

**SUBSTITUTE FOR
SENATE BILL NO. 1254**

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 8d (MCL 722.628d), as amended by 2002 PA 661.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8d. (1) For the department's determination required by
2 section 8, the categories, and the departmental response required
3 for each category, are the following:

4 (a) Category V - services not needed. Following a field
5 investigation, the department determines that there is no evidence
6 of child abuse or neglect.

7 (b) Category IV - community services recommended. Following a
8 field investigation, the department determines that there is not a
9 preponderance of evidence of child abuse or neglect, but the

1 structured decision-making tool indicates that there is future risk
2 of harm to the child. The department shall assist the child's
3 family in voluntarily participating in community-based services
4 commensurate with the risk to the child.

5 (c) Category III - community services needed. The department
6 determines that there is a preponderance of evidence of child abuse
7 or neglect, and the structured decision-making tool indicates a low
8 or moderate risk of future harm to the child. The department shall
9 assist the child's family in receiving community-based services
10 commensurate with the risk to the child. If the family does not
11 voluntarily participate in services, or the family voluntarily
12 participates in services, but does not progress toward alleviating
13 the child's risk level, the department shall consider reclassifying
14 the case as category II.

15 (d) Category II - child protective services required. The
16 department determines that there is evidence of child abuse or
17 neglect, and the structured decision-making tool indicates a high
18 or intensive risk of future harm to the child. The department shall
19 open a protective services case and provide the services necessary
20 under this act. The department shall also list the perpetrator of
21 the child abuse or neglect, based on the report that was the
22 subject of the field investigation, on the central registry, either
23 by name or as "unknown" if the perpetrator has not been identified.

24 (e) Category I - court petition required. The department
25 determines that there is evidence of child abuse or neglect and 1
26 or more of the following are true:

27 (i) A court petition is required under another provision of

1 this act.

2 (ii) The child is not safe and a petition for removal is
3 needed.

4 (iii) The department previously classified the case as category
5 II and the child's family does not voluntarily participate in
6 services.

7 (iv) There is a violation, involving the child, of a crime
8 listed or described in section 8a(1)(b), (c), (d), or (f) or of
9 child abuse in the first or second degree as prescribed by section
10 136b of the Michigan penal code, 1931 PA 328, MCL 750.136b.

11 (2) In response to a category I classification, the department
12 shall do all of the following:

13 (a) If a court petition is not required under another
14 provision of this act, submit a petition for authorization by the
15 court under section 2(b) of chapter XIIIA of the probate code of
16 1939, 1939 PA 288, MCL 712A.2.

17 (b) Open a protective services case and provide the services
18 necessary under this act.

19 (c) List the perpetrator of the child abuse or neglect, based
20 on the report that was the subject of the field investigation, on
21 the central registry, either by name or as "unknown" if the
22 perpetrator has not been identified.

23 (3) The department is not required to use the structured
24 decision-making tool for a nonparent adult who resides outside the
25 child's home who is the victim or alleged victim of child abuse or
26 neglect or for an owner, operator, volunteer, or employee of a
27 licensed or registered child care organization or a licensed or

1 unlicensed adult foster care family home or adult foster care small
2 group home as those terms are defined in section 3 of the adult
3 foster care facility licensing act, 1979 PA 218, MCL 400.703.

4 (4) If following a field investigation the department
5 determines that there is a preponderance of evidence that an
6 individual listed in subsection (3) was the perpetrator of child
7 abuse or neglect, the department shall list the perpetrator of the
8 child abuse or neglect on the central registry.

9 (5) The department shall furnish a written report described in
10 subsection (6) to the appropriate legislative standing committees
11 and the house and senate appropriations subcommittees for the
12 department within 4 months after each of the following time
13 periods:

14 (a) Beginning October 1, ~~1999~~ **2005** and ending September 30,
15 ~~2000~~ **2006**.

16 (b) Beginning October 1, ~~2000~~ **2006** and ending September 30,
17 ~~2001~~ **2007**.

18 (c) Beginning October 1, ~~2001~~ **2007** and ending September 30,
19 ~~2002~~ **2008**.

20 (6) The department shall include in a report required by
21 subsection (5) at least all of the following information regarding
22 all families that were classified in category III at some time
23 during the time period covered by the report:

24 (a) The total number of families classified in category III.

25 ~~(b) The number and percentage classified in category III that~~
26 ~~voluntarily participated in services and that did not participate~~
27 ~~in services.~~

1 ~~—— (c) The number for which the department entered more than 1~~
2 ~~determination that there was evidence of child abuse or neglect.~~

3 ~~—— (d) The number the department reclassified from category III~~
4 ~~to category II.~~

5 (B) THE NUMBER OF CASES IN CATEGORY III CLOSED OR RECLASSIFIED
6 DURING THE TIME PERIOD COVERED BY THE REPORT CATEGORIZED AS
7 FOLLOWS:

8 (i) THE NUMBER OF CASES REFERRED TO VOLUNTARY COMMUNITY
9 SERVICES AND CLOSED WITH NO ADDITIONAL MONITORING.

10 (ii) THE NUMBER OF CASES REFERRED TO VOLUNTARY COMMUNITY
11 SERVICES AND MONITORED FOR UP TO 90 DAYS.

12 (iii) THE NUMBER OF CASES FOR WHICH THE DEPARTMENT ENTERED MORE
13 THAN 1 DETERMINATION THAT THERE WAS EVIDENCE OF CHILD ABUSE OR
14 NEGLECT.

15 (iv) THE NUMBER OF CASES THAT THE DEPARTMENT RECLASSIFIED FROM
16 CATEGORY III TO CATEGORY II.

17 (v) THE NUMBER OF CASES THAT THE DEPARTMENT RECLASSIFIED FROM
18 CATEGORY III TO CATEGORY I.

19 (vi) THE NUMBER OF CASES THAT THE DEPARTMENT RECLASSIFIED FROM
20 CATEGORY III TO CATEGORY I THAT RESULTED IN A REMOVAL.

21 (C) FOR THE PERIODS DESCRIBED IN SUBSECTION (5) (B) AND (C),
22 THE NUMBER OF CASES THAT THE DEPARTMENT RECLASSIFIED IN EACH OF
23 SUBPARAGRAPHS (iv), (v), AND (vi) OF SUBDIVISION (B) THAT WERE
24 REFERRED TO AND PROVIDED VOLUNTARY COMMUNITY SERVICES BEFORE BEING
25 RECLASSIFIED BY THE DEPARTMENT.