

HOUSE BILL No. 5519

January 29, 1998, Introduced by Reps. McManus, Birkholz, Horton, Hammerstrom, Dalman, Mans, Goschka, Law, McBryde, Jansen, Jelinek, Perricone and Voorhees and referred to the Committee on Human Services and Children.

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 3 (MCL 722.623), as amended by 1994 PA 177.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) A physician, coroner, dentist, registered
2 dental hygienist, medical examiner, nurse, ~~a~~ person licensed to
3 provide emergency medical care, audiologist, psychologist, mar-
4 riage and family therapist, licensed professional counselor, cer-
5 tified social worker, social worker, social work technician,
6 school administrator, school counselor or teacher, law enforce-
7 ment officer, or regulated child care provider who has reasonable
8 cause to suspect child abuse or neglect shall make immediately,
9 by telephone or otherwise, an oral report, or cause an oral
10 report to be made, of the suspected child abuse or neglect to the
11 department. Within 72 hours after making the oral report, the

1 reporting person shall file a written report as required in this
2 act. If the reporting person is a STAFF member ~~of the staff~~ of
3 a hospital, agency, or school, the reporting person shall notify
4 the person in charge of the hospital, agency, or school of his or
5 her finding and that the report has been made, and shall make a
6 copy of the written report available to the person in charge.
7 One report from a hospital, agency, or school shall be considered
8 adequate to meet the reporting requirement. A STAFF member ~~of~~
9 ~~the staff~~ of a hospital, agency, or school shall not be dis-
10 missed or otherwise penalized for making a report required by
11 this act or for cooperating in an investigation.

12 (2) The written report shall contain the CHILD'S name ~~of~~
13 ~~the child~~ and a description of the abuse or neglect. If possi-
14 ble, the report shall contain the names and addresses of the
15 child's parents, the child's guardian, the persons with whom the
16 child resides, and the child's age. The report shall contain
17 other information available to the reporting person ~~which~~ THAT
18 might establish the cause of the abuse or neglect, and the manner
19 in which the abuse or neglect occurred.

20 (3) The department shall inform the reporting person of the
21 required contents of the written report at the time ~~the oral~~
22 ~~report is made by~~ the reporting person MAKES THE ORAL REPORT.

23 (4) The written report required in this section shall be
24 mailed or otherwise transmitted to the county ~~department of~~
25 ~~social services~~ FAMILY INDEPENDENCE AGENCY of the county in
26 which the child suspected of being abused or neglected is found.

1 (5) Upon receipt of a written report of suspected child
2 abuse or neglect, the department may provide copies to the
3 prosecuting attorney and the probate court of the counties in
4 which the child suspected of being abused or neglected resides
5 and is found.

6 (6) If the report or subsequent investigation indicates a
7 violation of ~~sections~~ SECTION 136b ~~and~~ OR 145c or sections
8 520b to 520g of the Michigan penal code, ~~Act No. 328 of the~~
9 ~~Public Acts of 1931, being sections 750.136b, 750.145c and~~
10 ~~750.520b to 750.520g of the Michigan Compiled Laws~~ 1931 PA 328,
11 MCL 750.136B, 750.145C, AND 750.520B TO 750.520G, or if the
12 report or subsequent investigation indicates that the suspected
13 abuse was not committed by a person responsible for the child's
14 health or welfare, and the department believes that the report
15 has basis in fact, the department shall transmit a copy of the
16 written report and the results of any investigation to the prose-
17 cuting attorney of the counties in which the child resides and is
18 found.

19 (7) If a local law enforcement agency receives a written
20 report of suspected child abuse or neglect, whether from the
21 reporting person or the department, the report or subsequent
22 investigation indicates that the abuse or neglect was committed
23 by a person responsible for the child's health or welfare, and
24 the local law enforcement agency believes that the report has
25 basis in fact, the local law enforcement agency shall provide a
26 copy of the written report and the results of any investigation
27 to the county ~~department of social services~~ FAMILY INDEPENDENCE

1 AGENCY of the county in which the abused or neglected child is
2 found. Nothing in this subsection or subsection (6) shall be
3 construed to relieve the department of its responsibility to
4 investigate reports of suspected child abuse or neglect under
5 this act.

6 (8) For purposes of this act, the pregnancy of a child less
7 than ~~12~~ 16 years of age or the presence of a venereal disease
8 in a child who is over 1 month of age but less than ~~12~~ 16 years
9 of age ~~shall be~~ IS reasonable cause to suspect child abuse and
10 neglect have occurred.