

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5984 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Representative Paul DeWeese
House Committee: Family and Children Services
Senate Committee: Families, Mental Health and Human Services

CONTENT

The bill would amend the Child Protection Law (CPL) to include members of the clergy among the people who are required to report suspected child abuse or neglect, and excuse a privileged communication made to a member of the clergy in his or her professional character in a confession or similarly confidential communication. "Member of the clergy" would mean a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized religious denomination or organization.

The CPL requires that certain professionals (such as physicians, dentists, psychologists, social workers, teachers, law enforcement officers, and regulated child care providers) who have reasonable cause to suspect child abuse or neglect immediately make an oral report of the suspected abuse or neglect to the Family Independence Agency (FIA). Within 72 hours after making an oral report, the reporting person must file a written report. The bill would add a member of the clergy to that list. Under the CPL, any legally recognized privileged communication, except that between attorney and client, is abrogated and does not constitute grounds for excusing a report otherwise required. The bill also would make an exception to that provision for a privileged communication made to a member of the clergy in his or her professional character in a confession or similarly confidential communication. The bill specifies, however, that the exception would not relieve a member of the clergy from reporting suspected child abuse or child neglect if he or she received information concerning suspected child abuse or child neglect while acting in any other capacity that requires reporting under the CPL.

The FIA must transmit a report of certain types of suspected child abuse or neglect to the prosecuting attorney of the county where the child resides. Under the bill, the report would have to be sent, instead, to a law enforcement agency in the county where the incident occurred.

The bill also includes child abuse reporting provisions that are proposed in House Bill 5372 (S-1), which would amend some of the same sections of the CPL.

MCL 722.622 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the State due to increased administrative costs for additional investigations and reporting requirements.

The bill would have an indeterminate fiscal impact on local governments for additional investigations and reporting requirements.

The bill would have no fiscal impact on local and State law enforcement agencies.

Date Completed: 12-10-02

Fiscal Analyst: Constance Cole
Bruce Baker