

HOUSE BILL No. 6113

September 26, 1990, Introduced by Reps. Jaye and Kulchitsky and referred to the Committee on Social Services and Youth.

A bill to amend section 2 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 722.622 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2 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 722.622 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 2. As used in this act:

6 (a) "Central registry" means the system or organized mode of
7 keeping a record of all reports filed with the department
8 pursuant to this act in which relevant and accurate evidence of

1 child abuse or neglect is found to exist and which is maintained
2 at the department.

3 (b) "Child" means a person under 18 years of age.

4 (c) "Child abuse" means harm or threatened harm by a person
5 to a child's health or welfare which occurs through nonaccidental
6 physical or mental injury; sexual abuse; sexual exploitation; or
7 maltreatment.

8 (d) "Child neglect" means ~~harm~~ EITHER OF THE FOLLOWING:

9 (i) HARM to a child's health or welfare by a parent, legal
10 guardian, or person who has custodial care of the child which
11 occurs through either of the following:

12 (A) ~~(i)~~ Negligent treatment, including the failure to pro-
13 vide adequate food, clothing, shelter, or medical care.

14 (B) ~~(ii)~~ Placing a child at an unreasonable risk to the
15 child's health or welfare by failure of the parent, legal guardi-
16 an, or person who has custodial care of the child to intervene to
17 eliminate that risk when that person is able to do so and has
18 knowledge of the risk.

19 ~~(e) "Sexual abuse" means engaging in sexual contact or~~
20 ~~sexual penetration as defined in section 520a of the Michigan~~
21 ~~penal code, Act No. 320 of the Public Acts of 1931, being section~~
22 ~~750.520a of the Michigan Compiled Laws, with a child.~~

23 ~~(f) "Sexual exploitation" includes allowing, permitting, or~~
24 ~~encouraging a child to engage in prostitution, or allowing, per-~~
25 ~~mitting, encouraging, or engaging in the photographing, filming,~~
26 ~~or depicting of a child engaged in a listed sexual act as defined~~

1 ~~in section 145c of Act No. 328 of the Public Acts of 1931, being~~
2 ~~section 750.145c of the Michigan Compiled Laws.~~

3 ~~(g) "Relevant evidence" means evidence having a tendency to~~
4 ~~make the existence of a fact that is at issue more probable than~~
5 ~~it would be without the evidence.~~

6 (ii) A SITUATION WHERE A NEWBORN INFANT'S BLOOD OR URINE
7 CONTAINS ANY AMOUNT OF A CONTROLLED SUBSTANCE OR A METABOLITE OF
8 A CONTROLLED SUBSTANCE, EXCEPT WHEN THE CONTROLLED SUBSTANCE OR
9 METABOLITE OF THE CONTROLLED SUBSTANCE IS CONTAINED IN THE BLOOD
10 OR URINE OF THE UNBORN INFANT AS THE RESULT OF MEDICAL TREATMENT
11 ADMINISTERED TO THE NEWBORN INFANT OR HIS OR HER MOTHER.

12 (E) "CONTROLLED SUBSTANCE" MEANS THAT TERM AS DEFINED IN
13 SECTION 7104 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC
14 ACTS OF 1978, BEING SECTION 333.7104 OF THE MICHIGAN COMPILED
15 LAWS.

16 (F) ~~(h)~~ "Department" means the state department of social
17 services.

18 (G) ~~(i)~~ "Expunge" means to physically remove or eliminate
19 and destroy a record or report.

20 (H) ~~(j)~~ "Local office file" means the system or organized
21 mode of keeping a record of a written report, document, or photo-
22 graph filed with and maintained by a county or a regionally based
23 office of the department.

24 (I) ~~(k)~~ "Person responsible for the child's health or
25 welfare" means a parent, legal guardian, person 18 years of age
26 or older who resides for any length of time in the same home in
27 which the child resides, or a person who cares for the child in a

1 licensed or unlicensed day care center, group day care home, or
2 family day care home as defined in section 1 of Act No. 116 of
3 the Public Acts of 1973, being section 722.111 of the Michigan
4 Compiled Laws.

5 (J) "RELEVANT EVIDENCE" MEANS EVIDENCE HAVING A TENDENCY TO
6 MAKE THE EXISTENCE OF A FACT THAT IS AT ISSUE MORE PROBABLE THAN
7 IT WOULD BE WITHOUT THE EVIDENCE.

8 (K) "SEXUAL ABUSE" MEANS ENGAGING IN SEXUAL CONTACT OR
9 SEXUAL PENETRATION AS DEFINED IN SECTION 520A OF THE MICHIGAN
10 PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION
11 750.520A OF THE MICHIGAN COMPILED LAWS, WITH A CHILD.

12 (L) "SEXUAL EXPLOITATION" INCLUDES ALLOWING, PERMITTING, OR
13 ENCOURAGING A CHILD TO ENGAGE IN PROSTITUTION, OR ALLOWING, PER-
14 MITTING, ENCOURAGING, OR ENGAGING IN THE PHOTOGRAPHING, FILMING,
15 OR DEPICTING OF A CHILD ENGAGED IN A LISTED SEXUAL ACT AS DEFINED
16 IN SECTION 145C OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING
17 SECTION 750.145C OF THE MICHIGAN COMPILED LAWS.