

**SUBSTITUTE FOR
HOUSE BILL NO. 4707**

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 8 (MCL 722.628), as amended by 2016 PA 491.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8. (1) Within 24 hours after receiving a report made
2 under this act, the department shall refer the report to the
3 prosecuting attorney and the local law enforcement agency if the
4 report meets the requirements of subsection (3) (a), (b), or (c) or
5 section 3(6) or (9) or shall commence an investigation of the child
6 suspected of being abused or neglected. Within 24 hours after
7 receiving a report whether from the reporting person or from the
8 department under subsection (3) (a), (b), or (c) or section 3(6) or
9 (9), the local law enforcement agency shall refer the report to the



1 department if the report meets the requirements of section 3(7) or
2 shall commence an investigation of the child suspected of being
3 abused or neglected or exposed to or who has had contact with
4 methamphetamine production. If the child suspected of being abused
5 or exposed to or who has had contact with methamphetamine
6 production is not in the physical custody of the parent or legal
7 guardian and informing the parent or legal guardian would not
8 endanger the child's health or welfare, the local law enforcement
9 agency or the department shall inform the child's parent or legal
10 guardian of the investigation as soon as the local law enforcement
11 agency or the department discovers the identity of the child's
12 parent or legal guardian.

13 (2) In the course of its investigation, the department shall
14 determine if the child is abused or neglected. The department shall
15 cooperate with law enforcement officials, courts of competent
16 jurisdiction, and appropriate state agencies providing human
17 services in relation to preventing, identifying, and treating child
18 abuse and child neglect; shall provide, enlist, and coordinate the
19 necessary services, directly or through the purchase of services
20 from other agencies and professions; and shall take necessary
21 action to prevent further ~~abuses,~~ **abuse**, to safeguard and enhance
22 the child's welfare, and to preserve family life where possible. In
23 the course of an investigation, at the time that a department
24 investigator contacts an individual about whom a report has been
25 made under this act or contacts an individual responsible for the
26 health or welfare of a child about whom a report has been made
27 under this act, the department investigator shall advise that
28 individual of the department investigator's name, whom the
29 department investigator represents, and the specific complaints or



1 allegations made against the individual. The department shall
2 ensure that its policies, procedures, and administrative rules
3 ensure compliance with the provisions of this act.

4 (3) In conducting its investigation, the department shall seek
5 the assistance of and cooperate with law enforcement officials
6 within 24 hours after becoming aware that 1 or more of the
7 following conditions exist:

8 (a) Child abuse or child neglect is the suspected cause of a
9 child's death.

10 (b) The child is the victim of suspected sexual abuse or
11 sexual exploitation.

12 (c) Child abuse or child neglect resulting in severe physical
13 injury to the child. For purposes of this subdivision and section
14 17, "severe physical injury" means an injury to the child that
15 requires medical treatment or hospitalization and that seriously
16 impairs the child's health or physical well-being.

17 (d) Law enforcement intervention is necessary for the
18 protection of the child, a department employee, or another person
19 involved in the investigation.

20 (e) The alleged perpetrator of the child's injury is not a
21 person responsible for the child's health or welfare.

22 (f) The child has been exposed to or had contact with
23 methamphetamine production.

24 (4) Law enforcement officials shall cooperate with the
25 department in conducting investigations under subsections (1) and
26 (3) and shall comply with sections 5 and 7. The department and law
27 enforcement officials shall conduct investigations in compliance
28 with the protocols adopted and implemented as required by
29 subsection (6).



1 (5) Involvement of law enforcement officials under this
2 section does not relieve or prevent the department from proceeding
3 with its investigation or treatment if there is reasonable cause to
4 suspect that the child abuse or child neglect was committed by a
5 person responsible for the child's health or welfare.

6 (6) In each county, the prosecuting attorney and the
7 department shall develop and establish procedures for involving law
8 enforcement officials and children's advocacy centers, as
9 appropriate, as provided in this section. In each county, the
10 prosecuting attorney and the department shall adopt and implement
11 standard child abuse and child neglect investigation and interview
12 protocols using as a model the protocols developed by the
13 governor's task force on children's justice as published in FIA
14 Publication 794 (revised 8-98) and FIA Publication 779 (8-98), or
15 an updated version of those publications. **Annually, in each county,**
16 **the department shall conduct a review to determine if the county**
17 **has adopted and implemented standard child abuse and child neglect**
18 **investigation and interview protocols as required in this**
19 **subsection. The department shall report its findings to the**
20 **legislature and to the governor's task force on child abuse and**
21 **neglect.**

22 (7) If there is reasonable cause to suspect that a child in
23 the care of or under the control of a public or private agency,
24 institution, or facility is an abused or neglected child, the
25 agency, institution, or facility shall be investigated by an agency
26 administratively independent of the agency, institution, or
27 facility being investigated. If the investigation produces evidence
28 of a violation of section 145c or sections 520b to 520g of the
29 Michigan penal code, 1931 PA 328, MCL 750.145c and 750.520b to



1 750.520g, the investigating agency shall transmit a copy of the
2 results of the investigation to the prosecuting attorney of the
3 county in which the agency, institution, or facility is located.

4 (8) A school or other institution shall cooperate with the
5 department during an investigation of a report of child abuse or
6 child neglect. Cooperation includes allowing access to the child
7 without parental consent if access is determined by the department
8 to be necessary to complete the investigation or to prevent child
9 abuse or child neglect of the child. The department shall notify
10 the person responsible for the child's health or welfare about the
11 department's contact with the child at the time or as soon
12 afterward as the person can be reached. The department may delay
13 the notice if the notice would compromise the safety of the child
14 or child's siblings or the integrity of the investigation, but only
15 for the time 1 of those conditions exists.

16 (9) If the department has contact with a child in a school,
17 all of the following apply:

18 (a) Before contact with the child, the department investigator
19 shall review with the designated school staff person the
20 department's responsibilities under this act and the investigation
21 procedure.

22 (b) After contact with the child, the department investigator
23 shall meet with the designated school staff person and the child
24 about the response the department will take as a result of contact
25 with the child. The department may also meet with the designated
26 school staff person without the child present and share additional
27 information the investigator determines may be shared subject to
28 the confidentiality provisions of this act.

29 (c) Lack of cooperation by the school does not relieve or



1 prevent the department from proceeding with its responsibilities
2 under this act.

3 (10) A child shall not be subjected to a search at a school
4 that requires the child to remove his or her clothing to expose his
5 buttocks or genitalia or her breasts, buttocks, or genitalia unless
6 the department has obtained an order from a court of competent
7 jurisdiction permitting such a search. If the access occurs within
8 a hospital, the investigation shall be conducted so as not to
9 interfere with the medical treatment of the child or other
10 patients.

11 (11) The department shall enter each report made under this
12 act that is the subject of a field investigation into the CPSI
13 system. The department shall maintain a report entered on the CPSI
14 system as required by this subsection until the child about whom
15 the investigation is made is 18 years old or until 10 years after
16 the investigation is commenced, whichever is later, or, if the case
17 is classified as a central registry case, until the department
18 receives reliable information that the perpetrator of the child
19 abuse or child neglect is dead. Unless made public as specified
20 information released under section 7d, a report that is maintained
21 on the CPSI system is confidential and is not subject to the
22 disclosure requirements of the freedom of information act, 1976 PA
23 442, MCL 15.231 to 15.246.

24 (12) After completing a field investigation and based on its
25 results, the department shall determine in which single category,
26 prescribed by section 8d, to classify the allegation of child abuse
27 or child neglect.

28 (13) Except as provided in subsection (14), upon completion of
29 the investigation by the local law enforcement agency or the



1 department, the law enforcement agency or department may inform the
2 person who made the report as to the disposition of the report.

3 (14) If the person who made the report is mandated to report
4 under section 3, upon completion of the investigation by the
5 department, the department shall inform the person in writing as to
6 the disposition of the case and shall include in the information at
7 least all of the following:

8 (a) What determination the department made under subsection
9 (12) and the rationale for that decision.

10 (b) Whether legal action was commenced and, if so, the nature
11 of that action.

12 (c) Notification that the information being conveyed is
13 confidential.

14 (15) Information sent under subsection (14) shall not include
15 personally identifying information for a person named in a report
16 or record made under this act.

17 (16) Unless section 5 of chapter XII of the probate code of
18 1939, 1939 PA 288, MCL 712.5, requires a physician to report to the
19 department, the surrender of a newborn in compliance with chapter
20 XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20,
21 is not reasonable cause to suspect child abuse or child neglect and
22 is not subject to the section 3 reporting requirement. This
23 subsection does not apply to circumstances that arise on or after
24 the date that chapter XII of the probate code of 1939, 1939 PA 288,
25 MCL 712.1 to 712.20, is repealed. This subsection applies to a
26 newborn whose birth is described in the born alive infant
27 protection act, 2002 PA 687, MCL 333.1071 to 333.1073, and who is
28 considered to be a newborn surrendered under the safe delivery of
29 newborns law as provided in section 3 of chapter XII of the probate



1 code of 1939, 1939 PA 288, MCL 712.3.

2 (17) All department employees involved in investigating child
3 abuse or child neglect cases shall be trained in the legal duties
4 to protect the state and federal constitutional and statutory
5 rights of children and families from the initial contact of an
6 investigation through the time services are provided.

7 (18) The department shall determine whether there is an open
8 friend of the court case regarding a child who is suspected of
9 being abused or neglected if a child protective services
10 investigation of child abuse and child neglect allegations result
11 in any of the following dispositions:

12 (a) A finding that a preponderance of evidence indicates that
13 there has been child abuse or child neglect.

14 (b) Emergency removal of the child for child abuse or child
15 neglect before the investigation is completed.

16 (c) The family court takes jurisdiction on a petition and a
17 child is maintained in his or her own home under the supervision of
18 the department.

19 (d) If 1 or more children residing in the home are removed and
20 1 or more children remain in the home.

21 (e) Any other circumstances that the department determines are
22 applicable and related to child safety.

23 (19) If the department determines that there is an open friend
24 of the court case and the provisions of subsection (18) apply, the
25 department shall notify the office of the friend of the court in
26 the county in which the friend of the court case is open that there
27 is an investigation being conducted under this act regarding that
28 child and shall also report to the local friend of the court office
29 when there is a change in that child's placement.



1 (20) Child protective services may report to the local friend
2 of the court office any situation in which a parent, more than 3
3 times within 1 year or on 5 cumulative reports over several years,
4 made unfounded reports to child protective services regarding
5 alleged child abuse or child neglect of his or her child.

6 (21) If the department determines that there is an open friend
7 of the court case, the department shall provide noncustodial
8 parents of a child who is suspected of being abused or neglected
9 with the form developed by the department that has information on
10 how to change a custody or parenting time court order.

