

# HOUSE BILL No. 5060

September 21, 1989, Introduced by Reps. Dunaskiss, Hollister, Stabenow, Gire, Hunter, Power, Camp, Emmons, Munsell, Strand, Randall, Giese, Bender, Krause, DeLange, Sikkema, Miller, Gnodtke, Van Regenmorter, Jaye, Walberg, Rocca and DeMars and referred to the Committee on Public Health.

A bill to amend Act No. 238 of the Public Acts of 1975, entitled as amended, "Child protection law," as amended, being sections 722.621 to 722.636 of the Michigan Compiled Laws, by adding section 3a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 238 of the Public Acts of 1975, as  
2 amended, being sections 722.621 to 722.636 of the Michigan  
3 Compiled Laws, is amended by adding section 3a to read as  
4 follows:

5 SEC. 3A. (1) A PHYSICIAN, CORONER, DENTIST, MEDICAL EXAMIN-  
6 ER, NURSE, A PERSON LICENSED TO PROVIDE EMERGENCY MEDICAL CARE,  
7 AUDIOLOGIST, PSYCHOLOGIST, FAMILY THERAPIST, CERTIFIED SOCIAL  
8 WORKER, SOCIAL WORKER, SOCIAL WORK TECHNICIAN, SCHOOL  
9 ADMINISTRATOR, SCHOOL COUNSELOR OR TEACHER, LAW ENFORCEMENT

1 OFFICER, OR REGULATED CHILD CARE PROVIDER WHO HAS REASONABLE  
2 CAUSE TO SUSPECT THAT A CHILD HAS BEEN BORN WITH FETAL ALCOHOL  
3 SYNDROME OR DRUG DEPENDENCY IMMEDIATELY, BY TELEPHONE OR OTHER-  
4 WISE, SHALL MAKE AN ORAL REPORT OR CAUSE AN ORAL REPORT TO BE  
5 MADE OF THE SUSPECTED FETAL ALCOHOL SYNDROME OR DRUG DEPENDENCY  
6 TO THE DEPARTMENT. WITHIN 72 HOURS AFTER MAKING THE ORAL REPORT,  
7 THE REPORTING PERSON SHALL FILE A WRITTEN REPORT WITH THE  
8 DEPARTMENT. IF THE REPORTING PERSON IS A MEMBER OF THE STAFF OF  
9 A HOSPITAL, AGENCY, OR SCHOOL, THE REPORTING PERSON SHALL NOTIFY  
10 THE PERSON IN CHARGE OF THE HOSPITAL, AGENCY, OR SCHOOL OF HIS OR  
11 HER SUSPICION AND THAT THE REPORT HAS BEEN MADE TO THE DEPART-  
12 MENT, AND SHALL MAKE A COPY OF THE WRITTEN REPORT AVAILABLE TO  
13 THE PERSON IN CHARGE. A MEMBER OF THE STAFF OF A HOSPITAL,  
14 AGENCY, OR SCHOOL AND ANY OTHER PERSON WHO MAKES A REPORT UNDER  
15 THIS SECTION SHALL NOT BE DISMISSED OR OTHERWISE PENALIZED BY THE  
16 HOSPITAL, AGENCY, SCHOOL, OR OTHER EMPLOYER FOR MAKING A REPORT  
17 REQUIRED BY THIS SECTION.

18 (2) THE WRITTEN REPORT SHALL CONTAIN THE NAME OF THE CHILD  
19 AND A DESCRIPTION OF ANY SYMPTOMS OR OTHER EVIDENCE OF FETAL  
20 ALCOHOL SYNDROME OR DRUG DEPENDENCY. THE REPORT SHALL CONTAIN  
21 THE NAMES AND ADDRESSES OF THE CHILD'S PARENTS, THE CHILD'S  
22 GUARDIAN, THE PERSONS WITH WHOM THE CHILD RESIDES, AND THE  
23 CHILD'S AGE, IF KNOWN.

24 (3) THE DEPARTMENT SHALL INFORM THE REPORTING PERSON OF THE  
25 REQUIRED CONTENTS OF THE WRITTEN REPORT AT THE TIME THE ORAL  
26 REPORT IS MADE BY THE REPORTING PERSON.

1       (4) THE DEPARTMENT SHALL TRANSMIT A COPY OF THE WRITTEN  
2 REPORT TO THE COUNTY DEPARTMENT OF SOCIAL SERVICES OF THE COUNTY  
3 IN WHICH THE CHILD IS FOUND.

4       (5) UPON RECEIPT OF A WRITTEN REPORT OF SUSPECTED FETAL  
5 ALCOHOL SYNDROME OR DRUG DEPENDENCY, THE DEPARTMENT SHALL CONTACT  
6 THE CHILD'S PARENTS TO ADVISE THEM OF FINANCIAL, MEDICAL, AND  
7 SOCIAL SERVICE ASSISTANCE AVAILABLE THROUGH THE DEPARTMENT, AND  
8 TO REFER THEM TO AVAILABLE COMMUNITY RESOURCES.

9       (6) THE DEPARTMENT SHALL NOT PROCESS A CASE INVOLVING A  
10 CHILD SUSPECTED OF HAVING FETAL ALCOHOL SYNDROME OR DRUG DEPENDEN-  
11 DENCY IN THE SAME MANNER AS IT WOULD PROCESS A CASE INVOLVING  
12 SUSPECTED ABUSE OR NEGLECT UNLESS THE DEPARTMENT HAS ADDITIONAL  
13 INFORMATION THAT PROVIDES THE DEPARTMENT WITH REASONABLE CAUSE TO  
14 SUSPECT THAT THE CHILD IS AT RISK OF BEING ABUSED OR NEGLECTED.

15       (7) THE DEPARTMENT SHALL NOT PROVIDE ANY INFORMATION CON-  
16 TAINED IN A REPORT RECEIVED PURSUANT TO THIS SECTION TO THE PROS-  
17 ECUTING ATTORNEY OR THE CENTRAL REGISTRY UNLESS THE DEPARTMENT  
18 HAS ADDITIONAL INFORMATION THAT PROVIDES THE DEPARTMENT WITH REA-  
19 SONABLE CAUSE TO SUSPECT THAT THE CHILD HAS BEEN ABUSED OR  
20 NEGLECTED.

21       (8) THE FACT THAT A CHILD IS BORN WITH FETAL ALCOHOL SYN-  
22 DROME OR DRUG DEPENDENCY DOES NOT BY ITSELF CONSTITUTE ABUSE OR  
23 NEGLECT OF THE CHILD OR CONSTITUTE REASONABLE CAUSE TO SUSPECT  
24 ABUSE OR NEGLECT OF THE CHILD.