



**House  
Legislative  
Analysis  
Section**

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**CHILD PROTECTION LAW: DEFINITIONS**

**House Bill 5722 as introduced**  
**First Analysis (6-6-90)**

**Sponsor: Rep. Richard Bandstra**  
**Committee: Judiciary**

***THE APPARENT PROBLEM:***

The Child Protection Law requires medical professionals, school personnel, social workers and others to report suspected child abuse or neglect to the Department of Social Services (DSS). The law also figures in the state's eligibility to receive federal funds for child abuse and neglect programs. However, the federal Department of Health and Human Services has recently informed the DSS of deficiencies in the wording of the statute's definitions that would endanger a reported \$1.3 million in federal funding. Amendments to remedy those deficiencies have been proposed.

***THE CONTENT OF THE BILL:***

The bill would amend several definitions in the Child Protection Law, as follows:

- "child neglect" would be expanded to include threatened harm, as well as harm, and to include the action of "any person responsible for the child's health or welfare," rather than someone who "has custodial care of the child." The definition at present includes the failure to intervene when one knew of a risk to a child; the bill would also include the failure to intervene when one should have known of that risk.
- "person responsible for the child's health or welfare" at present includes "a person who cares for the child in a licensed or unlicensed day care center, group day care home, or family day care home." The bill would replace this language with a provision including "an owner, operator, volunteer, or employee" of a licensed or unlicensed child care organization or a licensed or unlicensed adult foster care family home or adult foster care small group home.

MCL 722.622

***FISCAL IMPLICATIONS:***

Testimony before the House Judiciary

Committee indicated that the bill would preserve approximately \$1.3 million in federal funding for child abuse and neglect programs. (6-5-90)

***ARGUMENTS:***

***For:***

The bill would make the relatively minor changes in the Child Protection Law necessary to preserve some \$1.3 million in federal funding. The protections afforded by the act would not be eroded in the process, for the bill's changes would broaden the application of the act, not narrow it.

***Against:***

The bill misses the opportunity to correct a problem that has arisen in at least one county and was the subject of committee discussion. Because the law's definition of "child abuse" refers to harm committed or threatened by a "person," some have construed it to mean that even injuries inflicted by one child upon another must be reported. Obviously, the law was not meant to apply to schoolyard scuffles, and many are concerned about not only the inconvenience of inappropriate reporting, but also the consequences for children and families if inappropriate records are maintained. Various solutions to this problem have been suggested: the provision could be limited to harm inflicted by someone of a minimum age, or it could be limited to harm inflicted by someone who was a minimum number of years older than the injured child.

***POSITIONS:***

The Department of Social Services supports the bill. (6-5-90)

H.B. 5722 (6-6-90)