

Legislative Analysis



TRUANCY AS CHILD NEGLECT

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House Bill 5610

Sponsor: Rep. Tim Melton

Committee: Education

Complete to 11-23-09

A SUMMARY OF HOUSE BILL 5610 AS INTRODUCED 11-18-09

House Bill 5610 would amend the Child Protection Law to modify the definition of "child neglect" so as to include truancy.

Currently the term "child neglect" means harm or threatened harm to a child's health or welfare by a parent, legal guardian, or any other person responsible for the child's health or welfare that occurs through either of the following: (1) negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care; or (2) placing a child at an unreasonable risk to the child's health or welfare by failure of the parent, legal guardian, or other person responsible for the child's health or welfare to intervene to eliminate that risk when that person is able to do so and has, or should have, knowledge of the risk.

House Bill 5610 would retain these provisions but expand the definition of "child neglect" to include the failure to ensure a child's regular attendance at school or failure to ensure that the child's attendance complies with the district's or school's attendance policy, unless the child is being home schooled.

MCL 722.622

FISCAL IMPACT:

House Bill 5610 would increase costs for the Department of Human Services (DHS) by an indeterminate amount. Currently, Children's Protective Services (CPS) within DHS does not investigate a neglect case solely for the reason of truancy. House Bill 5610 would amend the definition of child neglect to include the failure of the child to regularly attend school. With this new definition of child neglect, CPS would now be required to investigate cases of truancy. At the completion of an investigation, a case is assigned to one of the following five categories:

V: No evidence of child abuse or neglect is found.

IV: A preponderance of evidence of child abuse or neglect is not found and the family is encouraged to voluntarily participate in community-based services.

III: A preponderance of evidence indicates a low to moderate risk of abuse or neglect and CPS must refer the family to community-based services.

II: A preponderance of evidence indicates a high or intensive risk of abuse or neglect and CPS must provide services in conjunction with community-based services.

I: CPS determines that the preponderance of evidence of abuse or neglect is high enough to require a court petition for services, which may include foster care.

It is unknown how many new investigations this bill would generate, but teachers are statutorily obligated to report child abuse or neglect to CPS, which under House Bill 5610 would include failure to regularly attend school or failure to meet the school's attendance policy.

In July, 2008, DHS settled a federal lawsuit with Children's Rights requiring DHS to reform the state's child welfare system. In the settlement agreement are specific caseload requirements for CPS investigation workers. By October of 2010, 80% of CPS investigation staff must have no more than 13 open cases at any point in time. Each investigation has 30 days to be completed, so one CPS investigator can investigate around 156 cases in a year. On average, the cost of one employee is \$85,000. So for every 500 new investigations that House Bill 5610 might generate in a year, DHS could have around \$272,000 in new personnel costs. Whenever an investigation is classified under categories III, II, or I, there will also be added costs for services, which vary depending on the intensity and length of the services. In Fiscal Year 2007-2008, CPS completed 72,041 investigations.

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