

**SUBSTITUTE FOR
HOUSE BILL NO. 4706**

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 8d (MCL 722.628d), as amended by 2014 PA 30.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8d. (1) For the department's determination required by
2 section 8, the categories, and the departmental response required
3 for each category, are ~~the following:~~ **as follows:**

4 (a) Category V - services not needed. Following a field
5 investigation, the department determines that there is no evidence
6 of child abuse or child neglect.

7 (b) Category IV - community services recommended. Following a
8 field investigation, the department determines that there is not a
9 preponderance of evidence of child abuse or child neglect, but the



structured decision-making tool indicates that there is future risk of harm to the child. The department shall assist the child's family in voluntarily participating in community-based services commensurate with the risk to the child.

(c) Category III - community services needed. The department determines that there is a preponderance of evidence of child abuse or child neglect, and the structured decision-making tool indicates a low or moderate risk of future harm to the child. The department shall ~~assist the child's family in receiving community-based services commensurate with the risk to the child.~~ **determine a case under this subdivision as follows:**

(i) The department's safety assessment determines that the child is safe with services. The department shall assist the child's family in receiving community-based services commensurate with the risk to the child. The department shall not close a case under this subparagraph until after the department has confirmed and documented the family's participation in community services and the child's well-being. If the family does not voluntarily participate in **community** services, or the family voluntarily participates in **community** services, but does not progress toward alleviating the child's risk level, the department shall consider reclassifying the case as category II. **As used in this subparagraph and subparagraph (ii) :**

(A) "Safety assessment" means a statistically validated structured decision-making tool designed to classify whether a child is safe, safe with services, or unsafe and to identify the following:

(I) Safety factors present.

(II) Protecting safety interventions initiated or planned.



1 (III) Overall safety decisions.

2 (B) "Safety decision" means a decision based on the assessment
3 of all safety factors, protecting interventions, and any other
4 information known about the case. A safety decision includes 1 of
5 the following determinations:

6 (I) Safe - The child is safe. No safety factor exists.

7 (II) Safe with services - At least 1 safety factor is
8 indicated and at least 1 protecting intervention has been put into
9 place.

10 (III) Unsafe - At least 1 safety factor is indicated and
11 placement is the only protecting intervention possible for the
12 child.

13 (ii) The department's safety assessment determines that the
14 child is safe. The department shall assist the child's family in
15 receiving community-based services commensurate with the risk to
16 the child. After providing assistance to the family, the department
17 may close a case under this subparagraph. If a case is not closed
18 under this subparagraph and it is determined that the family does
19 not voluntarily participate in community services, or the family
20 voluntarily participates in community services, but does not
21 progress toward alleviating the child's risk level, the department
22 shall consider reclassifying the case as category II.

23 (d) Category II - child protective services required. The
24 department determines that there is evidence of child abuse or
25 child neglect, and the structured decision-making tool indicates a
26 high or intensive risk of future harm to the child. The department
27 shall open a protective services case and provide the services
28 necessary under this act. The department shall also list the
29 perpetrator of the child abuse or child neglect, based on the



1 report that was the subject of the field investigation, on the
2 central registry as provided in section 7(7), either by name or as
3 "unknown" if the perpetrator has not been identified.

4 (e) Category I - court petition required. The department
5 determines that there is evidence of child abuse or child neglect
6 and 1 or more of the following are true:

7 (i) A court petition is required under another provision of
8 this act.

9 (ii) The child is not safe and a petition for removal is
10 needed.

11 (iii) The department previously classified the case as category
12 II and the child's family does not voluntarily participate in
13 services.

14 (iv) There is a violation, involving the child, of a crime
15 listed or described in section 8a(1)(b), (c), (d), or (f) or of
16 child abuse in the first or second degree as prescribed by section
17 136b of the Michigan penal code, 1931 PA 328, MCL 750.136b.

18 (2) In response to a category I classification, the department
19 shall do all of the following:

20 (a) If a court petition is not required under another
21 provision of this act, submit a petition for authorization by the
22 court under section 2(b) of chapter XIIIA of the probate code of
23 1939, 1939 PA 288, MCL 712A.2.

24 (b) Open a protective services case and provide the services
25 necessary under this act.

26 (c) List the perpetrator of the child abuse or child neglect,
27 based on the report that was the subject of the field
28 investigation, on the central registry as provided in section 7(7),
29 either by name or as "unknown" if the perpetrator has not been



1 identified.

2 (3) The department is not required to use the structured
3 decision-making tool for a nonparent adult who resides outside the
4 child's home who is the victim or alleged victim of child abuse or
5 child neglect or for an owner, operator, volunteer, or employee of
6 a licensed or registered child care organization or a licensed or
7 unlicensed adult foster care family home or adult foster care small
8 group home as those terms are defined in section 3 of the adult
9 foster care facility licensing act, 1979 PA 218, MCL 400.703.

10 (4) If, following a field investigation, the department
11 determines that there is a preponderance of evidence that an
12 individual listed in subsection (3) was the perpetrator of child
13 abuse or child neglect, the department shall list the perpetrator
14 of the child abuse or child neglect on the central registry as
15 provided in section 7(7).

