

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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

Date Completed: 9-17-02

### **CONTENT**

**The bill would amend the Child Protection Law (CPL) to include members of the clergy and Christian Science practitioners among the people who are required to report suspected child abuse or neglect, and excuse a privileged communication between a religious leader and a member of that religion from the reporting requirements.** "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 a physician, dentist, physician's assistant, registered dental hygienist, medical examiner, nurse, person licensed to provide emergency medical care, audiologist, psychologist, marriage and family therapist, licensed professional counselor, certified social worker, social worker, social work technician, school administrator, school counselor or teacher, law enforcement officer, or regulated child care provider who has 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 or Christian Science practitioner 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 to be made or otherwise excluding evidence in a civil child protective proceeding resulting from a report made pursuant to the Law. The bill also would make an exception to that provision for a privileged communication between a recognized religious leader and a member of that religion whose communication was understood to be confidential by both the religious leader and that member. 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 bill also would delete and reenact a provision that requires the FIA to transmit a report of suspected child abuse or neglect that indicates an occurrence of first-, second-, third-, or fourth-degree child abuse, involvement in child sexually abusive activity, or first-, second-, third-, or fourth-degree criminal sexual conduct or assault with intent to commit criminal sexual conduct or that indicates that the suspected child abuse or neglect was not committed by someone who is a "person responsible for the child's health or welfare". Currently, that report must be transmitted to the prosecuting attorney of the county in which the child resides and is found. Under the bill, an allegation or written report would have to be transmitted to a law enforcement agency in the county in which the child resided or was found. The bill also

mentions a member of the clergy, teacher, or teacher's aide among those who are not a "person responsible for the child's health or welfare". ("Person responsible for the child's health or welfare" means a parent, legal guardian, or person 18 years of age or older who resides in the same house as the child; or an owner, operator, volunteer, or employee of a child care organization, adult foster care family home, or adult foster care small group home.)

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.

Fiscal Analyst: Constance Cole  
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