

HOUSE BILL No. 4592

April 10, 1989, Introduced by Reps. Terrell, Clack, DeMars, Hunter, Stallworth, Honigman, Bennane, Harrison, Leland, Joe Young, Sr., Power, Sikkema, Martin and Bandstra and referred to the Committee on Judiciary.

A bill to amend sections 3, 6, 9, and 12 of Act No. 238 of the Public Acts of 1975, entitled as amended

"Child protection law,"

sections 3 and 9 as amended by Act No. 372 of the Public Acts of 1988 and section 6 as amended by Act No. 418 of the Public Acts of 1984, being sections 722.623, 722.626, 722.629, and 722.632 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 3, 6, 9, and 12 of Act No. 238 of the
2 Public Acts of 1975, sections 3 and 9 as amended by Act No. 372
3 of the Public Acts of 1988 and section 6 as amended by Act
4 No. 418 of the Public Acts of 1984, being sections 722.623,
5 722.626, 722.629, and 722.632 of the Michigan Compiled Laws, are
6 amended to read as follows:

1 Sec. 3. (1) A physician, coroner, dentist, medical
2 examiner, nurse, a person licensed to provide emergency medical
3 care, audiologist, psychologist, family therapist, certified
4 social worker, social worker, social work technician, school
5 administrator, school counselor or teacher, law enforcement offi-
6 cer, or regulated child care provider who has reasonable cause to
7 suspect child abuse or neglect shall make immediately, by tele-
8 phone or otherwise, an oral report, or cause an oral report to be
9 made, of the suspected child abuse or neglect to the department.
10 Within 72 hours after making the oral report, the reporting
11 person shall file a written report as required in this act. If
12 the reporting person is a member of the staff of a hospital,
13 agency, or school, the reporting person shall notify the person
14 in charge of the hospital, agency, or school of his or her find-
15 ing and that the report has been made, and shall make a copy of
16 the written report available to the person in charge. One report
17 from a hospital, agency, or school shall be considered adequate
18 to meet the reporting requirement. A member of the staff of a
19 hospital, agency, or school shall not be dismissed or otherwise
20 penalized for making a report required by this act or for cooper-
21 ating in an investigation.

22 (2) The written report shall contain the name of the child
23 and a description of the abuse or neglect. If possible, the
24 report shall contain the names and addresses of the child's par-
25 ents, 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 which might

1 establish the cause of the abuse or neglect, and the manner in
2 which the abuse or neglect occurred.

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

6 (4) The written report required in this section shall be
7 mailed or otherwise transmitted to the county department of
8 social services of the county in which the child suspected of
9 being abused or neglected is found.

10 (5) Upon receipt of a written report of suspected child
11 abuse or neglect, the department may provide copies to the prose-
12 cuting attorney and the ~~probate~~ DOMESTIC RELATIONS court of the
13 counties in which the child suspected of being abused or
14 neglected resides and is found.

15 (6) If the report or subsequent investigation indicates a
16 violation of sections 136b and 145c or sections 520b to 520g of
17 the Michigan penal code, Act No. 328 of the Public Acts of 1931,
18 being sections 750.136b, 750.145c and 750.520b to 750.520g of the
19 Michigan Compiled Laws, or if the report or subsequent investiga-
20 tion indicates that the suspected abuse was not committed by a
21 person responsible for the child's health or welfare, and the
22 department believes that the report has basis in fact, the
23 department shall transmit a copy of the written report and the
24 results of any investigation to the prosecuting attorney of the
25 counties in which the child resides and is found.

26 (7) If a local law enforcement agency receives a written
27 report of suspected child abuse or neglect, whether from the

1 reporting person or the department, the report or subsequent
2 investigation indicates that the abuse or neglect was committed
3 by a person responsible for the child's health or welfare, and
4 the local law enforcement agency believes that the report has
5 basis in fact, the local law enforcement agency shall provide a
6 copy of the written report and the results of any investigation
7 to the county department of social services of the county in
8 which the abused or neglected child is found. Nothing in this
9 subsection or subsection (6) shall be construed to relieve the
10 department of its responsibility to investigate reports of sus-
11 pected child abuse or neglect under this act.

12 (8) For purposes of this act, the pregnancy of a child less
13 than 12 years of age or the presence of a venereal disease in a
14 child who is over 1 month of age but less than 12 years of age
15 shall be reasonable cause to suspect child abuse and neglect have
16 occurred.

17 Sec. 6. (1) If a child suspected of being abused or
18 neglected is admitted to a hospital or brought to a hospital for
19 outpatient services and the attending physician determines that
20 the release of the child would endanger the child's health or
21 welfare, the attending physician shall notify the person in
22 charge and the department. The person in charge may detain the
23 child in temporary protective custody until the next regular
24 business day of the ~~probate~~ DOMESTIC RELATIONS court, at which
25 time the ~~probate~~ court shall order the child detained in the
26 hospital or in some other suitable place pending a preliminary
27 hearing as required by ~~section 14 of chapter 12A of Act No. 288~~

~~1 of the Public Acts of 1939, as amended, being section 712A.14~~

2 CHAPTER 96 OF THE REVISED JUDICATURE ACT OF 1961, ACT NO. 236 OF
3 THE PUBLIC ACTS OF 1961, BEING SECTIONS 600.9601 TO 600.9647 of
4 the Michigan Compiled Laws, or order the child released to the
5 child's parent, guardian, or custodian.

6 (2) ~~When~~ IF a child suspected of being an abused or
7 neglected child is seen by a physician, the physician shall make
8 the necessary examinations, which may include physical examina-
9 tions, x-rays, photographs, laboratory studies, and other perti-
10 nent studies. The physician's written report to the department
11 shall contain summaries of the evaluation, including medical test
12 results.

13 (3) If a report is made by a person other than a physician,
14 or if the physician's report is not complete, the department may
15 request a court order for a medical evaluation of the child. The
16 department shall have a medical evaluation made without a court
17 order if the child's health is seriously endangered and a court
18 order cannot be obtained.

19 Sec. 9. (1) The department, in discharging its responsibil-
20 ities under this act, shall provide, directly or through the pur-
21 chase of services from other agencies and professions, multidis-
22 ciplinary services such as those of a pediatrician, psychologist,
23 psychiatrist, public health nurse, social worker, or attorney
24 through the establishment of regionally based or strategically
25 located teams. The department shall prepare a biennial report to
26 the legislature containing information on the activities of the
27 teams created pursuant to this subsection and including

1 recommendations by the teams and the department regarding child
2 abuse and neglect when committed by persons responsible for the
3 child's health or welfare.

4 (2) The department shall assure a continuing education pro-
5 gram for department, ~~probate~~ DOMESTIC RELATIONS court, and pri-
6 vate agency personnel. The program shall include responsibili-
7 ties, obligations, and powers under this act and the diagnosis
8 and treatment of child abuse and neglect when committed by per-
9 sons responsible for the child's health or welfare.

10 (3) The department shall provide for the dissemination of
11 information to the general public with respect to the problem of
12 child abuse and neglect in this state and the facilities, preven-
13 tion, and treatment methods available to combat child abuse and
14 neglect when committed by persons responsible for the child's
15 health or welfare.

16 Sec. 12. This act shall not prohibit a person who has rea-
17 sonable cause to suspect child abuse or neglect from making a
18 report to the appropriate law enforcement officials or ~~probate~~
19 DOMESTIC RELATIONS court.

20 Section 2. This amendatory act shall take effect January 1,
21 1990.

22 Section 3. This amendatory act shall not take effect unless
23 Senate Bill No. _____ or House Bill No. 4567 (request
24 no. 01659'89) of the 85th Legislature is enacted into law.