

## CHILD ABUSE AND NEGLECT PREVENTION ACT

### Act 250 of 1982

AN ACT to establish the state child abuse and neglect prevention board; to provide the powers and duties of the state child abuse and neglect prevention board; and to prescribe the powers and duties of certain state departments.

**History:** 1982, Act 250, Imd. Eff. Sept. 29, 1982.

**Compiler's note:** For transfer of state child abuse and neglect prevention board, which was transferred from the department of management and budget to the department of human services by E.R.O. No. 1992-5, compiled at MCL 722.620, from the department of human services to the department of health and human services, see E.R.O. No. 2015-1, compiled at MCL 400.227.

*The People of the State of Michigan enact:*

#### 722.601 Short title.

Sec. 1. This act shall be known and may be cited as the "child abuse and neglect prevention act".

**History:** 1982, Act 250, Imd. Eff. Sept. 29, 1982.

**Compiler's note:** Former MCL 722.601 to 722.612, deriving from Ch. 42 of R.S. 1846 and pertaining to maintenance of children born out of wedlock, were repealed by Act 256 of 1964.

For transfer of authority, powers, duties, functions, and responsibilities State Child Abuse and Neglect Prevention Board from the Department of Management and Budget to the Department of Social Services, see E.R.O. No. 1992-5, compiled at MCL 722.620 of the Michigan Compiled Laws.

For transfer of state child abuse and neglect prevention board, which was transferred from the department of management and budget to the department of human services by E.R.O. No. 1992-5, compiled at MCL 722.620, from the department of human services to the department of health and human services, see E.R.O. No. 2015-1, compiled at MCL 400.227.

\*\*\*\*\* 722.602 THIS SECTION IS AMENDED EFFECTIVE JUNE 12, 2018: See 722.602.amended \*\*\*\*\*

#### 722.602 Definitions.

Sec. 2. (1) As used in this act:

- (a) "Child" means a person under 18 years of age.
- (b) "Child abuse" means harm or threatened harm to a child's health or welfare by a person responsible for the child's health or welfare, which harm occurs or is threatened through nonaccidental physical or mental injury; sexual abuse, which includes a violation of section 145c of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.145c of the Michigan Compiled Laws.
- (c) "Local council" means an organization which meets the criteria described in section 10(a).
- (d) "Neglect" means harm to a child's health or welfare by a person responsible for the child's health or welfare which occurs through negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care.
- (e) "State board" means the state child abuse and neglect prevention board created in section 3.
- (f) "Prevention program" means a system of direct provision of child abuse and neglect prevention services to a child, parent, or guardian, and may include research programs related to prevention of child abuse and neglect.
- (g) "Trust fund" means the children's trust fund established in the department of treasury.

**History:** 1982, Act 250, Imd. Eff. Sept. 29, 1982.

**Compiler's note:** Former MCL 722.601 to 722.612, deriving from Ch. 42 of R.S. 1846 and pertaining to maintenance of children born out of wedlock, were repealed by Act 256 of 1964.

For transfer of state child abuse and neglect prevention board, which was transferred from the department of management and budget to the department of human services by E.R.O. No. 1992-5, compiled at MCL 722.620, from the department of human services to the department of health and human services, see E.R.O. No. 2015-1, compiled at MCL 400.227.

\*\*\*\*\* 722.602.amended THIS AMENDED SECTION IS EFFECTIVE JUNE 12, 2018 \*\*\*\*\*

#### 722.602.amended Definitions.

Sec. 2. (1) As used in this act:

- (a) "Child" means a person under 18 years of age.
- (b) "Child abuse" means harm or threatened harm to a child's health or welfare by a person responsible for the child's health or welfare, which harm occurs or is threatened through nonaccidental physical or mental injury; sexual abuse, which includes a violation of section 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c.
- (c) "Local council" means an organization that meets the criteria described in section 10(a).
- (d) "Neglect" means harm to a child's health or welfare by a person responsible for the child's health or

welfare that occurs through negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care, though financially able to do so, or the failure to seek financial or other reasonable means to provide adequate food, clothing, shelter, or medical care.

(e) "State board" means the state child abuse and neglect prevention board created in section 3.

(f) "Prevention program" means a system of direct provision of child abuse and neglect prevention services to a child, parent, or guardian, and may include research programs related to prevention of child abuse and neglect.

(g) "Trust fund" means the children's trust fund established in the department of treasury.

**History:** 1982, Act 250, Imd. Eff. Sept. 29, 1982;—Am. 2018, Act 60, Eff. June 12, 2018.

**Compiler's note:** Former MCL 722.601 to 722.612, deriving from Ch. 42 of R.S. 1846 and pertaining to maintenance of children born out of wedlock, were repealed by Act 256 of 1964.

For transfer of state child abuse and neglect prevention board, which was transferred from the department of management and budget to the department of human services by E.R.O. No. 1992-5, compiled at MCL 722.620, from the department of human services to the department of health and human services, see E.R.O. No. 2015-1, compiled at MCL 400.227.

### **722.603 State child abuse and neglect prevention board; creation; exercise of powers and duties; performance of management functions; appointment and qualifications of executive director; staff.**

Sec. 3. (1) The state child abuse and neglect prevention board is created as an autonomous agency within the department of management and budget. The state board shall exercise its powers and duties independently of the director of the department of management and budget except that budget, procurement, and related management functions shall be performed by the director of the department of management and budget.

(2) The state board shall appoint the executive director of the state board. The executive director shall be a member of the state classified civil service.

(3) The executive director shall hire all staff required to exercise the powers and carry out the duties of the state board. The state board shall approve the number of staff members hired and their job descriptions.

**History:** 1982, Act 250, Imd. Eff. Sept. 29, 1982.

**Compiler's note:** Former MCL 722.601 to 722.612, deriving from Ch. 42 of R.S. 1846 and pertaining to maintenance of children born out of wedlock, were repealed by Act 256 of 1964.

For transfer of authority, powers, duties, functions, and responsibilities State Child Abuse and Neglect Prevention Board from the Department of Management and Budget to the Department of Social Services, see E.R.O. No. 1992-5, compiled at MCL 722.620 of the Michigan Compiled Laws.

For transfer of state child abuse and neglect prevention board, which was transferred from the department of management and budget to the department of human services by E.R.O. No. 1992-5, compiled at MCL 722.620, from the department of human services to the department of health and human services, see E.R.O. No. 2015-1, compiled at MCL 400.227.

### **722.604 State board; composition; appointment, qualifications, and terms of public members; chairperson; election of officers and committees; compensation, reimbursement, salaries, and operating expenses.**

Sec. 4. (1) The state board shall be composed of the following members:

(a) The director of human services, the director of community health, the superintendent of public instruction, and the director of the department of state police, or designees authorized to speak on their behalf.

(b) Eleven public members appointed by the governor with the advice and consent of the senate. As a group, the public members shall do all of the following:

(i) Demonstrate knowledge in the area of child abuse and neglect prevention.

(ii) Be representative of the demographic composition of this state.

(iii) To the extent practicable, be representative of all of the following categories: parents, organized labor, the business community, the religious community, the legal community, professional providers of child abuse and neglect prevention services, and volunteers in child abuse and neglect prevention services.

(2) The term of each public member shall be 3 years, except that of the public members first appointed, 3 shall serve for 3 years, 3 for 2 years, and 4 for 1 year. A public member shall not serve more than 2 consecutive terms whether partial or full. A vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointment.

(3) The governor shall designate a chairperson of the state board from among the public members. The chairperson shall serve in that position at the pleasure of the governor. The state board may elect other officers and committees as it considers appropriate.

(4) The actual and necessary per diem compensation and the schedule for reimbursement of expenses for the public members of the state board shall be the same as is established annually by the legislature for similar boards that are reimbursed from the general fund. The compensation and reimbursement, executive director and staff salaries, and all actual and necessary operating expenses of the state board shall be paid from the

trust fund, according to an authorization as provided in section 9.

**History:** 1982, Act 250, Imd. Eff. Sept. 29, 1982;—Am. 2005, Act 82, Imd. Eff. July 19, 2005.

**Compiler's note:** Former MCL 722.601 to 722.612, deriving from Ch. 42 of R.S. 1846 and pertaining to maintenance of children born out of wedlock, were repealed by Act 256 of 1964.

For transfer of state child abuse and neglect prevention board, which was transferred from the department of management and budget to the department of human services by E.R.O. No. 1992-5, compiled at MCL 722.620, from the department of human services to the department of health and human services, see E.R.O. No. 2015-1, compiled at MCL 400.227.

For amendment to substitute director of department of health and human services for director of department of human services and executive director of Michigan children's services agency for director of department of community health, see E.R.O. No. 2015-1, compiled at MCL 400.227.

### **722.605 Conducting business at public meeting; notice; availability of writings to public.**

Sec. 5. (1) The business which the state board performs shall be conducted at a public meeting of the state board held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended.

(2) A writing prepared, owned, used, in the possession of, or retained by the state board in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

**History:** 1982, Act 250, Imd. Eff. Sept. 29, 1982.

**Compiler's note:** Former MCL 722.601 to 722.612, deriving from Ch. 42 of R.S. 1846 and pertaining to maintenance of children born out of wedlock, were repealed by Act 256 of 1964.

For transfer of state child abuse and neglect prevention board, which was transferred from the department of management and budget to the department of human services by E.R.O. No. 1992-5, compiled at MCL 722.620, from the department of human services to the department of health and human services, see E.R.O. No. 2015-1, compiled at MCL 400.227.

### **722.606 Duties of state board.**

Sec. 6. (1) The state board shall do all of the following:

(a) Meet not less than twice annually at the call of the chairperson.

(b) One year after the original appointment of the state board, and biennially thereafter, develop a state plan for the distribution of funds from the trust fund. In developing the plan, the state board shall review already existing prevention programs. The plan shall assure that an equal opportunity exists for establishment of prevention programs and receipt of trust fund money among all geographic areas in this state. The plan shall be transmitted to the clerk of the house of representatives and to the secretary of the senate. The state board shall notify the governor and the members of the legislature that the plan is available.

(c) Provide for the coordination and exchange of information on the establishment and maintenance prevention programs.

(d) Develop and publicize criteria for the receipt of trust fund money by eligible local councils and eligible prevention programs.

(e) Review, approve, and monitor the expenditure of trust fund money by local councils and prevention programs.

(f) Provide statewide educational and public informational seminars for the purpose of developing appropriate public awareness regarding the prevention of child abuse and neglect; encourage professional persons and groups to recognize and deal with prevention of child abuse and neglect; encourage and coordinate the development of local councils; make information about the prevention of child abuse and neglect available to the public and organizations and agencies which deal with problems of child abuse and neglect; and encourage the development of community prevention programs.

(g) Establish a procedure for an annual, internal evaluation of the functions, responsibilities, and performance of the state board. In a year in which the biennial state plan is prepared, the evaluation shall be coordinated with the preparation of the state plan.

(2) The state board shall enter into contracts with public or private agencies to fulfill the requirements of subsection (1)(f) and may contract to fulfill the other requirements of subsection (1). The state board shall utilize existing state resources and staff of participating departments whenever practicable.

**History:** 1982, Act 250, Imd. Eff. Sept. 29, 1982.

**Compiler's note:** Former MCL 722.601 to 722.612, deriving from Ch. 42 of R.S. 1846 and pertaining to maintenance of children born out of wedlock, were repealed by Act 256 of 1964.

For transfer of state child abuse and neglect prevention board, which was transferred from the department of management and budget to the department of human services by E.R.O. No. 1992-5, compiled at MCL 722.620, from the department of human services to the department of health and human services, see E.R.O. No. 2015-1, compiled at MCL 400.227.

### **722.607 Recommending changes to governor and legislature.**

Sec. 7. The state board may recommend to the governor and the legislature changes in state programs, statutes, policies, budgets, and standards which will reduce the problem of child abuse and neglect, improve coordination among state agencies that provide prevention services, and improve the condition of children and parents or guardians who are in need of prevention program services.

**History:** 1982, Act 250, Imd. Eff. Sept. 29, 1982.

**Compiler's note:** Former MCL 722.601 to 722.612, deriving from Ch. 42 of R.S. 1846 and pertaining to maintenance of children born out of wedlock, were repealed by Act 256 of 1964.

For transfer of state child abuse and neglect prevention board, which was transferred from the department of management and budget to the department of human services by E.R.O. No. 1992-5, compiled at MCL 722.620, from the department of human services to the department of health and human services, see E.R.O. No. 2015-1, compiled at MCL 400.227.

### **722.608 Federal funds, gifts, grants, bequests, and donations; disposition.**

Sec. 8. (1) The state board may do any of the following:

(a) Accept federal money granted by congress or executive order for the purposes of this act as well as gifts, grants, bequests, and donations from individuals, private organizations, or foundations. The acceptance and use of federal money does not commit state money and does not place an obligation upon the legislature to continue the purposes for which the federal money is made available.

(b) Enter into a contract with a charitable organization licensed under the charitable organizations and solicitations act, Act No. 169 of the Public Acts of 1975, being sections 400.271 to 400.294 of the Michigan Compiled Laws, for the solicitation of contributions to be used exclusively for the purposes prescribed by section 9. A contract under this subdivision shall include provisions for at least all of the following:

(i) A reasonable administrative fee not to exceed 10% for contributions obtained by the charitable organization.

(ii) An independent audit of the charitable organization in regard to the solicitation.

(iii) Appropriate bonding by the charitable organization.

(c) Plan, manage, or conduct a campaign to solicit gifts, bequests, grants, or donations of money or property, or pledges of gifts, bequests, grants, or donations.

(2) Money received in the manner described in this section shall be transmitted to the state treasurer for deposit in the trust fund and shall be made available for expenditure as appropriated by the legislature.

**History:** 1982, Act 250, Imd. Eff. Sept. 29, 1982;—Am. 1995, Act 146, Imd. Eff. July 11, 1995.

**Compiler's note:** Former MCL 722.601 to 722.612, deriving from Ch. 42 of R.S. 1846 and pertaining to maintenance of children born out of wedlock, were repealed by Act 256 of 1964.

For transfer of state child abuse and neglect prevention board, which was transferred from the department of management and budget to the department of human services by E.R.O. No. 1992-5, compiled at MCL 722.620, from the department of human services to the department of health and human services, see E.R.O. No. 2015-1, compiled at MCL 400.227.

### **722.609 Authorization for disbursement of trust fund money; purposes; order of preference; limitation.**

Sec. 9. (1) The state board may authorize the disbursement of available money from the trust fund, upon legislative appropriations, for exclusively the following purposes, which are listed in the order of preference for expenditure:

(a) To fund a private nonprofit or public organization in the development or operation of a prevention program if at least all of the following conditions are met:

(i) The appropriate local council has reviewed and approved the program. This subparagraph does not apply if a local council does not exist for the geographic area to be served by the program.

(ii) The organization demonstrates an ability to match, through money or in-kind services, 50% of the amount of any trust fund money received. The amount and types of in-kind services are subject to the approval of the state board.

(iii) The organization demonstrates a willingness and ability to provide program models and consultation to organizations and communities regarding program development and maintenance.

(iv) Other conditions that the state board may deem appropriate.

(b) To fund local councils.

(c) To fund the state board created in section 3 for the actual and necessary operating expenses that the board incurs in performing its duties.

(2) Authorizations for disbursement of trust fund money under subsection (1)(c) shall be kept at a minimum in furtherance of the primary purpose of the trust fund which is to disburse money under subsection (1)(a) and (b) to encourage the direct provision of services to prevent child abuse and neglect.



**History:** 1982, Act 250, Imd. Eff. Sept. 29, 1982.

**Compiler's note:** Former MCL 722.601 to 722.612, deriving from Ch. 42 of R.S. 1846 and pertaining to maintenance of children born out of wedlock, were repealed by Act 256 of 1964.

For transfer of state child abuse and neglect prevention board, which was transferred from the department of management and budget to the department of human services by E.R.O. No. 1992-5, compiled at MCL 722.620, from the department of human services to the department of health and human services, see E.R.O. No. 2015-1, compiled at MCL 400.227.

#### **722.610 Grants to local council; criteria.**

Sec. 10. In making grants to a local council, the state board shall consider the degree to which the local council meets the following criteria:

(a) Has as its primary purpose the development and facilitation of a collaborative community prevention program in a specific geographical area. The prevention program shall utilize trained volunteers and existing community resources wherever practicable.

(b) Is administered by a board of directors composed of an equal number of members from the following 2 groups:

(i) A representative from each of the following local agencies: the county department of social services, the department of public health, the department of mental health, the probate court, the office of the prosecuting attorney, a local law enforcement agency, a school district, and a number of private, local agencies that provide treatment or prevention services for abused and neglected children and their parents or guardians. The number of private agencies to be represented on the local council shall be designated in the bylaws of the local council by the remaining members.

(ii) Members of the local council elected by the membership. The elected members shall represent the demographic composition of the community served, as far as practicable.

(c) Does not provide direct services except on a demonstration project basis, or as a facilitator of interagency projects.

(d) Demonstrates a willingness and ability to provide prevention program models and consultation to organizations and communities regarding prevention program development and maintenance.

(e) Demonstrates an ability to match, through money or in-kind services, 50% of the amount of any trust fund money received. The amount and types of in-kind services are subject to the approval of the state board.

(f) Other criteria that the state board deems appropriate.

**History:** 1982, Act 250, Imd. Eff. Sept. 29, 1982.

**Compiler's note:** Former MCL 722.601 to 722.612, deriving from Ch. 42 of R.S. 1846 and pertaining to maintenance of children born out of wedlock, were repealed by Act 256 of 1964.

For transfer of state child abuse and neglect prevention board, which was transferred from the department of management and budget to the department of human services by E.R.O. No. 1992-5, compiled at MCL 722.620, from the department of human services to the department of health and human services, see E.R.O. No. 2015-1, compiled at MCL 400.227.

#### **722.611 Rules.**

Sec. 11. Not later than 2 years after the effective date of this act, the state board shall promulgate rules pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

**History:** 1982, Act 250, Imd. Eff. Sept. 29, 1982.

**Compiler's note:** Former MCL 722.601 to 722.612, deriving from Ch. 42 of R.S. 1846 and pertaining to maintenance of children born out of wedlock, were repealed by Act 256 of 1964.

For transfer of state child abuse and neglect prevention board, which was transferred from the department of management and budget to the department of human services by E.R.O. No. 1992-5, compiled at MCL 722.620, from the department of human services to the department of health and human services, see E.R.O. No. 2015-1, compiled at MCL 400.227.

#### **722.612 Review of functions, responsibilities, and performance of state board; transmittal; notice.**

Sec. 12. A thorough, written review of the functions, responsibilities, and performance of the state board shall be completed by the auditor general each 3 years after the effective date of this act. The review shall be transmitted and notice given in the same manner as provided in section 6(1)(b).

**History:** 1982, Act 250, Imd. Eff. Sept. 29, 1982.

**Compiler's note:** Former MCL 722.601 to 722.612, deriving from Ch. 42 of R.S. 1846 and pertaining to maintenance of children born out of wedlock, were repealed by Act 256 of 1964.

For transfer of state child abuse and neglect prevention board, which was transferred from the department of management and budget to the department of human services by E.R.O. No. 1992-5, compiled at MCL 722.620, from the department of human services to the department of health and human services, see E.R.O. No. 2015-1, compiled at MCL 400.227.

#### **722.613 Conditional effective date.**

Sec. 13. This act shall not take effect unless the following bills of the 81st Legislature are enacted into law:

(a) House Bill No. 5610.

(b) House Bill No. 5609.

**History:** 1982, Act 250, Imd. Eff. Sept. 29, 1982.

**Compiler's note:** House Bill No. 5610, referred to in this section, was approved by the Governor on September 29, 1982, and became P.A. 1982, No. 249, Imd. Eff. Sept. 29, 1982. House Bill No. 5609, also referred to in this section, was approved by the Governor on July 2, 1982, and became P.A. 1982, No. 211, Eff. Sept. 29, 1982.

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