

**SUBSTITUTE FOR  
SENATE BILL NO. 418**

A bill to amend 1982 PA 250, entitled  
"Child abuse and neglect prevention act,"  
by amending the title and sections 2, 3, 4, 9, 10, and 12 (MCL  
722.602, 722.603, 722.604, 722.609, 722.610, and 722.612), section  
2 as amended by 2018 PA 60 and section 4 as amended by 2005 PA 82.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 TITLE  
2 An act to establish the ~~state child abuse and neglect~~  
3 ~~prevention~~ **children trust Michigan** board; to provide the powers and  
4 duties of the ~~state child abuse and neglect prevention~~ **children**  
5 **trust Michigan** board; and to prescribe the powers and duties of  
6 certain state ~~departments~~ **and local governmental officers and**  
7 **entities.**



1       Sec. 2. (1) As used in this act:

2       (a) "Child" means ~~a person under 18 years of age.~~**that term as**  
3 **defined in section 2 of the child protection law, 1975 PA 238, MCL**  
4 **722.622.**

5       (b) "Child abuse" means ~~harm or threatened harm to a child's~~  
6 ~~health or welfare by a person responsible for the child's health or~~  
7 ~~welfare, which harm occurs or is threatened through nonaccidental~~  
8 ~~physical or mental injury; sexual abuse, which includes a violation~~  
9 ~~of section 145c of the Michigan penal code, 1931 PA 328, MCL~~  
10 ~~750.145c.~~**that term as defined in section 2 of the child protection**  
11 **law, 1975 PA 238, MCL 722.622.**

12       ~~(c) "Local council" means an organization that meets the~~  
13 ~~criteria described in section 10(a).~~

14       (c) ~~(d) "Neglect"~~**"Child neglect"** means ~~harm to a child's~~  
15 ~~health or welfare by a person responsible for the child's health or~~  
16 ~~welfare that occurs through negligent treatment, including the~~  
17 ~~failure to provide adequate food, clothing, shelter, or medical~~  
18 ~~care, though financially able to do so, or the failure to seek~~  
19 ~~financial or other reasonable means to provide adequate food,~~  
20 ~~clothing, shelter, or medical care.~~**that term as defined in section**  
21 **2 of the child protection law, 1975 PA 238, MCL 722.622.**

22       ~~(e) "State board" means the state child abuse and neglect~~  
23 ~~prevention board created in section 3.~~

24       (d) "Prevention partner" means an organization that meets the  
25 **criteria described in section 10(a).**

26       (e) ~~(f)~~"Prevention program" means a system of direct  
27 provision of child abuse and neglect prevention services to a  
28 child, parent, or guardian, and may include research programs  
29 related to prevention of child abuse and neglect.



(f) "State board" means the children trust Michigan board created in section 3.

(g) "Trust fund" means the children's trust fund established in the department of treasury.

Sec. 3. (1) The ~~state child abuse and neglect prevention~~ children trust Michigan board is created as an autonomous agency within the department of ~~management and budget.~~ **health and human services**. The state board shall exercise its powers and duties independently of the director of the department of ~~management and budget.~~ **health and human services** except that budget, procurement, and related management functions ~~shall~~ **must** be performed by the director of the department of ~~management and budget.~~ **health and human services**.

(2) The state board shall appoint the executive director of the state board. The executive director shall be a member of the state classified civil service.

(3) The state board may partner with a fundraising entity including, but not limited to, a nonprofit organization that is tax-exempt under section 501(c)(3) of the internal revenue code of 1986, 26 USC 501, in accordance with state and federal requirements to ensure that the board deliver on its mission to fundraise and maximize the prevention of child abuse and neglect.

(4) ~~(3)~~ The executive director shall hire all staff required to exercise the powers and carry out the duties of the state board. The state board shall approve the number of staff members hired and their job descriptions.

Sec. 4. (1) The state board shall be composed of the following members:

(a) The director of **the department of health and human**



1 services, the director of ~~community health,~~ **the children's services**  
 2 **administration**, the superintendent of public instruction, and the  
 3 director of the department of state police, or designees authorized  
 4 to speak on their behalf.

5 (b) Eleven public members appointed by the governor with the  
 6 advice and consent of the senate. As a group, the public members  
 7 shall do all of the following:

8 (i) Demonstrate knowledge in the area of child abuse and  
 9 neglect prevention.

10 (ii) Be representative of the demographic composition of this  
 11 state.

12 (iii) To the extent practicable, be representative of all of the  
 13 following categories: ~~parents, organized~~

14 (A) **Parents.**

15 (B) **Organized labor.** ~~labor, the~~

16 (C) **The** business community. ~~, the~~

17 (D) **The** religious community. ~~, the~~

18 (E) **The** legal community. ~~, professional~~

19 (F) **Professional** providers of child abuse and neglect  
 20 prevention services. ~~, and volunteers~~

21 (G) **Volunteers** in child abuse and neglect prevention services.

22 (2) The term of each public member ~~shall be~~ **is** 3 years, except  
 23 that of the public members first appointed, 3 shall serve for 3  
 24 years, 3 for 2 years, and 4 for 1 year. A public member shall not  
 25 serve more than 2 consecutive terms whether partial or full. A  
 26 vacancy ~~shall~~ **must** be filled for the balance of the unexpired term  
 27 in the same manner as the original appointment.

28 (3) The governor shall designate a chairperson of the state  
 29 board from among the public members. The chairperson shall serve in



1 that position at the pleasure of the governor. The state board may  
2 elect other officers and committees as it considers appropriate.

3 (4) The actual and necessary per diem compensation and the  
4 schedule for reimbursement of expenses for the public members of  
5 the state board ~~shall be~~ **is** the same as is established annually by  
6 the legislature for similar boards that are reimbursed from the  
7 general fund. The compensation and reimbursement, executive  
8 director and staff salaries, and all actual and necessary operating  
9 expenses of the state board ~~shall~~ **must** be paid from the trust fund,  
10 according to an authorization as provided in section 9.

11 Sec. 9. (1) The state board may authorize the disbursement of  
12 available money from the trust fund, upon legislative  
13 appropriations, for exclusively the following purposes, ~~which~~ **that**  
14 are listed in the order of preference for expenditure:

15 (a) To fund a private nonprofit or public organization in the  
16 development or operation of a prevention program if at least all of  
17 the following conditions are met:

18 ~~(i) The appropriate local council has reviewed and approved the~~  
19 ~~program. This subparagraph does not apply if a local council does~~  
20 ~~not exist for the geographic area to be served by the program.~~

21 **(i)** ~~(ii)~~ The organization demonstrates an ability to match,  
22 through money or in-kind services, 50% of the amount of any trust  
23 fund money received. The amount and types of in-kind services are  
24 subject to the approval of the state board.

25 **(ii)** ~~(iii)~~ The organization demonstrates a willingness and  
26 ability to provide program models and consultation to organizations  
27 and communities regarding program development and maintenance.

28 **(iii)** ~~(iv)~~ Other conditions that the state board may ~~deem~~  
29 **consider** appropriate.



1 (b) To fund ~~local councils.~~**prevention partners.**

2 (c) To fund the state board ~~created in section 3~~ for the  
3 actual and necessary operating expenses that the **state** board incurs  
4 in performing its duties.

5 (2) Authorizations for disbursement of trust fund money under  
6 subsection (1)(c) ~~shall~~**must** be kept at a minimum in furtherance of  
7 the primary purpose of the trust fund, which is to disburse money  
8 under subsection (1)(a) and (b) to encourage the direct provision  
9 of services to prevent child abuse and neglect.

10 Sec. 10. **(1)** In making grants to a ~~local council,~~**prevention**  
11 **partner,** the state board shall consider the degree to which the  
12 ~~local council~~**prevention partner** meets the following criteria:

13 (a) Has as its primary purpose the development and  
14 facilitation of a collaborative community prevention program in a  
15 specific geographical area. The prevention program ~~shall~~**must**  
16 utilize trained volunteers and existing community resources  
17 wherever practicable.

18 (b) Is administered by a board of directors composed of an  
19 equal number of members from the following 2 groups:

20 (i) A representative from each of the following local agencies,  
21 **as far as practicable: the**

22 **(A) The** county department of social services, the department  
23 of ~~public health, the department of mental health, the~~**health and**  
24 **human services.**

25 **(B) The** probate court. ~~the~~

26 **(C) The** office of the prosecuting attorney. ~~a~~

27 **(D) A** local law enforcement agency. ~~a~~

28 **(E) A** school district. ~~and a~~

29 **(F) A** number of private, local agencies that provide treatment



1 or prevention services for abused and neglected children and their  
 2 parents or guardians. ~~The number of private agencies to be~~  
 3 ~~represented on the local council shall be designated in the bylaws~~  
 4 ~~of the local council by the remaining members.~~

5 (ii) Members of the ~~local council~~ **prevention partner** elected by  
 6 the membership. The elected members shall represent the demographic  
 7 composition of the community served **and parent representation**, as  
 8 far as practicable.

9 (c) Does not provide direct services except on a demonstration  
 10 project basis, or as a facilitator of interagency projects.

11 (d) Demonstrates a willingness and ability to provide  
 12 prevention program models and consultation to organizations and  
 13 communities regarding prevention program development and  
 14 maintenance.

15 (e) Demonstrates an ability to match ~~, through money or in-~~  
 16 ~~kind services,~~ 50% of the amount of any trust fund money received.  
 17 The amount and types of in-kind services are subject to the  
 18 approval of the state board.

19 (f) Other criteria that the state board ~~deems~~ **considers**  
 20 appropriate.

21 (2) **The number of private agencies to be represented on the**  
 22 **prevention partner must be designated in the bylaws of the**  
 23 **prevention partner by the remaining members.**

24 Sec. 12. ~~A~~ **Before the effective date of the amendatory act**  
 25 **that added this clause, a** thorough, written review of the  
 26 functions, responsibilities, and performance of the state board  
 27 ~~shall~~ **must** be completed by the auditor general each 3 years after  
 28 ~~the effective date of this act.~~ **September 29, 1982. Beginning on the**  
 29 **effective date of the amendatory act that added this sentence, the**



1 auditor general or an independent third party shall prepare the  
2 written review described under this section every 3 years. The  
3 written review shall ~~shall~~ prepared under this section must be  
4 transmitted and notice given in the same manner as provided in  
5 section 6(1) (b) .