

HOUSE BILL NO. 5163

October 29, 2025, Introduced by Reps. Wortz, Thompson, Greene, Pavlov, Jenkins-Arno, Fox, Rigas, Outman, Woolford, Smit, Wilson, Beson, Paquette, Green and Johnsen and referred to Committee on Families and Veterans.

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 2 (MCL 722.622), as amended by 2022 PA 67.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:
2 (a) "Adult foster care location authorized to care for a
3 child" means an adult foster care family home or adult foster care
4 small group home as **those terms are** defined in section 3 of the
5 adult foster care facility licensing act, 1979 PA 218, MCL 400.703,
6 in which a child is placed in accordance with section 5 of 1973 PA

1 116, MCL 722.115.

2 (b) "Attorney" means, if appointed to represent a child under
3 the provisions referenced in section 10, an attorney serving as the
4 child's legal advocate in the manner defined and described in
5 section 13a of chapter XIIIA of the probate code of 1939, 1939 PA
6 288, MCL 712A.13a.

7 (c) "Central registry" means a repository of names of
8 individuals who are identified as perpetrators related to a central
9 registry case in the department's statewide electronic case
10 management system.

11 (d) "Central registry case" means the department confirmed
12 that a person responsible for the child's health or welfare
13 committed serious abuse or neglect, sexual abuse, or sexual
14 exploitation of a child, or allowed a child to be exposed to or
15 have contact with methamphetamine production.

16 (e) "Centralized intake" means the department's statewide
17 centralized processing center for reports of suspected child abuse
18 and child neglect.

19 (f) "Child" means an individual ~~under~~ **who is less than** 18
20 years of age.

21 (g) "Child abuse" means harm or threatened harm to a child's
22 health or welfare that occurs through nonaccidental physical or
23 mental injury, sexual abuse, sexual exploitation, or maltreatment,
24 by a parent, a legal guardian, any other person responsible for the
25 child's health or welfare, a teacher, a teacher's aide, a member of
26 the clergy, or an individual 18 years of age or older who is
27 involved with a youth program.

28 (h) "Child care organization" means that term as defined in
29 section 1 of 1973 PA 116, MCL 722.111.

(i) "Child care provider" means an owner, operator, employee, or volunteer of a child care organization or of an adult foster care location authorized to care for a child.

(j) "Child care regulatory agency" means the department of licensing and regulatory affairs, the department's division of child welfare licensing, **the department of lifelong education, advancement, and potential**, or a successor state department that is responsible for the licensing or registration of child care organizations or the licensing of adult foster care locations authorized to care for a child.

(k) "Child neglect" means 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:~~

~~(i) Negligent~~ **negligent** treatment, including the failure to provide adequate food, clothing, shelter, or medical care, though financially able to do so, or by the failure to seek financial or other reasonable means to provide adequate food, clothing, shelter, or medical care, ~~or~~

~~(ii) Placing~~ **placing** a child at an unreasonable risk to the child's health or 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. **Child neglect does not include when a parent, legal guardian, or other person responsible for the child's health or welfare refused a recommended treatment plan for a child by a health professional because that parent, legal guardian, or other person responsible for the child's health or welfare is actively seeking a second opinion from,**

1 followed the recommendation that treatment is not needed from, or
2 following another treatment plan prescribed by another health
3 professional. The decision of a parent, legal guardian, or other
4 person responsible for the child's health or welfare to act in
5 accordance with this subdivision constitutes prima facie evidence
6 that child neglect did not occur. This subparagraph does not apply
7 if there is clear and convincing evidence that refusal to
8 immediately follow the initial recommended treatment plan by the
9 health professional will result in imminent harm to the child's
10 health and welfare.

11 (l) "Children's advocacy center" means an entity accredited as
12 a child advocacy center by the National Children's Alliance or its
13 successor agency or an entity granted associate or developing
14 membership status by the National Children's Alliance or its
15 successor agency.

16 (m) "Citizen review panel" means a panel established as
17 required by section 5106a of the child abuse prevention and
18 treatment act, 42 USC 5106a.

19 (n) "Confirmed case" means the department has determined, by a
20 preponderance of evidence, that child abuse or child neglect
21 occurred by a person responsible for the child's health, welfare,
22 or care.

23 (o) "Confirmed case of methamphetamine production" means a
24 confirmed case that involved a child's exposure or contact with
25 methamphetamine production.

26 (p) "Confirmed serious abuse or neglect" means a confirmed
27 case of mental injury or physical injury or neglect to a child that
28 involves any of the following:

29 (i) Battering, torture, or other serious physical harm.

1 (ii) Loss or serious impairment of an organ or limb.

2 (iii) Life-threatening injury.

3 (iv) Murder or attempted murder.

4 (v) Serious mental harm.

5 (q) "Confirmed sexual abuse" means a confirmed case that
6 involves sexual penetration ~~, or sexual contact, attempted sexual~~
7 ~~penetration, or assault with intent to penetrate~~ as those terms are
8 defined in section 520a of the Michigan penal code, 1931 PA 328,
9 MCL 750.520a, **attempted sexual penetration, or assault with intent**
10 **to penetrate.**

11 (r) "Confirmed sexual exploitation" means a confirmed case
12 that involves allowing, permitting, or encouraging a child to
13 engage in prostitution, or allowing, permitting, encouraging, or
14 engaging in the photographing, filming, or depicting of a child
15 engaged in a listed sexual act as that term is defined in section
16 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c.

17 (s) "Controlled substance" means that term as defined in
18 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

19 (t) "Department" means the department of health and human
20 services.

21 (u) "Director" means the director of the department.

22 (v) "Electronic case management system" means the child
23 protective service information system, that is an internal data
24 system maintained within and by the department.

25 (w) "Expunge" means to physically remove or eliminate and
26 destroy a record or report.

27 (x) **"Health professional" means an individual who meets both**
28 **of the following requirements:**

29 (i) **Is licensed, registered, or otherwise authorized to engage**

1 in a health profession under article 15 of the public health code,
2 1978 PA 368, MCL 333.16101 to 333.18838.

3 (ii) Is acting within the scope of the individual's duties as a
4 health professional.

5 (y) ~~(x)~~ "Lawyer-guardian ad litem" means an attorney appointed
6 under section 10 who has the powers and duties referenced ~~by~~ **under**
7 section 10.

8 (z) ~~(y)~~ "Local office file" means the system used to keep a
9 record of a written report, document, or photograph filed with and
10 maintained by a county or a regionally based office of the
11 department.

12 (aa) ~~(z)~~ "Member of the clergy" means a priest, minister,
13 rabbi, Christian ~~science~~ **Science** practitioner, spiritual leader, or
14 other religious practitioner, or similar functionary of a church,
15 temple, spiritual community, or recognized religious body,
16 denomination, or organization.

17 (bb) ~~(aa)~~ "Nonparent adult" means ~~a person who is an~~
18 **individual** 18 years of age or older and who, regardless of the
19 ~~person's individual's~~ domicile, meets all of the following criteria
20 in relation to a child:

21 (i) Has substantial and regular contact with the child.

22 (ii) Has a close personal relationship with the child's parent
23 or with a person responsible for the child's health or welfare.

24 (iii) Is not the child's parent or ~~a person~~ **an individual**
25 otherwise related to the child by blood or affinity to the third
26 degree.

27 (cc) ~~(bb)~~ "Online reporting system" means the electronic
28 system established by the department for individuals identified in
29 section 3(1) to report suspected child abuse or child neglect.

1 **(dd)** ~~(ee)~~—"Person responsible for the child's health or
 2 welfare" means a parent, legal guardian, individual 18 years of age
 3 or older who resides for any length of time in the same home in
 4 which the child resides, or, except when used in section 7(1)(e) or
 5 8(8), nonparent adult; or an owner, operator, volunteer, or
 6 employee of 1 or more of the following:

7 (i) A licensed or registered child care organization.

8 (ii) A licensed or unlicensed adult foster care family home or
 9 adult foster care small group home as **those terms are** defined in
 10 section 3 of the adult foster care facility licensing act, 1979 PA
 11 218, MCL 400.703.

12 (iii) A court-operated facility as approved under section 14 of
 13 the social welfare act, 1939 PA 280, MCL 400.14.

14 **(ee)** ~~(dd)~~—"Relevant evidence" means evidence having a tendency
 15 to make the existence of a fact that is at issue more probable than
 16 it would be without the evidence.

17 **(ff)** ~~(ee)~~—"Serious mental harm" and "serious physical harm"
 18 mean those terms as defined in section 136b of the Michigan penal
 19 code, 1931 PA 328, MCL 750.136b.

20 **(gg)** ~~(ff)~~—"Specified information" means information in a
 21 children's protective services case record related specifically to
 22 the department's actions in responding to a complaint of child
 23 abuse or child neglect. Specified information does not include any
 24 of the following:

25 (i) Except as provided in this subparagraph regarding a
 26 perpetrator of child abuse or child neglect, personal
 27 identification information for any individual identified in a child
 28 protective services record. The exclusion of personal
 29 identification information as specified information prescribed by

1 this subparagraph does not include personal identification
2 information identifying an individual alleged to have perpetrated
3 child abuse or child neglect, which allegation has been classified
4 as a central registry case.

5 (ii) Information in a police agency report or other law
6 enforcement agency report as provided in section 7(3).

7 (iii) Any other information that is specifically designated as
8 confidential under other law.

9 (iv) Any information not related to the department's actions in
10 responding to a report of child abuse or child neglect.

11 **(hh)** ~~(gg)~~ "Structured decision-making tool" means the
12 department document labeled "DSS-4752 (P3) (3-95)" or a revision of
13 that document that better measures the risk of future harm to a
14 child.

15 **(ii)** ~~(hh)~~ "Substantiated" **"Substantiated case"** means a
16 confirmed case.

17 **(jj)** ~~(ii)~~ "Unsubstantiated" **"Unsubstantiated case"** means a
18 case that is not confirmed.

19 Enacting section 1. This amendatory act may be known as
20 "Serenity's Law".