidential subject to disclosure only with the consent
18 of that person or by judicial process. A person acting in good
19 faith who makes a report, cooperates in an investigation, or
20 assists in any other requirement of this act is immune from civil
21 or criminal liability that might otherwise be incurred by that
22 action. A person making a report or assisting in any other
23 requirement of this act is presumed to have acted in good faith.
24 This immunity from civil or criminal liability extends only to acts
25 done according to this act and does not extend to a negligent act
26 that causes personal injury or death or to the malpractice of a
27 physician that results in personal injury or death.

28 Sec. 7d. (1) Subject to sections 7c to 7i, at the director's
29 initiative or upon written request, the director may release

1 specified information. If a written request for specified
2 information is submitted to the department, the director ~~shall~~**must**
3 make a preliminary decision to release or to deny release of the
4 specified information within 14 days after receipt of the request.
5 After notifying the requester, the director may extend that time
6 period for an additional 14 days if the additional time is
7 necessary to research and compile the requested specified
8 information.

9 (2) The director may release specified information under this
10 section if there is clear and convincing evidence that either of
11 the following is true:

12 (a) The release of the specified information is in the best
13 interest of the child to whom the specified information relates.

14 (b) The release of the specified information is not in
15 conflict with the best interest of the child to whom the specified
16 information relates, and 1 or more of the following are true:

17 (i) The release is in the best interest of a member of the
18 child's family or of an individual who resides in the same home in
19 which the child resides. For the purposes of this subparagraph, the
20 child's family includes the child's parents, legal guardians,
21 grandparents, and siblings.

22 (ii) The release clarifies actions taken by the department on a
23 specific case.

24 (iii) The report or record containing the specified information
25 concerns a child who has died or concerns a member of that child's
26 family.

27 (iv) All or part of the report or record containing the
28 specified information is publicly disclosed in a judicial
29 proceeding.

1 (v) A child abuse or **child** neglect complaint or investigation
2 to which the report or record containing the specified information
3 relates has been part of the subject matter of a published or
4 broadcast media story.

5 (vi) The report or record containing the specified information
6 concerns a ~~substantiated~~**confirmed** report of sexual abuse, serious
7 injury, or life threatening harm involving the child or a sibling
8 of the child identified in the request.

9 Sec. 7e. (1) The director shall not deny a request for
10 specified information under section 7d based upon a desire to
11 shield a lack of or an inappropriate performance by the department.

12 (2) Regardless of the director's determination that specified
13 information may be released under section 7d, the director shall
14 not release the specified information if 1 or more of the following
15 are true:

16 (a) The request for release does not include information
17 sufficient to identify the specific case to which the request
18 relates.

19 (b) An investigation of the report of child abuse or **child**
20 neglect to which the specified information relates is in progress
21 and the report has not been ~~substantiated or~~
22 ~~unsubstantiated.~~**confirmed or not confirmed.**

23 (c) A hearing is pending under section ~~7(6).~~**7j(6).**

24 (d) There is an ongoing criminal investigation and, as
25 determined by the local prosecuting attorney, release would
26 interfere with the criminal investigation.

27 (e) The individual who submits the request is serving a
28 sentence of imprisonment in a state, county, or federal
29 correctional facility in this state or in another state.

1 (f) The child to whom the report or record relates is 18 years
2 of age or older.

3 Sec. 7g. (1) If the director decides to release specified
4 information under section 7d, the department ~~shall~~**must** give each
5 notice required under section 7f to each of the following:

6 (a) Each ~~individual~~**person** named in the report as a
7 perpetrator or an alleged perpetrator of the ~~child's~~**child** abuse or
8 **child** neglect, unless the ~~individual~~**person** named in the report has
9 been convicted of a crime relating to the **child** abuse or **child**
10 neglect, and no appeal is pending.

11 (b) Each parent or legal guardian of the child.

12 (c) Each attorney representing the child who is the subject of
13 the case, or representing ~~an individual~~**a person** listed in
14 subdivision (a) or (b), if the department has notice of that
15 representation.

16 (d) The child's guardian ad litem.

17 (2) If the director denies a request for release of
18 information under section 7d, the department ~~shall~~**must** notify only
19 the requesting person.

20 (3) If ~~an individual~~**a person** required to be notified under
21 subsection (1)(a) is named as a perpetrator of child abuse or **child**
22 neglect in a report that contains specified information requested
23 to be released, and that ~~individual~~**person** was not previously
24 notified under section ~~7(4), 7j(3)~~, the department ~~shall~~**must**
25 notify that ~~individual~~**person** as required by section ~~7(4) 7j(3)~~ not
26 less than 14 days before the specified information is released. If
27 ~~an individual~~**a person** who is required to be notified under this
28 subsection requests expunction of the record within 14 days after
29 the notice is given, the specified information shall not be

1 released under this section until the procedures governing
 2 expunction under section ~~7-7j~~ are completed. If ~~an individual~~
 3 **person** who is required to be notified under this subsection does
 4 not request expunction within 14 days, the procedures for release
 5 of specified information under sections 7c to 7i ~~shall~~**must** be
 6 followed, and the individual does not have a right to appeal the
 7 decision to release.

8 **(4) This section may be cited as "Wyatt's law".**

9 Sec. 8b. (1) If a ~~central registry~~ case involves a child's
 10 death, serious physical ~~injury~~**harm** of a child, or sexual abuse or
 11 **sexual** exploitation of a child, the department ~~shall~~**must** refer the
 12 case to the prosecuting attorney for the county in which the child
 13 is located. The prosecuting attorney ~~shall~~**must** review the
 14 investigation of the case to determine if the investigation
 15 complied with the protocol adopted as required by section 8.

16 (2) If a central registry case involves a child's exposure to
 17 or contact with methamphetamine production, the department ~~shall~~
 18 **must** refer the case to the prosecuting attorney for the county in
 19 which the child is located. The prosecuting attorney ~~shall~~**must**
 20 review the investigation of the case to determine whether the
 21 investigation complied with the protocol adopted as required by
 22 section 8.

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

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

29 (b) Category IV - community services recommended. Following a

1 field investigation, the department determines that there is not a
2 preponderance of evidence of child abuse or child neglect, but the
3 structured decision-making tool indicates that there is future risk
4 of harm to the child. The department ~~shall~~**must** assist the child's
5 family in voluntarily participating in community-based services
6 commensurate with the risk to the child.

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

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

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

1 (i) A court petition is required under another provision of
2 this act.

3 (ii) The child is not safe and a petition for removal is
4 needed.

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

8 (iv) There is a violation, involving the child, of a crime
9 listed or described in section 8a(1)(b), (c), (d), or (f) or of
10 child abuse in the first or second degree as prescribed by section
11 136b of the Michigan penal code, 1931 PA 328, MCL 750.136b.

12 (2) In response to a category I classification, the department
13 ~~shall do all~~ **must do both** of the following:

14 (a) If a court petition is not required under another
15 provision of this act, submit a petition for authorization by the
16 court under section 2(b) of chapter XIIIA of the probate code of
17 1939, 1939 PA 288, MCL 712A.2.

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

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

25 ~~(3) The department is not required to use the structured~~
26 ~~decision making tool for a nonparent adult who resides outside the~~
27 ~~child's home who is the victim or alleged victim of child abuse or~~
28 ~~child neglect or for an owner, operator, volunteer, or employee of~~
29 ~~a licensed or registered child care organization or a licensed or~~

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

10 Sec. 9a. The agency within the department that is responsible
 11 for administering and providing services under this act ~~shall~~**must**
 12 make an annual comprehensive report to the legislature that
 13 includes at least all of the following:

14 (a) Statistical information including at least all of the
 15 following:

16 (i) Total reports of abuse and neglect investigated under this
 17 act and the number that were ~~substantiated and~~
 18 ~~unsubstantiated.~~**confirmed and not confirmed.**

19 (ii) Characteristics of perpetrators of **child** abuse and **child**
 20 neglect and the child victims such as age, sex, relationship,
 21 socioeconomic status, race, and ethnicity.

22 (iii) The occupation or description listed under section 3 in
 23 which the individual who made the report fits, or other description
 24 if the individual is not within a group required to report under
 25 this act.

26 (iv) Statistics relating to the central registry such as number
 27 of individuals and their characteristics.

28 (v) Statistics relating to the basis for determining that
 29 reported cases of **child** abuse or **child** neglect are

1 ~~unsubstantiated.~~ **not confirmed.**

2 (b) Policy related to child protective services including, but
3 not limited to, major policy changes and court decisions affecting
4 the administration of this act.

5 Sec. 18. (1) The department shall submit a petition for
6 authorization by the court under section 2(b) of chapter XIIIA of
7 1939 PA 288, MCL 712A.2, if 1 or more of the following apply:

8 (a) The department determines that a parent, guardian, or
9 custodian, or a person who is 18 years of age or older and who
10 resides for any length of time in the child's home, has abused the
11 child or a sibling of the child and the abuse included 1 or more of
12 the following:

13 (i) Abandonment of a young child.

14 (ii) Criminal sexual conduct involving penetration, attempted
15 penetration, or assault with intent to penetrate.

16 (iii) Battering, torture, or other ~~severe physical abuse.~~ **serious**
17 **physical harm.**

18 (iv) Loss or serious impairment of an organ or limb.

19 (v) Life threatening injury.

20 (vi) Murder or attempted murder.

21 (b) The department determines that there is risk of harm,
22 child abuse, or child neglect to the child and either of the
23 following is true:

24 (i) The parent's rights to another child were terminated as a
25 result of proceedings under section 2(b) of chapter XIIIA of 1939 PA
26 288, MCL 712A.2, or a similar law of another state and the parent
27 has failed to rectify the conditions that led to the prior
28 termination of parental rights.

29 (ii) The parent's rights to another child were voluntarily

1 terminated following the initiation of proceedings under section
2 2(b) of chapter XIIA of 1939 PA 288, MCL 712A.2, or a similar law
3 of another state, the parent has failed to rectify the conditions
4 that led to the prior termination of parental rights, and the
5 proceeding involved abuse that included 1 or more of the following:

6 (A) Abandonment of a young child.

7 (B) Criminal sexual conduct involving penetration, attempted
8 penetration, or assault with intent to penetrate.

9 (C) Battering, torture, or other ~~severe physical abuse~~. **serious**
10 **physical harm.**

11 (D) Loss or serious impairment of an organ or limb.

12 (E) Life-threatening injury.

13 (F) Murder or attempted murder.

14 (G) Voluntary manslaughter.

15 (H) Aiding and abetting, attempting to commit, conspiring to
16 commit, or soliciting murder or voluntary manslaughter.

17 (2) In a petition submitted as required by subsection (1), if
18 a parent is a suspected perpetrator or is suspected of placing the
19 child at an unreasonable risk of harm due to the parent's failure
20 to take reasonable steps to intervene to eliminate that risk, the
21 department shall include a request for termination of parental
22 rights at the initial dispositional hearing as authorized under
23 section 19b of chapter XIIA of 1939 PA 288, MCL 712A.19b.

24 (3) If the department is considering petitioning for
25 termination of parental rights at the initial dispositional hearing
26 as authorized under section 19b of chapter XIIA of 1939 PA 288, MCL
27 712A.19b, even though the facts of the child's case do not require
28 departmental action under subsection (1), the department shall hold
29 a conference among the appropriate agency personnel to agree upon

1 the course of action. The department shall notify the attorney
2 representing the child of the time and place of the conference, and
3 the attorney may attend. If an agreement is not reached at this
4 conference, the department director or the director's designee
5 shall resolve the disagreement after consulting the attorneys
6 representing both the department and the child.

7 Enacting section 1. This amendatory act takes effect 180 days
8 after the date it is enacted into law.

9 Enacting section 2. This amendatory act does not take effect
10 unless all of the following bills of the 101st Legislature are
11 enacted into law:

- 12 (a) House Bill No. 5274.
- 13 (b) House Bill No. 5275.
- 14 (c) House Bill No. 5277.
- 15 (d) House Bill No. 5278.