

HOUSE BILL No. 5215

October 23, 1989, Introduced by Reps. Dolan, Martin, Miller, Willis Bullard, Johnson, Strand, Allen, Munsell, Emmons, Randall, Bankes, Joe Young, Sr., Harrison and Law and referred to the Committee on Social Services and Youth.

A bill to amend section 3 of Act No. 238 of the Public Acts of 1975, entitled as amended

"Child protection law,"

as amended by Act No. 372 of the Public Acts of 1988, being section 722.623 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 238 of the Public Acts of
2 1975, as amended by Act No. 372 of the Public Acts of 1988, being
3 section 722.623 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 3. (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 child abuse or neglect shall make immediately,
3 by telephone or otherwise, an oral report, or cause an oral
4 report to be made, of the suspected child abuse or neglect to the
5 department. Within 72 hours after making the oral report, the
6 reporting person shall file a written report as required in this
7 act. If the reporting person is a member of the staff of a hos-
8 pital, agency, or school, the reporting person shall notify the
9 person in charge of the hospital, agency, or school of his or her
10 finding and that the report has been made, and shall make a copy
11 of the written report available to the person in charge. One
12 report from a hospital, agency, or school shall be considered
13 adequate to meet the reporting requirement. A member of the
14 staff of a hospital, agency, or school shall not be dismissed or
15 otherwise penalized for making a report required by this act or
16 for cooperating in an investigation.

17 (2) The written report shall contain the name of the child
18 and a description of the abuse or neglect. If possible, the
19 report shall contain the names and addresses of the child's par-
20 ents, the child's guardian, the persons with whom the child
21 resides, and the child's age. The report shall contain other
22 information available to the reporting person which might estab-
23 lish the cause of the abuse or neglect, and the manner in which
24 the abuse or neglect occurred.

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

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

5 (5) Upon receipt of a written report of suspected child
6 abuse or neglect, the department may provide copies to the prose-
7 cuting attorney and the probate court of the counties in which
8 the child suspected of being abused or neglected resides and is
9 found.

10 (6) If the report or subsequent investigation indicates a
11 violation of ~~sections~~ SECTION 136b, ~~and~~ 145c, or sections
12 520b to 520g of the Michigan penal code, Act No. 328 of the
13 Public Acts of 1931, being sections 750.136b, 750.145c, and
14 750.520b to 750.520g of the Michigan Compiled Laws, or if the
15 report or subsequent investigation indicates that the suspected
16 abuse was not committed by a person responsible for the child's
17 health or welfare, and the department believes that the report
18 has basis in fact, the department shall transmit a copy of the
19 written report and the results of any investigation to the prose-
20 cuting attorney of the counties in which the child resides and is
21 found.

22 (7) If a local law enforcement agency receives a written
23 report of suspected child abuse or neglect, whether from the
24 reporting person or the department, the report or subsequent
25 investigation indicates that the abuse or neglect was committed
26 by a person responsible for the child's health or welfare, and
27 the local law enforcement agency believes that the report has

1 basis in fact, the local law enforcement agency shall provide a
2 copy of the written report and the results of any investigation
3 to the county department of social services of the county in
4 which the abused or neglected child is found. Nothing in this
5 subsection or subsection (6) shall be construed to relieve the
6 department of its responsibility to investigate reports of sus-
7 pected child abuse or neglect under this act.

8 (8) For purposes of this act, the pregnancy of a child less
9 than 12 years of age, ~~or~~ the presence of a venereal disease in
10 a child who is over 1 month of age but less than 12 years of age,
11 OR A CHILD ENGAGING IN PROSTITUTION, shall be reasonable cause to
12 suspect child abuse and neglect have occurred.